

# TOWN OF READING ZONING ORDINANCE

Developed by the Reading Planning Commission with assistance from  
the Southern Windsor County Regional Planning Commission.  
Funded in part by a Municipal Planning Grant from the  
Vermont Department of Housing and Community Affairs

Adopted by Vote of the Selectboard: July 16, 2007

Adopted: June 19, 1973

Amended: March 2, 1976  
June 19, 1978  
March 4, 1980  
November 6, 1990  
March 1, 1994  
March 4, 2000 (major rewrite)  
April 29, 2003 (Sections 4.3.6 and 8.2)  
August 15, 2005

**Town of Reading – Zoning Ordinance**

**TABLE OF CONTENTS**

**Article 1 — AUTHORITY AND PURPOSE**

Section 1.0 Enactment ..... 1  
Section 1.1 Purpose..... 1  
Section 1.2 Application of Regulations..... 1  
Section 1.3 Interpretation..... 1  
Section 1.4 Amendments..... 1  
Section 1.5 Separability ..... 1  
Section 1.6 Effective Date ..... 2

**Article 2 – ZONING DISTRICTS AND MAPS**

Section 2.0 Establishment of Zoning Districts..... 3  
Section 2.1 Zoning Maps ..... 3  
Section 2.2 Interpretation of Zoning District Boundaries ..... 3  
Section 2.3 Parcel in More Than One District..... 4  
Section 2.4 District Uses and Standards..... 4  
    2.4.1 Residential/Conservation District (RC-25) ..... 5  
    2.4.2 Rural Residential District (RR-10) ..... 6  
    2.4.3 Rural Residential District (RR-5) ..... 7  
    2.4.4 Residential District (R-1) (South Reading)..... 8  
    2.4.5 Residential/Commercial (RC-A) (Hammondsville) ..... 9  
    2.4.6 Residential/Commercial (RC-B) (Felchville) ..... 10  
    2.4.7 Industrial Mining District (IM) ..... 11  
    2.4.8 Ridgeline Protection Overlay District (RPO) ..... 12

**Article 3 – GENERAL REGULATIONS**

Section 3.0 Applicability ..... 15  
Section 3.1 Access and Frontage Requirements..... 15  
Section 3.2 Existing Small Lots ..... 15  
Section 3.3 Filling of Land ..... 15  
Section 3.4 Height Limitations ..... 15  
Section 3.5 Lot Requirements ..... 16  
Section 3.6 Nonconformities ..... 16  
Section 3.7 Parking and Loading..... 17  
    3.7.1 Parking Requirements ..... 17  
Section 3.8 Signs ..... 17  
    3.8.1 Exceptions ..... 18  
Section 3.9 Storage of Flammable Fluids and Gases ..... 18  
Section 3.10 Surface Waters and Wetlands ..... 19

**Article 4 – SPECIFIC USE STANDARDS**

Section 4.0 Applicability .....20  
Section 4.1 Accessory Apartments.....20  
    4.1.1 Attached Accessory Apartments .....20  
    4.1.2 Detached Accessory Apartments.....20  
Section 4.2 Accessory Structures and Uses .....20  
Section 4.3 Bed and Breakfast .....20  
Section 4.4 Essential Services .....21  
Section 4.5 Extraction of Mineral Resources .....21  
    4.5.1 Applicability .....21  
    4.5.2 Application Requirements .....21  
    4.5.3 Review Criteria .....21  
Section 4.6 Family Child Care Home or Facility .....23  
Section 4.7 Home Occupations .....23  
Section 4.8 Home-Based Business.....23  
Section 4.9 Mobile Homes.....23  
Section 4.10 Mobile Home Parks .....24  
    4.10.1 Applicability .....24  
    4.10.2 Specific Use Standards .....24  
    4.10.3 Operation and Maintenance .....25  
Section 4.11 Multiple Use Structure .....25  
Section 4.12 Ponds .....26  
    4.12.1 Purpose.....26  
    4.12.2 General Requirements .....26  
Section 4.13 Residential Care or Group Homes .....26  
Section 4.14 Subdivision of Land .....27  
Section 4.15 Temporary Uses and Structures .....28  
Section 4.16 Wireless Communication Facilities .....28

**Article 5 – DEVELOPMENT REVIEW**

Section 5.0 General .....30  
Section 5.1 Permitted Uses .....30  
    5.1.1 Limitations.....31  
    5.1.2 Exemptions .....31  
Section 5.2 Conditional Uses.....32  
    5.2.1 General Standards.....32  
    5.2.2 Specific Standards.....32  
Section 5.3 Site Plan Review.....33  
    5.3.1 Application .....33  
    5.3.2 Review Procedure .....33  
    5.3.3 General Standards.....33  
    5.3.4 District and Use Recommendations.....34

5.3.5	Requirements .....	35
Section 5.4	Planned Unit Development.....	36
5.4.1	Purpose.....	36
5.4.2	General .....	36
5.4.3	Review Procedure .....	37
5.4.4	General Development Standards.....	37
Section 5.5	Flood Hazard Review .....	39
5.5.1	Title and Enactment.....	39
5.5.2	Purpose.....	39
5.5.3	Applicability .....	39
5.5.4	Administration .....	40
5.5.5	Development Permit Required .....	42
5.5.6	Procedures.....	42
5.5.7	Base Flood Elevations and Floodway Limits .....	43
5.5.8	Development Standards .....	44
5.5.9	Variances .....	48
5.5.10	Warning of Disclaimer of Liability .....	50
5.5.11	Precedence of Regulations .....	50
5.5.13	Enforcement and Penalties .....	50

**Article 6 – ADMINISTRATION, ENFORCEMENT AND APPEALS**

Section 6.0	Permit Requirements.....	52
Section 6.1	Enforcement.....	53
Section 6.2	Appeals .....	53
6.2.1	Interested Persons.....	54
6.2.2	Notice of Appeal to Board of Adjustment.....	54
6.2.3	Appeals to Environmental Court .....	55
Section 6.3	Variances .....	55
6.3.1	Renewable Energy Structures .....	56
Section 6.4	Administrative Requirements .....	56
Section 6.5	Records.....	60

**Article 7 — GLOSSARY**

Section 7.0	Clarification of Word Meanings .....	61
Section 7.1	Definitions .....	61

**APPENDIX**

Appendix A	Zoning Maps .....	70
Appendix B	Noxious Weeds and List of Species to Watch.....	71
Appendix C	Measuring the Size and Volume of Ponds .....	73

## **ARTICLE 1 – Authority and Purpose**

### **Section 1.0 ENACTMENT**

In accordance with the Vermont Planning and Development Act 24 V.S.A., Chapter 117, Subchapter 6, Sections 4401, 4411, 4441, and 4442 (hereinafter referred to as the “Act”) there is established the Town of Reading Zoning Ordinance as set forth in its entirety in the following text and map, and which became effective upon adoption by vote of the Reading Selectboard on July 16, 2007. This Ordinance shall repeal the Town of Reading Zoning Ordinance adopted on June 19, 1973, and amended on March 2, 1976, June 19, 1978, March 4, 1980, November 6, 1990, and March 1, 1994, and April 29, 2003; and the Interim Zoning for the purposes of complying with new requirements of Chapter 117 adopted by the Selectboard on August 15, 2005.

### **Section 1.1 PURPOSE**

It is the purpose of this Ordinance to implement the Reading Town Plan by providing for the appropriate use of all lands in the Town in a manner which will promote and protect the health, safety, welfare, and prosperity of the Town of Reading.

### **Section 1.2 APPLICATION OF REGULATIONS**

A zoning permit issued by the Administrative Officer shall be required for any land development as defined in the Act §4303 except for development which is specifically exempted from these regulations under Section 5.1.2. Such permit may be issued only in conformance with these regulations and other Town ordinances, as provided in the Act §4449. Any use not permitted by these regulations shall be deemed prohibited.

“**Land Development**” means the division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

-- T. 24 §4303 (10)

### **Section 1.3 INTERPRETATION**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Except where, in these regulations, it is specifically provided to the contrary, it is not intended that these regulations repeal, annul or in any way impair any permits previously adopted or issued. However, where these regulations impose a greater restriction upon the use of a structure or land than is required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these regulations shall control.

### **Section 1.4 AMENDMENTS**

These regulations may only be amended in accordance with the requirements and procedures established in Sections 4441 and 4442 of the Act.

### **Section 1.5 SEPARABILITY**

The invalidity of any provision of these regulations shall not invalidate any other provision.

**Section 1.6 EFFECTIVE DATE**

These regulations shall take effect in accordance with the procedures contained in Sections 4441 and 4442 of the Act.

**Article 2 – ZONING DISTRICTS AND MAPS**

**Section 2.0 ESTABLISHMENT OF ZONING DISTRICTS**

For the purpose of these regulations, the Town of Reading is divided into the following districts as shown on the Zoning Map:

- RR-25 - Residential/Conservation 25
- RR-10 - Rural Residential 10
- RR-5 - Rural Residential 5
- R-1 - Residential 1 (South Reading)
- RC-A - Residential/Commercial (Hammondsville area)
- RC-B - Residential/Commercial (Felchville area)
- IM - Industrial/Mining

**Section 2.1 ZONING MAP**

The boundaries of these districts are hereby established as shown on the Zoning Map of the Town of Reading. This map is hereby declared a part of these regulations and incorporated herein by reference. Regardless of the existence of copies of the map which may be made or published, the official Zoning Map located in the Town Office shall be the final authority as to the current status of zoning district boundaries.

**Section 2.2 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Utilizing the following guidelines, the Administrative Officer shall determine the boundaries of the Zoning Districts. Upon appeal from the decision of the Administrative Officer as to a boundary location, the Board of Adjustment shall make the necessary interpretation.

1. Where District Boundaries are indicated as approximately following streets or highways, the center lines of such street or highway right-of-ways shall be construed to be the boundaries.
2. Where District Boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be the boundaries.
3. Where District Boundaries are shown as paralleling streets or highways, such boundaries shall be construed as running parallel to the center lines of the right-of-ways of such streets or highways at such distance there from as is indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.
4. Where the Boundary of a District follows a river, stream, lake, or pond, the boundary shall be construed to be the normal high-water mark of the river, stream, lake, or pond.

**Section 2.3 PARCEL IN MORE THAN ONE DISTRICT**

Where a district boundary line divides a parcel into two or more pieces and the portion of the parcel in one of the districts does not meet the minimum lot size for the district but exceeds one-eighth (1/8) of an acre, the regulations for the district shall be extended into the adjoining district the minimum distance necessary to provide for conforming lots in both districts, if development of the small portion is proposed. If conforming lots cannot be so created, the Board of Adjustment shall, after public hearing, establish an appropriate boundary location and may, in accordance with Section 6.3, grant a Variance for development of a small lot if necessary. In no case, however, shall any use allowed in one district be extended more than thirty (30) feet into the abutting zoning district if it would not ordinarily be allowed therein.

**Section 2.4 DISTRICT USES AND STANDARDS**

The following pages list the permitted and conditional uses allowed in each district and the lot and building requirements for each of these uses and structures. Definitions are given in the Glossary, Article 7. Refer to Section 4413 of the Act for additions and limitations.

**2.4.1 RESIDENTIAL/CONSERVATION DISTRICT (RC-25)**

The purpose of the RR-25 district is to limit growth on certain undeveloped lands in Reading which, because of their size and resource value, are better suited for forestry, wildlife management and other, similar low-intensity uses.

PERMITTED USES	CONDITIONAL USES
Forestry and Agricultural Uses	Two-family Dwelling Unit
Camp (Seasonal)	Forestry and Agricultural Product Processing*
Single-family Dwelling Unit	Bed & Breakfast (more than 3 bedrooms)
Accessory Structures and Uses	Inn*
Accessory Apartment	Restaurant*
Bed & Breakfast (up to 3 bedrooms)	Home-based Business
Home Occupation	Small Business*
Family Child Care Home (serving 6 or fewer children full time and 4 or fewer part time)	Nursery - Commercial Greenhouse*
Group Home (serving 8 or fewer people)	Essential Services
	Mineral Resource Extraction* <sup>1</sup>
	Family Child Care Facility (serving more than 6 children full time and more than 4 part time)*
	Group Home (serving more than 8 people)*

\*Site Plan approval required

<sup>1</sup> Blasting, drilling and crushing prohibited in this district.

**Lot Requirements For Each Use**

Minimum Lot Size      25 acres  
 Minimum Frontage      400 feet

**Building Requirements**

Minimum Yards  
 Front      Side      Rear  
 50 ft      25 ft      25 ft

Max. Building Height 35 feet

[Note: For purposes of enrollment in the Vermont's Current Use Program.](#)

**2.4.2 RURAL RESIDENTIAL DISTRICT (RR-10)**

The purpose of the RR-10 district is to limit growth on certain undeveloped lands in Reading which, because of their size and resource value, are better suited for forestry, wildlife management and other, similar low-intensity uses.

PERMITTED USES	CONDITIONAL USES
Forestry and Agricultural Uses	Two-family Dwelling Unit
Camp (Seasonal)	Forestry and Agricultural Product Processing*
Single-family Dwelling Unit	Bed & Breakfast (more than 3 bedrooms)
Accessory Structures and Uses	Inn*
Accessory Apartment	Restaurant*
Bed & Breakfast (up to 3 bedrooms)	Small Business*
Home Occupation	Nursery - Commercial Greenhouse*
Family Child Care Home (serving 6 or fewer children full time and 4 or fewer part time)	Essential Services
Group Home (serving 8 or fewer people)	Mineral Resource Extraction <sup>1</sup>
	Mobile Home Park*
	Family Child Care Facility (serving more than 6 children full time and more than 4 part time)*
	Group Home (serving more than 8 people)*

\*Site Plan approval required

<sup>1</sup> Blasting, drilling and crushing prohibited in this district

**Lot Requirements For Each Use**

Minimum Lot Size      10 acres  
 Minimum Frontage      200 feet

**Building Requirements**

Minimum Yards  
 Front      Side      Rear  
 50 ft      25 ft      25 ft

Max. Building Height 35 feet

**2.4.3 RURAL RESIDENTIAL DISTRICT (RR-5)**

The purpose of the Rural Residential District is to provide for low-density rural development on lands which may have resource value and are serviced by public roads and are generally suitable for low density residential uses.

PERMITTED USES	CONDITIONAL USES
Forestry and Agricultural Uses	Two Family Dwelling Unit
Camp (Seasonal)	Multi-Family Dwelling Unit* **
Single Family Dwelling Unit	Bed & Breakfast (more than 3 bedrooms)
Accessory Structures and Uses	Inn*
Accessory Apartment	Restaurant*
Bed & Breakfast (up to 3 bedrooms)	Home Based Business
Home Occupation	Small Business*
Family Child Care Home (serving 6 or fewer children full time and 4 or fewer part time)	Nursery - Commercial Greenhouse*
Group Home (serving 8 or fewer people)	Clubhouse
	Boarding House
	Mobile Home Park*
	Family Child Care Facility (serving more than 6 children full time and more than 4 part time)*
	Group Home (serving more than 8 people)*
	Forestry and Agricultural Product Processing*

\* Site Plan approval required

**Lot Requirements For Each Use**

- Minimum Lot Size: 5 acres
- \*\* Minimum Lot Size per Dwelling Unit: 2.5 acres
- Minimum Frontage: 150 feet

**Building Requirements**

Minimum Yards		
Front	Side	Rear
40 ft	25 ft	25 ft

Max. Building Height 35 feet

**2.4.4 RESIDENTIAL DISTRICT (R-1) (SOUTH READING)**

The purpose of the Residential District is to provide for small-lot residential growth near existing settlements on land generally suitable for on-site sewage disposal and water and serviced by improved public roads.

PERMITTED USES	CONDITIONAL USES
Forestry and Agricultural Uses	Multi-Family Dwelling Unit * **
Camp (Seasonal)	Bed & Breakfast (more than 3 bedrooms)
Single Family Dwelling Unit	Inn*
Two Family Dwelling Unit	Restaurant*
Accessory Structures and Uses	Home Based Business
Accessory Apartment	Small Business*
Home Occupation	Nursery - Commercial Greenhouse*
Bed & Breakfast (up to 3 bedrooms)	Clubhouse
Church	Municipal/Governmental Building*
Family Child Care Home (serving 6 or fewer children full time and 4 or fewer part time)	Family Child Care Facility (serving more than 6 children full time and more than 4 part time)*
Group Home (serving 8 or fewer people)	Group Home (serving more than 8 people)*
	Boarding House

\* Site Plan approval required

**Lot Requirements**

Minimum Lot Size: 1 acre  
 \*\* Minimum Lot Size per Dwelling Unit: .5 acre  
 Minimum Frontage: 100 feet

**Building Requirements**

Minimum Yards  
 Front      Side      Rear  
 35 ft      15 ft      15 ft  
 Max. Building Height 35 feet

**2.4.5 RESIDENTIAL/COMMERCIAL (RC-A) (HAMMONDSVILLE)**

The purpose of the Residential-Commercial District (Hammondsville area) is to provide for development in a rural village setting of compatible residential and commercial uses at a density which will not result in the need for municipal sewage facilities.

PERMITTED USES	CONDITIONAL USES
Single Family Dwelling Unit	Multi-Family Dwelling* **
Two Family Dwelling Unit	Bed & Breakfast (more than 3 bedrooms)
Accessory Structures and Uses	Multiple Use Structure*
Accessory Apartment	Inn*
Home Occupation	Restaurant*
Bed & Breakfast (up to 3 bedrooms)	Home Based Business
Church	Small Business*
Family Child Care Home (serving 6 or fewer children full time and 4 or fewer part time)	Nursery - Commercial Greenhouse*
Group Home (serving 8 or fewer people)	Clubhouse
Forestry and Agricultural Uses	Municipal/Governmental Building*
	Boarding House
	Retail Store / Service*
	Auto Service Station*
	Professional or Business Office*
	Essential Services
	Family Child Care Facility (serving more than 6 children full time and more than four part time)*
	Group Home (serving more than 8 people)*

\* Site Plan approval required

**Lot Requirements**

- Minimum Lot Size: 1 acre
- \*\* Minimum Lot Size per Dwelling Unit: .5 acre
- Minimum Frontage: 100 feet

**Building Requirements**

	Minimum Yards		
	Front	Side	Rear
	35 ft	15 ft	15 ft
Max. Building Height 35 feet			

**2.4.6 RESIDENTIAL/COMMERCIAL (RC-B) (FELCHVILLE)**

The purpose of the Residential/Commercial District in the Felchville area is to provide for development in a rural village setting of compatible residential and commercial uses at a density that will not result in the need for municipal sewage and water facilities.

PERMITTED USES	CONDITIONAL USES
Single Family Dwelling Unit	Multi-Family Dwelling Unit* **
Two Family Dwelling Unit	Bed & Breakfast (more than 3 bedrooms)
Accessory Structures and Uses	Multiple Use Structure
Accessory Apartment	Inn*
Home Occupation	Restaurant*
Bed & Breakfast (up to 3 bedrooms)	Home Based Business
Church	Small Business*
Family Child Care Home (serving 6 or fewer children full time and 4 or fewer part time)	Nursery - Commercial Greenhouse*
Group Home (serving 8 or fewer people)	Clubhouse
Forestry and Agricultural Uses	Municipal/Governmental Building*
	Boarding House
	Retail Store/Service*
	Auto Service Station*
	Professional or Business Office*
	Family Child Care Facility (serving more than 6 children full time and more than four part time)*
	Group Home (serving more than 8 people)*
	Essential Services

\* Site Plan approval required

**Lot Requirements**

Minimum Lot Size: .5 acre  
 \*\* Minimum Lot Size per Dwelling Unit: .5 acre  
 Minimum Frontage: 75 feet

**Building Requirements**

Minimum Yards  
 Front      Side      Rear  
 35 ft      5 ft      5 ft  
 Max. structure height 35 feet

**2.4.7 INDUSTRIAL MINING DISTRICT (IM)**

The purpose of the Industrial Mining District is to provide for major industrial operations for the extraction and processing of mineral resources.

PERMITTED USES	CONDITIONAL USES
Home Occupation	Essential Services *
Accessory Apartment**	Home-Based Business
Accessory Structures and Uses	Emergency Management Services*
	Clubhouse *
	Mineral Resource processing* <sup>1</sup>
	Extraction of Mineral Resources*
	Forestry and Agricultural Product Processing*

\* Site Plan approval required

\*\* Allowed in existing owner-occupied single-family homes.

<sup>1</sup> Smelting or refining are not permitted. Other forms of processing that are necessary in order to give value to the mineral and make it transportable may be permitted after conditional use review by the ZBA (see Section 4.5).

**Lot Requirements**

Minimum Lot Size: 5 acres  
 Minimum Frontage: 200 feet

**Building Requirements**

Minimum Yards  

<u>Front</u>	<u>Side</u>	<u>Rear</u>
75 ft	50 ft	50 ft

  
 Max. structure height 35 ft

**2.4.8 RIDGELINE PROTECTION OVERLAY DISTRICT (RPO)**

The purpose of the Ridgeline Protection Overlay District is to protect Reading’s rural character and scenic landscape by ensuring that development is located and designed in a manner that protects the uninterrupted skyline and minimizes adverse visual impact on designated ridgelines and adjacent slopes.

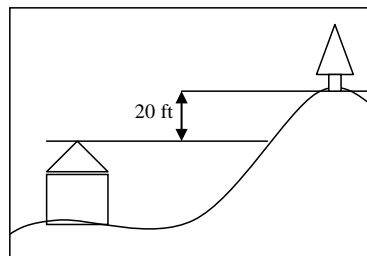
PERMITTED USES	CONDITIONAL USES
Structures and uses specifically exempted under subsection (1), below, are allowed with approval of the Zoning Administrator in accordance with Section 6.0	Uses allowed as a permitted or conditional use in the underlying zoning district, unless specifically exempted under subsection (1) below, require the approval of the Planning Commission in accordance with Section 5.3 and the standards set forth below.

1. **Exemptions.** The following uses are exempted from review under the Ridgeline Protection Overlay District:
  - a. Agriculture and Forestry, excluding landscaping and/or screening associated with any other uses or development and provided forestry activities are in compliance with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.
  - b. Uncovered decks attached to a one or two-unit dwelling.
  - c. Accessory structures with a footprint of less than 120 square feet (total accumulated in any 10 year period) and a height of less than 12 feet.
  - d. Changes in use that do not involve any exterior alterations to a structure.
  - e. Additions, exterior alterations, accessory structures, and additions to accessory structures that the Zoning Administrator determines will not be visible from a town road due to screening by an existing structure on the same property or by topography, regardless of vegetation and/or forest cover.
2. **Dimensional Standards.** All dimensional standards shall be as set forth for the underlying district.
3. **Supplemental District Standards.** In addition to the standards set forth in Section 5.3 (Site Plan Review) development within the RPO District shall not have an undue adverse visual impact on the scenic and natural beauty of the site as viewed from town or state highways. To this end, development shall comply with the following:
  - a. Forest Cover. On wooded sites, forest cover shall be maintained or established adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads. The Commission shall consider the location of proposed structures relative to existing vegetation, and may require

additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A tree cutting, landscaping and/or forest management plan may be required to ensure that ridges and hill tops remain wooded, and to ensure that trees remain standing immediately adjacent to buildings to visually interrupt facades and reduce reflective glare, as viewed from off site. Such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.

- b. **Placement of Structures.** Development shall be as minimally visible from public roads and properties as possible given site conditions and topography, and shall not stand in contrast to the surrounding landscape patterns and features or serve as a visual focal point. The top of the highest feature of all structures shall be located a minimum of 20 feet in elevation below the nearest identifiable ridgeline (as measured from the top of the peak at ground level) unless the Board determines that an alternative location on the parcel would be less visible and better comply with these standards. Structures shall, however, be situated so that the height of any structure will not visually exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure.

**Structure Placement in Ridgeline District**



- c. **Landscaping & Screening.** In instances where existing forest cover or topography will not adequately conceal proposed development or mitigate the adverse visual impacts of a project, a landscaping plan shall be submitted and approved by the Commission. Such plan shall be designed to use native species to minimize the visibility of the structure as viewed from public roads and visually integrate the development site into the surrounding landscape. Please see Appendix B for a list of invasive species that should not be included in landscaping plans.
- d. **Glare.** Exterior building materials of all structures shall be of a type and design to minimize reflective glare and avoid undue adverse visual impact. Exterior lighting shall be shielded and downcast.
- e. **Determination of Visual Impacts.** Development shall not result in an undue adverse impact on the scenic character of the RPO District. An undue adverse impact may result from development which stands in contrast to the surrounding area, serves as a focal point, is visible from multiple points along a road, or for an extensive distance along a road segment, and/or which is highly visible from several vantage points within one mile of the development site. In determining whether a specific development would result in an undue adverse visual impact, the Board shall consider the following:

- i. Degree to which view of development is screened by existing vegetation, topography, and existing structures at all times of day or night.
- ii. Contributing and detracting background features in the view of the proposed development.
- iii. Distance to development from vantage point.

f. Pre-application Site Development. Forest management activities designed as pre-development site preparation shall be reviewed by the Planning Commission to determine compliance with the standards set forth in this section. Such activities include, but are not limited to, road and driveway construction, excavation related to the upgrade and conversion of logging roads to development roads or driveways, clearing and/or grading for house-sites and septic systems, or related work. Where a landowner fails to submit pre-development plans for review, the Board may direct the manner in which the site will be restored or re-vegetated prior to development and/or limit development to a portion of the property which best meets the standards of this district.

**2.4.9 SIGNIFICANT WILDLIFE RESOURCE OVERLAY DISTRICT (SWROD)**

The purpose of the Significant Wildlife Resource Overlay District is to protect Reading’s significant wildlife habitats by ensuring that development is located and designed in a manner that protects and maintains the ecological functions of designated wildlife habitats. It is not the Town’s intention to prevent development in these areas but rather to encourage development that will minimize and mitigate the impacts on the significant wildlife resources.

<u>PERMITTED USES</u>	<u>CONDITIONAL USES</u>
<u>Structures and uses specifically exempted under subsection (1), below, are allowed with approval of the Zoning Administrator in accordance with Section 6.0</u>	<u>Uses allowed as a permitted or conditional use in the underlying zoning district, unless specifically exempted under subsection (1) below, require the approval of the Planning Commission in accordance with Section 5.3 and the standards set forth below.</u>

- 1. Exemptions.** The following uses are exempted from review under the Significant Wildlife Resource Overlay District:
- a. Agriculture and Forestry, excluding landscaping and/or screening associated with any other uses or development and provided forestry activities are in compliance with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.
  - b. Uncovered decks attached to a one or two-unit dwelling.
  - c. Accessory structures with a footprint of less than 120 square feet (total accumulated in any 10 year period) and a height of less than 12 feet.

- d. Changes in use that do not involve any exterior alterations to a structure.
- e. Additions, exterior alterations, accessory structures, and additions to accessory structures that the Zoning Administrator determines will not be visible from a town road due to screening by an existing structure on the same property or by topography, regardless of vegetation and/or forest cover.

**2. Dimensional Standards.** All dimensional standards shall be as set forth for the underlying district.

Significant Wildlife Habitat includes:

Deer Wintering Areas

Deer wintering habitat (DWH) is defined as “areas of mature softwood cover, with aspects tending towards the south, southeast, southwest, or even westerly and easterly facing slopes” (Austin et al. 2004). This habitat is regarded as critical to the health and survival of white-tailed deer inhabiting northern latitudes subject to severe winter conditions, i.e. deep snow and prolonged sub-freezing temperatures. The DWH identified in Reading’s SWROD is identified by the Vermont Fish and Wildlife Department (VFWD) as being regionally significant providing the deer population inhabiting Wildlife Management Units M1 and M6 with high value, irreplaceable winter cover. The mapped DWH within the SWROD includes a 300 foot buffer to address indirect impacts of development in these critical areas.( See overlay district on the Official Zoning Map). Habitat quality and deer use of this DWH may be negatively impacted by improper road and housing/building placement and construction as well as human associated activities that disturb or stress wintering deer.

**Supplemental District Standards.** In addition to the standards set forth in Section 5.3 (Site Plan Review) development within the SWROD shall not have an undue adverse impact on significant wildlife habitat, including deer wintering habitat and wildlife travel corridors. To this end, development shall comply with the following: Land development within a DWH shall be permitted only where the PC makes the following findings:

- a. The parcel on which the development is proposed includes no land that is practical for development except that which is DWH.
- b. The proposed development can be designed, sited and undertaken in a manner that minimizes the impact of the development on the continued viability of the DWA.
- c. Proposals for development of a parcel involving an identified DWH shall be based upon consultation with and recommendations of representatives of the VFWD, and shall provide evidence of such consultation.
- d. Where development is approved to take place within a DWH or includes part or all of a DWH in the land base for development or determination of its density, the remainder of the DWH owned by the applicant shall be managed in a manner

compatible with the continued viability of the DWH. Evidence of such management may be provided by the preparation and implementation of a forest management plan approved by the VFWD and compliance with that plan.

#### Wildlife Travel Corridors

Travel corridors are physical connections between discrete habitats utilized by wildlife for access to food, water, mates and shelter. Wildlife, such as deer, moose, bear and bobcat, utilize established pathways to access habitat important to their survival and procreation. Humans can modify the landscape through the creation of large expanses of open land for agricultural activities or the construction of buildings and transportation infrastructures that modify or intersect established travel corridors resulting in wildlife abandonment of critical habitats or subjecting them to hazards, such as increased incidences of vehicle-wildlife encounters. The travel corridors included within the SWROD connect habitats associated with the Arthur Davis Wildlife Management Area (WMA), including currently largely undeveloped high elevation areas of the town, regionally significant DWHs, and habitats located easterly to Mount Ascutney and lands consisting of the Alps, immediately south of the WMA. Maintaining wildlife access to and the functionality of this corridor is critical to the abundance and health of wildlife populations within the town of Reading as well as the surrounding region and the public's enjoyment of these wildlife resources.

**Supplemental District Standards.** Land development within wildlife corridors shall be permitted only where the PC makes the following findings:

- (a) The parcel on which the development is proposed includes no land that is practical for development except that which is wildlife corridor.
- (b) The proposed development can be designed, sited and undertaken in a manner that minimizes the impact of the development on the continued viability of the wildlife corridor.
- (c) The proposed development shall be clustered in a group arrangement rather than in a linear arrangement along the wildlife corridor or in a manner that would encroach upon or fragment the corridor.
- (d) Development on the parcel shall be located as far from the travel corridor as possible.

**Special Requirements for Development in the Overlay District.** In addition to all other applicable review requirements, the Planning Commission shall not approve development in the SWROD unless the following conditions are met:

1. The proposed development minimized the impact on the significant wildlife resource to the greatest extent possible. To achieve this, the Planning Commission may impose conditions

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such as requiring clustering of the development, reducing the density, or increasing the vegetated buffer requirements.

~~1-2.~~ The applicant must show the District Wildlife Biologist from the Vermont Department of Fish and Wildlife has reviewed the development plan and the applicant shall submit any comments received from the Department.

## **Article 3 – GENERAL REGULATIONS**

### **Section 3.0 APPLICABILITY**

The following general standards, including provisions required under the Act [§4406, §4409], apply to all uses and structures within the Town of Reading.

### **Section 3.1 ACCESS AND FRONTAGE REQUIREMENTS**

1. 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 Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least twenty (20) feet in width.

Where Planning Commission approval of access is necessary, an applicant shall submit a site plan that identifies topography, slope, sight distances, and other necessary characteristics within the proposed right-of-way, as deemed necessary by the Commission. The easement or right-of-way shall be surveyed and identified in a recorded deed.

2. Lots at an intersection of streets shall have the required frontage on both streets, and any yard adjoining a street shall be considered a front yard and shall meet front yard requirements.
3. No driveway or highway access point shall be located within fifty (50) feet of a street line intersection. Driveways serving individual lots generally shall comply with the Vermont Agency of Transportation's *Standard B-71* for residential and commercial driveways, as most recently amended, and curb cuts must be approved by the Selectmen of the Town of Reading and/or the State of Vermont.

### **Section 3.2 EXISTING SMALL LOTS**

1. Any lot in existence on the effective date of these regulations in individual, separate and non-affiliated ownership from surrounding properties, may be developed for the purposes permitted in the district in which it is located, even though not conforming to the minimum lot size requirements, if such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of 40 feet. Notwithstanding the above, the existing Small Lot may only be developed if it meets all local and state health regulations for water supply and sewage disposal and otherwise meets the requirements for development within the district in which it is located.
2. If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot may be separately conveyed if the lots are conveyed in their preexisting, nonconforming configuration and the lot meets the requirements of this section (3.2) and Section 3.6.

### **Section 3.3 FILLING OF LAND**

In all districts, the dumping of refuse or non-organic waste material is prohibited. Permits shall not be issued under this Ordinance for the filling of wetland areas. The filling of wetland areas is regulated by the Vermont Wetlands Office through the Vermont Wetland Rules, and by the U.S. EPA and Army Corps of Engineers through the Clean Water Act.

### **Section 3.4 HEIGHT LIMITATIONS**

No structure in any district shall exceed the maximum height specified for that district, but this limit shall not apply to spires, cupolas, or similar architectural features of a building associated with a public (municipal, state or federal) use, occupying in the aggregate not more than 10 percent of the footprint of such building, and not used for any human occupancy, nor to residential chimneys, farm silos, municipal water storage tanks, radio or television aerials (excluding telecommunication facilities but including satellite dishes less than 18 inches in diameter provided such dishes are not mounted on a tower), electrical transmission towers, windmills, solar collectors, or similar structures.

### Section 3.5 LOT REQUIREMENTS

A Lot is land capable of being occupied by one principal structure and the accessory structures or uses customarily incidental to it, including such yards and open spaces that are required by this Ordinance.

1. No Lot shall be so reduced in area as to violate any of the zoning regulations of the district it is in. The provisions of this section shall not apply when part of a Lot is taken for public purposes.
2. Space required under these regulations to satisfy yard, area or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.
3. There shall be only one principal structure on a Lot.

### Section 3.6 NONCONFORMITIES

For the purposes of these regulations a "Non-Conforming Use" shall mean a use of land or use of a structure which does not comply with all current zoning regulations where such use conformed to all applicable laws, ordinances and regulations in effect at the time it was started. A "Non-Conforming Structure" shall mean a structure or part thereof not in conformance with the current zoning regulations covering building bulk, dimensions, height, area, yards, density or off-street parking or loading requirements where such structure conformed to all applicable laws, ordinances and regulations in effect at the time it was built. A Non-Conforming Use or a Non-Complying Structure may be continued subject to the following conditions:

1. A Non-Conforming Use may be changed to another Non-Conforming Use upon the approval of the Board of Adjustment, but only if the Board finds that the degree of non-conformity of the new use is not greater than the original Non-Conforming Use and such use will: (a) not have an undue adverse effect upon the character of the area or district in which it is located; and, (b) complies with the general standards set forth in Section 2.4.
2. A Non-Conforming Use that has been discontinued may be re-established within six (6) months of the date of its last use. A Non-Conforming Use which has been discontinued for a period greater than six (6) months but less than twelve (12) months may only be re-established with the approval of the Board of Adjustment. In approving or disapproving the re-establishment of a discontinued Non-Conforming Use, the Board of Adjustment shall apply the standards and impose such conditions as are collectively set forth in Section 5.2 of these regulations. A Non-Conforming Use shall not be re-established if discontinued for a continuous period of one (1) year, regardless of intent, except as in Subsection (5), below.

3. A nonconforming structure that is devoted to a conforming use may be reconstructed, structurally altered, restored or repaired, in whole or in part, with the provision that the degree of nonconformance shall not be increased.
4. A nonconforming structure, or part thereof, shall be maintained, repaired, or restored to a safe condition as required by the zoning administrator.
5. A pre-existing Non-Conforming Structure shall not be restored for other than a conforming use after damage from any cause, unless the Non-Conforming Use is reinstated within three years of such damage. If the restoration of such structure is not completed within three years, the Non-Conforming Use of such structure shall be deemed to have been discontinued. Prior to the start of restoration, the applicant shall obtain a permit from the zoning administrator, in accordance with Section 6.0 of this Ordinance.

### **Section 3.7 PARKING AND LOADING**

A parking space is defined as a space which is at least nine (9) feet wide and eighteen (18) feet long. A parking space shall be outside the right of way or driveway. A parking space shall be graveled or paved to permit year-round use.

#### **3.7.1 Parking Requirements**

1. Two parking spaces per dwelling unit.
2. Restaurants and Places of Public Assembly:
  - One parking space for every three seats.
3. Small Business:
  - One parking space for every 400 square feet of floor area.
4. Professional Office or Business Office:
  - One space for every 250 square feet of office floor area.
5. Guest House, Bed and Breakfast, Inn:
  - One parking space for each room available for lodging plus two parking spaces for the family dwelling unit.

Parking requirements may be altered only as allowed under Site Plan review and Conditional Use review.

### **Section 3.8 SIGNS**

Except for Signs necessary for public safety and those Signs as exempted by these regulations, no person shall construct, erect, display, or change the location or size of an outdoor sign without first obtaining a zoning permit from the Zoning Administrator. Signs shall be considered as permitted uses in all districts, and shall conform to the following requirements:

1. All Signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.
2. The Sign may state only the owner, the name of the business, the products sold, prices and the business or activity conducted on the premises.

3. Signs on buildings shall not extend above the roof or parapet of the building. The height of a free-standing Sign shall not exceed twelve (12) feet from finished grade. Either type shall be located so as not to be hazardous to pedestrians and vehicles.
4. Illuminated Signs shall be shielded in such a way as to not produce glare, distraction, or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon and not come from within the Sign itself.
5. Signs which are animated, flashing or with intermittent illumination are prohibited.
6. No Sign shall be erected, attached or maintained upon trees or drawn or painted on rocks or other natural features.
7. Residential/Commercial and Industrial/Mining Districts
  - a. Two (2) signs maximum.
  - b. No sign shall be larger than twenty-five (25) square feet on one side.
8. Residential Districts
  - a. One sign.
  - b. No sign shall be larger than six (6) square feet on one side.
9. Location of Signs
  - a. Signs shall be located outside all rights of way for public roads.
  - b. Side and rear setback shall be ten (10) feet.

#### 3.8.1 Exceptions

The following types of Signs do not require permits.

1. Temporary real estate signs not larger than six (6) square feet or temporary construction signs not larger than twenty-five (25) square feet on the property being sold, leased or developed. These signs shall be removed within thirty (30) days after the sale or development has been completed.
2. Temporary signs for such irregularly scheduled public events as auctions, suppers, and meetings on or off the premises. They shall be placed not more than two weeks in advance of the event, and shall be removed not later than one week following the cessation of the event.
3. Such signs as "No Hunting" or "No Trespassing" posted in the manner normally prescribed for their use.
4. A bulletin board not larger than fifteen (15) square feet in connection with a church, school, or public use.
5. Small direction signs such as "Entrance," none of which exceed two (2) square feet.
6. Signs not exceeding six (6) square feet advertising agricultural products grown or processed on the premises that meet the standards of Section 3.8.

### Section 3.9 STORAGE OF FLAMMABLE FLUIDS AND GASES

The Storage of Flammable Fluids and Gases and the equipment in which they are stored are controlled under the Fire Code of Vermont (NFPA Code) as administered by the State Fire Marshal. Storage of Flammable Fluids (other than bulk storage for commercial distribution) which is accessory to another use and is consistent with this code shall be a permitted use in any district, and will require a zoning permit if the storage capacity is over five hundred (500) gallons. Procedures for abandoning storage tanks for flammable fluids and gases must also be approved by the Fire Marshal's Office.

### Section 3.10 SURFACE WATERS AND WETLANDS

To prevent soil erosion and sedimentation of surface waters, maintain water quality and protect wildlife habitat, an undisturbed, vegetated buffer strip shall be maintained for a minimum of fifty (50) feet from all wetlands, streams and rivers, and public ponds. The fifty-foot buffer strip shall be measured from the top of bank (for rivers), the mean water mark (for lakes and ponds), or delineated wetland boundary. No development, excavation, filling, clearing or grading shall occur within the buffer strip, with the exception of clearing and associated site development necessary to accommodate the following:

1. Road, driveway and utility crossings.
2. Streambank stabilization and restoration projects, in accordance with applicable state and federal regulations
3. Hiking trails.

## **Article 4 – SPECIFIC USE STANDARDS**

### **Section 4.0 APPLICABILITY**

The following standards shall apply in all districts, for permitted and conditional uses:

### **Section 4.1 ACCESSORY APARTMENTS**

One accessory apartment is permitted on any lot containing a single family dwelling as provided in Section 4412(1)(E) of the Act.

#### **4.1.1 Attached Accessory Apartment**

1. An attached accessory apartment shall be within or attached to an owner-occupied, primary single-family residence and may share a common entrance with it.
2. There shall not be more than one attached apartment per lot; no lot shall contain both an attached and a detached apartment.
3. The total floor area of all attached apartments shall be no more than 1000 square feet, or 40% of the total living space, whichever is greater. Additional off-street parking shall be provided for each unit.
5. An apartment shall comply with all local and state health regulations for water supply and sewage disposal, and all applicable requirements for the zoning district in which it is located.

#### **4.1.2 Detached Accessory Apartment**

1. A detached accessory apartment shall consist of, or be located within, an accessory structure built on a permanent foundation, on a lot containing a single-family residence.
2. There shall not be more than one detached apartment per lot; no lot shall contain both an attached and a detached apartment.
3. The total floor area shall be not more than 1,000 square feet, or 40% of the total living space of the single-family dwelling, whichever is greater.
4. Additional off-street parking shall be provided.
5. A detached apartment shall comply with all local and state health regulations for water supply and sewage disposal, and all applicable requirements for the zoning district in which it is located.

### **Section 4.2 ACCESSORY STRUCTURES AND USES**

1. Accessory Structures and Uses do not require separate lots.
2. All Accessory Structures, whether built on a permanent foundation or movable, will require a zoning permit and conform to all applicable requirements of the district. See Section 5.1.2 for exemptions.

### **Section 4.3 BED AND BREAKFAST**

1. Off street parking shall be provided for each guest room.
2. A Bed & Breakfast shall comply with all local and state health regulations for water supply and sewage disposal.

#### Section 4.4 ESSENTIAL SERVICES

Essential services shall be subject to site plan review as indicated in Section 5.3, except when accessory to another use. Structures shall stay within established utility corridors and follow common right-of-ways whenever possible. They shall also be screened and landscaped. All such facilities shall conform to pertinent local and state construction standards.

#### Section 4.5 EXTRACTION OF MINERAL RESOURCES

##### 4.5.1

The extraction, quarrying or removal of topsoil, sand, gravel, rock, minerals or other similar earth resource materials, and the on-site storage and processing of such materials, may be allowed in the Industrial, RR-25 and RR-10 districts subject to review by the Zoning Board of Adjustment (ZBA), and the requirements of this section. The following are specifically exempted from these provisions:

1. driveway, yard, and gardening activities;
2. the extraction of materials for use in agricultural and forestry operations (e.g. farm and logging roads);
3. site and excavation work incidental to a use for which a zoning permit or subdivision approval has been issued (e.g. for building foundations, driveways, access roads, internments, etc.),
4. extraction and quarrying operations in lawful existence as of the effective date of these regulations, which maintain existing rates of extraction and do not expand onto adjoining parcels of land or another district.

##### 4.5.2 Application Requirements

The application for review by the ZBA under Section 5.2 shall also include site, erosion control and reclamation plans which show the following:

1. existing grades, drainage, and depths to bedrock and the seasonal high water table;
2. the extent and magnitude of the proposed operation, including proposed phasing schedules,
3. areas for the on-site storage and/or processing of materials;
4. a description, including specifications, for all extraction and processing equipment to be used on-site;
5. the location and a description of stormwater management and erosion control measures to be used during extraction or quarrying operations;
6. a description of site reclamation measures to be used following the conclusion of operations, including finished grades and drainage patterns; and
7. any other materials the ZBA finds necessary to determine compliance with the review criteria under subsection 4.5.3, below.

#### 4.5.3 Review Criteria

In granting approval, the ZBA shall find that the proposed extraction or quarrying operation meets the following criteria:

1. The extraction operation shall not:
  - a. create a hazard to public health and safety;
  - b. have an undue adverse impact on neighboring properties, property values; public facilities and services; drainage, surface and groundwater supplies; or other natural, cultural, historic or scenic features in the vicinity of the operation; or
  - c. eliminate any subsequent use of the site.
2. Proper drainage and stormwater management shall be provided during and after the completion of operations.
3. No bank shall exceed a slope of one foot of vertical rise to two feet of horizontal distance, except in ledge or bedrock.
4. No removal of materials is allowed within 50 feet of a property line, except that where the grade from a property line rises toward the lot where the extraction is to occur, material lying above the grade at the property line may be removed.
5. No blasting, or stationary power-activated crushing or sorting machinery or equipment shall be located within 300 feet of any occupied building without written and filed consent of the occupants, or within 100 feet of any public road or stream, lake, pond, wetland or within 100 feet of any property line without written and filed consent of the abutting property owner.
6. No excavation or stockpiling of materials shall be located within 50 feet of any public road, stream, or abutting property line unless a satisfactory written agreement has been reached with the abutting property owner and filed with the Administrative Officer.
7. At the conclusion of the operation, or each phase of the operation, the entire area of operation, except where bedrock is exposed, shall be graded, covered with not less than four inches of top soil, and seeded with a suitable cover crop in accordance with the reclamation plan approved by the Board of Adjustment.
8. In order to avoid or mitigate undue adverse impacts associated with extraction and quarrying operations, and/or to allow adequate reclamation and potential redevelopment of the site, the Board of Adjustment in granting approval may also consider and impose conditions with regard to any or all of the following as it deems appropriate:
  - a. the depth of excavation or quarrying,
  - b. slopes created by the removal of materials,
  - c. the storage of equipment and stockpiling of materials on-site,
  - d. potential impacts to surface drainage, on and off-site,

- e. potential impacts to ground and surface water quality, and drinking water supplies,
  - f. potential impacts to traffic and road conditions, including potential damage to public roads,
  - g. potential impact to other properties in the vicinity due to noise, dust, or vibration,
  - h. potential impacts to natural, cultural, historic or scenic resources on-site, or within the vicinity of the project, including wildlife habitat and migratory corridors,
  - i. hours of operation for blasting, trucking, and processing operations,
  - j. landscaping and screening requirements for safety and aesthetics,
  - k. temporary and permanent erosion control and site reclamation measures,
  - l. potential impacts to view sheds.
9. A performance bond, escrow account, or other form of surety acceptable to the Selectboard shall be required as a condition of approval to cover the cost of any regrading, reseeding, reforestation or other required site reclamation activity.

**Section 4.6 FAMILY CHILD CARE HOME OR FACILITY**

A “family child care home or facility” as used in this section means a home or facility where the owner or operator is licensed or registered by the state for child care. A family child care home serving six or fewer children full-time and 4 or fewer part-time shall be considered a permitted single family residential use of property. A family child care facility serving more than six full-time and four part-time children will be subject to conditional use approval.

**Section 4.7 HOME OCCUPATIONS**

A Home Occupation shall be considered as an accessory use. Nothing in these regulations shall prevent a resident from using a minor portion (less than 30% of the total living space) of his dwelling for an occupation which is "customary" in residential areas and will have no undue adverse effect on the character of the area in which the dwelling is located. A Home Occupation shall also be permitted in an accessory building/structure. A Home Occupation shall:

- 1. Be carried on only by residents of the premises.
- 2. Provide a service or a product produced by these residents which is not used or consumed on the premises.
- 3. Be operated entirely within a principal or accessory structure.
- 4. Result in no external evidence of the enterprise except for permitted signs and required parking.
- 5. Be incidental to the use of the premises for dwelling purposes.

**Section 4.8 HOME-BASED BUSINESS**

A Home-based Business shall:

- 1. Be carried on by the owner of the residence, with not more than three (3) additional on-premise employees.

2. Not have external storage of supplies or equipment visible from any adjacent highway or dwelling unit, except for outdoor parking of two business vehicles and employees' vehicles.
3. Provide off-street parking for all vehicles.

#### Section 4.9 MOBILE HOMES

Mobile homes, modular housing, and other forms of prefabricated housing shall be considered the same as conventional housing in these regulations [§4412(1)(B)].

A mobile home must comply with all zoning regulations pertaining to single-family dwellings in the district in which it is located. A mobile home must be secured to a permanent foundation. This foundation shall, at a minimum, consist of a 4-inch concrete slab matching the footprint of the mobile home.

Recreational vehicles, campers, motor homes, etc. may be parked or stored on the owner's property without a zoning permit, but may not be used for residential purposes. Refer to Section 4.15, Temporary Uses and Structures, for the one exception to this regulation.

#### Section 4.10 MOBILE HOME PARKS

##### 4.10.1 Applicability

1. It shall be unlawful to park, place, maintain, or permit more than two mobile homes on any one parcel except in conformance with these provisions. Mobile home parks are allowed as a conditional use in the RR-5 and RR-10 Rural Residential Districts. No person shall construct, expand, or alter a mobile home park without site plan approval and conditional use approval.
2. In accordance with the Act [§4412(1),(7)], no standards under these regulations shall have the effect of prohibiting the replacement of a mobile home on an existing lot within a mobile home park. In the event that an existing mobile home park is determined to be a nonconformity under these regulations, that determination shall apply to the park in its entirety, and not to individual mobile home lots within the park. An individual mobile home lot that is vacated shall not be considered a discontinuance or abandonment of a nonconformity.

##### 4.10.2 Specific Use Standards

All mobile home parks must conform to the following standards:

1. A mobile home park shall have a contiguous area not less than the minimum required lot size in the district in which it is located (5 acres in RR-5 and 10 acres in RR-10).
2. Overall density of mobile home parks may be up to one mobile home per acre up to a maximum of ten mobile homes in a park. The minimum mobile home lot size shall be 10,000 square feet (i.e., there may be 5 mobile homes on a five-acre lot in the 5-acre district, but they may be clustered on the property on 10,000 square foot lots).
3. Mobile home parks may include a maximum of ten (10) mobile homes.
4. Mobile home parks shall comply with State Wastewater System and Potable Water Supply Rules.

5. Each mobile home lot shall have side yard setbacks of at least 15 feet and at least 30 feet of frontage on a mobile home park road. The Planning Commission may vary this requirement as needed to meet particular site requirements.
6. Setbacks must be followed for the district in which a mobile home park is located shall be maintained as a landscaped area abutting all mobile home park boundary lines. No mobile home unit, office, utility, or service building may be placed in this buffer area. The Planning Commission may increase this setback in order to provide privacy for adjacent property owners or for aesthetic considerations from public roadways.
7. Access roads shall be well drained, and at least eighteen feet in width. They shall be graveled, hard surfaced, or paved, and maintained in good condition throughout the year. Access roads shall have a minimum right-of-way width of 50 feet.
8. The park shall be located on a site graded to ensure adequate drainage of surface waters.
9. Appropriate underground utility service shall be provided for each mobile home by the owner of the park unless the applicant can demonstrate that due to utility company standards or pricing procedures, an unreasonable financial hardship will be created. Even where utilities lines are proposed to remain above ground, utility lines servicing each trailer shall be underground.
10. Provision shall be made for proper and adequate trash and garbage collection and disposal. All trash and garbage cans shall be concealed within an enclosure at all times and shall be properly painted if siding is not used.
11. Each mobile home shall be anchored to a foundation that consists of, at a minimum, a 4-inch concrete slab matching the footprint of the mobile home.

#### 4.10.3 Operation and Maintenance

The mobile home park owner, or designated operator shall, as a condition of Board approval:

1. maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and shall provide for the regular collection and removal of recyclables, waste and garbage;
2. remove snow from all park roads, parking and service areas;
3. plant and provide a plan for maintaining a minimum of two trees (minimum 2.0" diameter at chest height or greater) on each mobile home site; and
4. not engage in the sale of mobile homes in connection with the operation of the park.

Failure to meet these operation and maintenance requirements shall constitute a violation of permit conditions and these regulations, subject to enforcement actions under Section 6.1.

#### 4.11 MULTIPLE USE STRUCTURE

1. A multiple use structure shall have a total of not more than two dwelling units.
2. A multiple use structure shall comply with all local and state health regulations for water supply and sewage disposal, and all applicable requirements for the zoning district in which it is located.
3. Parking shall be provided for each commercial and dwelling unit; an applicant may request, as part of Site Plan review, that the Planning Commission reduce the total number of parking spaces required if it can be demonstrated that different uses within the structure can effectively share parking facilities.

#### 4.12 PONDS

##### 4.12.1 Purpose

To protect the lives and property of citizens, the infrastructure of the community; and the health of the natural environment, the construction of ponds shall require a zoning permit.

The purpose of regulating said construction is to reduce the possibility of failure from improper design or construction, to minimize potential flood damages incurred to upstream properties by the storage of flood waters, and to minimize the damages caused by the sudden release of stored waters from a failure of the dam or intentional rapid draining of the impoundment.

##### 4.12.2 General Requirements

The creation of a pond or other water impoundment is an accessory use and must meet setback requirements of the district in which it is located as well as those required by State Health Regulations for onsite septic systems. Creation of a pond requires a zoning permit, and a pond larger than 1500 square feet in surface area shall be designed by an engineer licensed in Vermont and must meet the following requirements:

1. Any pond that will impound, or be capable of impounding more than 500,000 cubic feet of water must receive a permit from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 43.
2. If the project necessitates any work in a stream, a stream alteration permit or other approval is required from the Vermont Department of Environmental Conservation in accordance with 10 V.S.A. Chapter 41 and/or the Vermont Department of Fish and Wildlife in accordance with 10 V.S.A. Chapter 111..
3. If the project has an effect on wetlands; rare, threatened, or endangered species; or the passage of fish; permits from other state or federal authorities may be required.
4. Any pond involving the impoundment of water through the creation of an embankment, berm or other structure that exceeds the natural grade must provide documentation from a licensed engineer of the likely results of catastrophic failure of the impoundment. This exercise is not to evaluate the likelihood of failure but to examine worst case scenarios (terrorism, major accident, extreme negligence, etc.).

5. All impoundments must have an emergency spillway capable of passing flows that exceed what the control structure is capable of handling.
6. Any pond, impoundment of a pond or portion of a pond or impoundment, located within an area of special flood hazard, is subject to Section 5.5 of this bylaw.
7. Upon issuance of approval, the ZA shall duly note that the owner of the property is responsible for the pond's safety and liable for its failure if he or she does not maintain, repair, or operate the pond in a safe and proper manner.

#### Section 4.13 RESIDENTIAL CARE OR GROUP HOMES

A residential care home or group home, to be operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted home. A residential care home or group home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be reviewed as a multi family dwelling and shall be subject to conditional use and site plan review.

#### Section 4.14 SUBDIVISION OF LAND

The subdivision of a single parcel into two or more parcels is permitted subject to Site Plan Review in accordance with Section 5.3 of this bylaw and the following [standards and procedures](#):

##### 4.14.1 Application & Review Procedures

1. **Pre-Application Meeting.** A pre-application meeting shall be held with the applicant and Planning Commission to discuss the nature and scope of the proposed subdivision. Prior to the meeting, the applicant shall provide a brief description and sketches of the subdivision including basic site data, proposed uses [and parcel boundaries](#), density and treatment of open spaces and other resources [and project compliance with these regulations](#). Within thirty days after the Pre-Application Meeting, the Planning Commission shall provide the applicant with written comments and recommendations on the proposal to guide the applicant in preparing the final application for subdivision.
2. **Application.** The applicant shall file an application with the Planning Commission and include materials required for site plan approval (see Section 5.3). [The Planning Commission shall review the application in accordance with the procedures set forth in Section 5.3.2.](#)

##### 4.14.2 Subdivision Design Standards

1. [In addition to the site plan review standards set form in Section 5.3, a](#)All proposed lots shall be surveyed and shall meet the minimum dimensional standards for the district within which the lot is located. New lots shall be designed to meet their intended purpose; elongated lots and lots with irregular shapes (curves, jogs, dog-legs, etc.) should not be created unless warranted by conditions of topography, the location of natural features or

existing road conditions. Corner lots shall have sufficient width to permit a front yard setback on each street while side lot lines shall generally be at right angles to straight streets, or radial to curved street lines.

- 2.3. Existing features, including but not limited to water courses and drainage ways, pathways, historic sites and structures, shorelands, fence and tree lines, wetlands, ~~significant~~ critical wildlife habitat, areas characterized by shallow soils or steep slopes, prominent geologic features, scenic views or any other unique features which have been identified in the Reading Town Plan and/or which in the Commission's judgment are an asset to the site and/or community, shall be identified and preserved insofar as possible through careful placement of buildings, establishment of development envelopes and appropriate lot configuration.
- 3.4. Subdivision boundaries, lot layout, development envelopes, and building sites shall be located and configured to avoid the fragmentation and/or development of productive farmland ~~and important wildlife habitat (such as deer wintering areas)~~. Methods of avoiding such adverse impacts include but may not be limited to the following:
  - a. Building sites may be restricted to wooded areas at field edges or, in the event that no other land is practical for development, on the least fertile soils in order to minimize the use of productive agricultural land, impacts on existing farm operations, and disruption to the scenic qualities of the site.
  - b. Access roads, driveways and utility corridors shall be shared to the extent feasible and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these in order to minimize the fragmentation of productive agricultural land and minimize visual impacts.
- 4.5. Land shall be subdivided and improved so as to retain, insofar as possible, the natural contours and to conserve the natural cover and soil. The Planning Commission may require the preparation of a sedimentation and erosion control plan to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such a plan, if required, shall be prepared by a licensed Vermont Engineer.
- 5.6. The proposed subdivision will not create an undue burden on public facilities or create an unreasonable demand for public services, including but not limited to fire and police protection, schools and area roads and highways.
- 6.7. Access roads, driveways, and utility corridors shall meet the standards set forth in Section 3.1. All roads serving four (4) or more individual lots shall conform to the design standards for local roads and streets contained within the *Vermont State Standards for the Design of Transportation, Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets* dated October 1997, or as subsequently amended. Compliance with this standard does not infer any obligation on the part of the Town to assume future responsibility for road maintenance or upgrade. Access to three (3) lots or fewer shall be reviewed by the Planning Commission per Section 3.1 of these regulations and the Town's Highway Ordinance.
- 7.8. Driveways serving individual lots shall comply with the Vermont Agency of Transportation's *Standard B-71* for residential and commercial driveways, as most recently

amended. Driveways shall be accessible by emergency service vehicles, and shall relate to topography to ensure reasonable grades and safe intersections with public or private roads. For driveways in excess of 500 feet in length, a 10' X 30' turnout may be required.

- | 89. Proposed building lots shall be served by adequate water supply and wastewater disposal systems. The Planning Commission may require documentation that adequate water supply and wastewater capacity is available to serve the proposed development, and that a Wastewater System and Potable Water Supply permit has been issued by the state.

#### **4.14.3 Recording of Approved Subdivision Plan**

Within 180 days of the date of final subdivision approval by the Planning Commission, the applicant shall file two copies of a final subdivision plat, for recording with the Town in accordance with the requirements of 27 V.S.A., Chapter 17. Approved plats not filed and recorded within this 180 day period shall expire. Prior to plat recording, the plat must be signed by the Planning Commission Chair. The Commission may, as a condition of final plat approval, require that other notations pertaining to conditions of subdivision approval also be included on the final plat.

#### Section 4.15 TEMPORARY USES AND STRUCTURES

Temporary permits may be issued by the Administrative Officer, for a period not to exceed six (6) months, for non-conforming uses and structures incidental to the construction of permanent projects. Such permits are conditioned upon the agreement of the applicant to discontinue the use and remove the structures upon the expiration of the permit. Such permits may be renewed for an additional period of six (6) months, upon application to the Administrative Officer.

Recreational vehicles, campers, mobile homes, etc. may be used temporarily as residences under the conditions of this section.

#### Section 4.16 WIRELESS COMMUNICATION FACILITIES

1. An applicant for a telecommunications tower or facility must include both the landowner and the telecommunications provider or must provide a copy of its lease/contract with an existing telecommunications provider. A permit shall not be granted for a tower to be built on speculation.
2. In addition to information otherwise required under this ordinance, all applications for wireless communications facilities shall include the following supplemental information:
  - a. The name and address of the applicant, the record landowners, and any duly appointed agents of the landowners or applicants. If the applicant is not a natural person, the name of the business and the state in which it is registered shall be provided.
  - b. The name, address, and telephone number of the person to be contacted and authorized to act in the event of an emergency.
  - c. The names and addresses of the record owners of all abutting property.
3. Before receiving a permit an applicant shall demonstrate, through certification by a qualified Radio Frequency (RF) engineer, that the proposed facility will comply with all applicable Federal Communications Commission (FCC) rules governing RF radiation and interference. The Board may require post-construction monitoring to ensure compliance.
4. Siting and design of communications facilities (including any support and maintenance structures, necessary access corridors, and utility lines) shall minimize impacts on natural, scenic, and aesthetic resources to the fullest extent possible. The Board is specifically authorized to place, among other conditions, restrictions on the height of a facility above existing rooflines and tree canopies. Lighting shall not be allowed unless specifically required by the Federal Aviation Administration (FAA), and must be shielded from surrounding properties to the greatest extent possible.
5. In the event that the use of a tower or other equipment is discontinued, the site shall be restored to its natural condition, or to the condition that existed prior to construction or installation, as appropriate, within 180 days of discontinuance; the Board may require an applicant to secure a bond ensuring removal and site rehabilitation.
6. If feasible, wireless communications facilities shall be located on existing structures, including but not limited to buildings, water towers, existing communications facilities, and utility poles and towers. An applicant for a new tower or support structure shall have the burden of demonstrating, to the satisfaction of the Board, that there are no existing

structures on which it is feasible to locate. This demonstration shall include, at a minimum:

- a. A map showing other FCC-licensed wireless communications facilities within the town and within ten miles of the proposed site;
  - b. A propagation study, showing why available structures cannot be used to attain the coverage necessary for the applicant to provide service to the town.
7. If a wireless communications facility is proposed for installation on an existing structure, the application shall not be subject to Site Plan Review (other sections of this ordinance notwithstanding), but shall be required to demonstrate the following to the satisfaction of the Board:
- a. that there will be no undue impact to significant historical, cultural, or scenic resources, and that any alterations made to a State- or locally-designated historic structure to accommodate the facility shall be fully reversible;
  - b. that the siting of the facility will not endanger the lives, health, or property of surrounding landowners.
8. The applicant shall request a letter from all emergency responders from Reading and adjacent towns stating whether or not they need space on the proposed tower and/or support structure at the base of the tower. If they do need space, then the applicant must state in writing that it will provide antenna and equipment space at no cost.

## **Article 5 – DEVELOPMENT REVIEW**

### **Section 5.0 GENERAL**

After the effective date of this Ordinance, no land development, building, or structure shall be erected, moved, raised, enlarged, or substantially improved or new uses initiated or constructed until a permit for such activity has been issued by the Administrative Officer as provided in Sections 4448 and 4449 of the Act. A permit shall only authorize the activity as described in the application submitted to the Administrative Officer. Any changes in any plans or representations submitted in accordance with an application for a permit shall require either a new permit or a permit amendment.

If any application is denied, the applicant may appeal this decision to the Zoning Board of Adjustment within fifteen (15) days. Appeals are handled in accordance with Sections 6.2 of these regulations.

If an application is referred to the Planning Commission for Flood Hazard Review, the Administrative Officer's decision whether to grant or deny a permit, or to refer an application for Conditional Use review, must be rendered within ten (10) days of the Planning Commission's decision.

### **Section 5.1 PERMITTED USES**

A permit for a Permitted Use may be granted by the Administrative Officer, provided that it complies with all applicable General Regulations in Article 3 and Specific Use Standards in Article 4, and in accordance with the Act §4449 and the following provisions:

1. Within thirty (30) days of receipt of a complete application, including all application materials and fees (see Section 6.0), the Administrative Officer shall act to either issue or deny a zoning permit in writing, or to refer the application to the Planning Commission, Zoning Board of Adjustment (ZBA) and/or state for consideration. In accordance with the Act §4448, 4449, if the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the day.
2. No zoning permit shall be issued by the Administrative Officer for any use or structure which requires the approval of the Planning Commission, Zoning Board of Adjustment, or Legislative Body until such approval has been obtained. For permit applications that must be referred to a state agency for review, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state.
3. If public notice has been issued by the Legislative Body for their first public hearing on a proposed amendment to these regulations, for a period of 150 days following that notice the Administrative Officer shall review any new application for compliance with the proposed amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of this bylaw §4449(d).
4. A zoning permit shall include a statement of the time within which appeals may be taken under Section 6.2; and shall require posting of a notice of permit, on a form prescribed by

the municipality, within view of the nearest public right-of-way until the time for appeal has expired.

5. The Administrative Officer, within three (3) days of the date of issuance, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices or other designated public place within the municipality for a period of fifteen (15) days from the date of issuance.
6. Development of a Permitted Use may begin on the sixteenth (16th) day after the permit is issued if no appeal has been filed, and other required local permits have been received. An interested party may appeal the decision of the Administrative Officer to the Board of Adjustment in the manner described in Section 6.2 of this Ordinance.

#### 5.1.1 Limitations

The following uses are allowed in all districts subject to Site Plan Approval (Section 5.3):

1. State- or community-owned and operated institutions and facilities;
2. Public and private schools and other 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. Section 6606a.

#### 5.1.2 Exemptions

Except as provided in Section 5.5 of this bylaw, no zoning permit shall be required for the following activities:

1. 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 [§4413(d)]. 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 Administrative Officer prior to any construction, as required for AAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.
2. Accepted management practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)], [however land clearing for development requires a permit](#).
3. 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 Municipal Plan.
4. Hunting, fishing, and trapping as specified under 24 V.S.A. §2295 on private or public land.

5. Garage sales, yard sales and auctions which do not exceed three (3) consecutive days per sale, nor more than twelve (12) total days per calendar year.
6. Residential accessory structures that are less than or equal to 120 square feet in footprint area, 14 feet in height, detached from the primary structure and are set back from property lines according to the requirements of the district in which they are located, and no more than one (1) per lot.
7. Swimming pools with total water surface of less than 120 square feet.

## Section 5.2 CONDITIONAL USES

A permit for a Conditional Use may be granted by the Board of Adjustment. The applicant shall apply to the Administrative Officer, who shall notify the Board of Adjustment when a completed application is received. The Board shall schedule a public hearing within sixty (60) days of receiving such notice (or of the issuance of positive findings by the Planning Commission if Flood Hazard Review is required) and shall render a final decision within forty-five (45) days of the adjournment of the final public hearing. Failure of the Board to issue a decision act within forty-five (45) days of the date of the adjournment of the final public hearing shall be deemed approval, and shall be effective on the 46th day. All decisions, whether to approve, approve with conditions, or disapprove an application for a Conditional Use shall be based upon the general and specific standards in these regulations. All Conditional Uses shall conform to the area and dimension requirements applicable to the district in which such use will be located unless these requirements are duly modified according to Conditional Use or Site Plan review procedures. Appeals of the decisions of the Zoning Board of Adjustment shall be to the Environmental Court in accordance with the Act.

### 5.2.1 General Standards

Before voting to approve a Conditional Use in any district the Board must determine that such 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;
4. the utilization of renewable energy resources; and
5. the Zoning Ordinance then in effect.

### 5.2.2 Specific Standards

In addition to the General Standards, the following Specific Standards shall also apply:

Any Conditional Use:

1. shall not unreasonably interfere with access to, or use and enjoyment of, adjacent properties;
2. shall not deny neighboring properties reasonable and adequate access to light and air (including existing significant views, where appropriate);
3. shall allow for construction or maintenance of public utilities and infrastructure,

where appropriate.

In permitting a Conditional Use, the Board may impose such reasonable conditions as it finds necessary to ensure conformance with the General and Specific standards, and to implement the purposes of the Act and this Zoning Ordinance. These conditions may include, but are not limited to, the following:

1. enlarging the required yard dimensions;
2. limiting the coverage or height of buildings;
3. controlling the location and the number of vehicular access points to the property;
4. controlling the number and location of parking or loading facilities;
5. requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in the character of and in keeping with the surrounding area;
6. specifying a time limit for the construction, alteration or enlargement of a structure which houses a conditional use;
7. requiring adequate access to the site for emergency vehicles.

### **Section 5.3 SITE PLAN REVIEW**

Site Plan Review is generally required for commercial and development type applications excluding day care, group homes, agricultural activities, and one- and two-family homes. Site Plan Review is also required for any Conditional Use and where indicated in Section 2.4.

#### **5.3.1 Application.**

An application for Site Plan Review, including a site development plan prepared in accordance with Section 5.3.5, below, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Planning Commission.

#### **5.3.2 Review Procedure**

The Planning Commission shall schedule a public hearing, warned in accordance with Section 6.4, to consider applications submitted. Applications for Site Plan Review shall be deemed received upon the Planning Commission's determination that the application is complete at a duly warned meeting. In the event that the Commission requires additional information not submitted with the initial application, the application will not be deemed complete until such time as all supplementary materials have been accepted.

On complex developments, applicants are encouraged to request a pre-application meeting to review the project in concept and discuss the information needed for a complete application. The Planning Commission must act to approve or disapprove any application within 60 days of the date on which a completed application is received, and must issue a written decision including findings and conditions. Failure to act within 60 days of receipt of the completed application shall be deemed approval.

### 5.3.3 General Standards

In reviewing site plans, the Commission may impose appropriate conditions and safeguards with respect to adequacy of traffic access, circulation and parking; landscaping and screening; compatibility with surrounding development; noise, vibration, erosion, and dust; and protection of natural resources. Consideration shall be given to traffic mobility and safety on affected streets, impacts on surrounding uses, and to desired land use patterns as encouraged by the Municipal Plan and the zoning regulations of the affected district(s). Conditions may include, but are not limited to, the following:

1. **Compatibility with surrounding development:** The Commission may require the design and placement of structures to conform with the existing relationship of surrounding buildings to the street, the landscape, and to each other, including setback distances, physical orientation, construction materials, and architectural design. Design shall not be limited to any particular style or period, but should be consistent with established trends and patterns in the surrounding area.
2. **Traffic access and circulation:** Among other appropriate safeguards and conditions, the Commission may:
  - a. require the installation of frontage roads, speed change lanes, or other highway design elements on a street or adjacent to any access or connecting roads, if deemed necessary based on current or anticipated conditions.
  - b. limit the number and width of access drives; require consolidation of existing access points.
  - c. limit access to a property to a side street or secondary road in order to avoid access to heavily traveled streets and highways.
  - d. require shared access and/or parking for adjoining properties or for future users of the remainder of a parcel; require the reservation of shared rights-of-way for future roads, parking areas, and pedestrian facilities; allow for consolidation or shared use of required parking spaces between uses.
  - e. require an applicant to commission a traffic impact study from a qualified consultant.
  - f. require the location or relocation of access points on one side of a street or highway directly across from existing access points on the opposite side.
  - g. prohibit the location of parking facilities between the front line of building(s) and the street.
  - h. accommodate existing or future facilities for non-vehicular travel.
3. **Protection of natural resources:** The Commission may require that structures, parking facilities and other development be located so as to avoid impacts to surface waters, wetlands, significant wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. These requirements may include modification of the minimum setback distances of the district.
4. **Historic Resources.** Consideration should be given to the impact of the proposed development on historic structures, on site or on adjacent properties. To the extent

feasible, continued use of historic structures should be encouraged and the appearance of historic structures encouraged.

5. **Character of the neighborhood.** The Commission may consider if the scale and appearance of the proposed development does not adversely affect the character of the neighborhood.

6. **Forest Management & Pre-application Site Development.** Forest management activities designed as pre-development site preparation shall be reviewed by the Planning Commission to determine compliance with the standards set forth in this section. Such activities include, but are not limited to, road and driveway construction, excavation related to the upgrade and conversion of logging roads to development roads or driveways, clearing and/or grading for house sites and septic systems, or related work. Where a landowner fails to submit pre-development plans for review, the Commission may direct the manner in which the site will be restored or re-vegetated prior to development and/or limit development to a portion of the property which best meets the standards of this district.

#### **5.3.4 District and Use Recommendations**

To sustain the Town's goals of maintaining its rural character and heritage of compact village centers surrounded by rural countryside, development in the different zoning districts should complement each other, foster the Town's goals, and may be considered in Site Plan Review.

1. **Village Districts.** Within these districts, site plan should reinforce a traditional, compact village development pattern characterized by pedestrian scale, functional and visual integration of neighboring properties and a mix of uses. To help achieve these objectives, the following suggestions may be considered:
  - a. Buildings should be oriented to define a streetscape through a consistent building line and setbacks. Buildings may be clustered around a common focal point, such as a green or public courtyard, while maintaining an appropriate visual and functional relationship with public roads.
  - b. Consideration should be given to the layout and design of development located at village edges, including entrances or gateways along public roads. Structures should be clustered and integrated within the traditional village pattern, present a well-defined edge between the built environment and surrounding open space, and visually enhance village entrances.
2. **Rural Residential Districts.** Within rural districts, site plans should be designed to maintain the rural character of the Town's working landscape and to avoid undue adverse impacts on farmland, forestry, scenic and natural areas. To help achieve these objectives, the following suggestions may be considered:
  - a. The siting of structures, driveways and parking areas should be compatible with existing site features and topography. Structures should be clustered and/or sited to preserve the rural and scenic character of the site and avoid the development or fragmentation of open meadows and productive farm and forest land.
  - b. Building design should be compatible with the rural landscape through scale

and orientation of the buildings, and design elements characteristic of Vermont's historic rural landscape.

#### 5.3.5 Requirements

Site plans shall show or designate the following:

1. All site plans
  - a. The location, height, and spacing of existing and proposed structures.
  - b. Open spaces and their landscaping.
  - c. Streets.
  - d. Driveways.
  - e. Off-street parking spaces.
  - f. All other physical features, including surface waters and wetlands, stone walls and fences, and elevations and contours.
  - g. Acreage of entire parcel, with existing and proposed lot boundaries.
  - h. Areas designated by the Vermont Agency of Natural Resources as critical wildlife habitat or as known locations of endangered or threatened species.
2. Wireless communications facilities
  - a. A report from a qualified and licensed professional engineer that describes the tower height and design including a cross section and elevation.
  - b. A written five-year plan for use of the proposed facility, including reasons for seeking capacity in excess of immediate needs, as well as plans for further developments and coverage within the Town.
  - c. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use.
  - d. Vicinity Map showing the entire vicinity within a 2500-foot radius of the tower site, including the topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites, and areas designated by the Vermont Agency of Natural Resources as critical wildlife habitat or as known locations of endangered or threatened species. It shall indicate the property lines of the proposed tower site parcel and all easements or rights of way needed for access from a public way to the tower.
  - e. Proposed plans of entire development indicating all improvements including landscaping, screening, power lines, storage and maintenance buildings, and roads.
  - f. Elevations showing all facades and indicating all exterior materials and color of towers.

Hearings for Conditional Use and Site Plan approval may be consolidated, at the discretion of the Board of Adjustment.

#### 5.4 PLANNED UNIT DEVELOPMENT (hereinafter called P.U.D.)

#### 5.4.1 Purpose

The purpose of a P.U.D is:

1. To provide for conservation of open space, e.g. agricultural land, forest land, trails, critical and sensitive natural areas, scenic resources, and flood hazard areas;
2. To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands;
3. To encourage and enable flexibility of design and development of land and to promote the most appropriate use of the land as articulated in the Town Plan and zoning bylaws;
4. To facilitate the adequate and economical provisions of streets and utilities.
5. To encourage the provision of affordable housing; and
6. To encourage and preserve opportunities for energy-efficient development and redevelopment.

#### 5.4.2 General

In zoning districts R1, RC-A, RR-5, RR-10 and RR-25, for the permitted and conditional uses allowed in those districts, an owner of a tract of land, or his duly authorized agent may in connection with the subdivision of his/her tract request that the Planning Commission modify the zoning regulations. Modification of the zoning regulations may be permitted by the Planning Commission and Zoning Board of Adjustment after approval of the subdivision plat through combined Conditional Use and Site Plan Review. The combined boards may, as a condition of granting said modifications, impose such

restrictions and conditions as it deems necessary to assure the proper development of the tract as a P.U.D.

#### 5.4.3 Review Procedure

1. **Pre-Application Meeting.** A pre-application meeting shall be held with the applicant, Planning Commission, and town officials to discuss the nature and scope of the proposed PUD. Prior to the meeting, the applicant shall provide a brief description and sketches of the PUD including basic site data, proposed uses, density and treatment of open spaces and other resources. Within thirty days after the Pre-Application Meeting, the Planning Commission shall provide the applicant with written comments and recommendations on the proposal to guide the applicant in preparing the PUD application.
2. **Application.** The applicant shall file an application with the Planning Commission and ZBA and include materials required for site plan approval (see Section 5.3). Also, applicant shall include a description of the PUD and rationale for it, response to the Planning Commission's prior comments, description of buildings, open spaces and resource protection plans, and supporting information that the Planning Commission may deem necessary to determine if the PUD meets town standards.
3. **Public Hearing and combined ZBA/Planning Commission Action.** Within 30 days of receipt of completed application, the ZBA and Planning Commission shall hold a joint public hearing per Section 6.4. Within 45 days after the public hearing, the ZBA

and Planning Commission shall provide a written ruling on the PUD including conditions, modifications, and/or reasons for approval or disapproval. Copies of the decision shall be sent to the applicant and interested parties appearing at the hearing.

4. Any modifications of the zoning regulations approved under this section shall specifically set forth the conditions and criteria for the number, the bulk, and the spacing of buildings and/or lots and the limitations on subsequent subdivision thereto. These shall be noted as amendments to the plat. Once approved, the plat, with amendments, shall be recorded in the Reading Land Records. This shall be done prior to the sale or development of any of the lands described thereon. This plat shall also be referred to and incorporated by reference in any deed or other instrument conveying an interest in all or a portion of said lands.

#### 5.4.4 General Development Standards

PUDs, including any modifications of the zoning bylaw to be approved by the ZBA and Planning Commission, shall be subject to the following conditions and standards:

1. The PUD will meet Subdivision and Site Plan Review standards under Section 4.14 and 5.3, respectively and be consistent with the Reading Town Plan.
2. The PUD shall be a unified treatment of the possibilities of the site, making provision for the preservation of surface and groundwaters, stream banks, slopes with gradient in excess of 25 percent, wetlands, soils unsuitable for development due to shallow depth to bedrock or high water table, limitations for on-site sewage disposal, agricultural lands, historic or archeological sites, natural areas, wildlife habitat, ridgelines and hilltops, flood plains, and scenic views and vistas. Predominant uses of the site may include those permitted and/or conditional uses allowed within the district where the project is proposed.
3. The overall density of the project shall not exceed 125 percent of the number of dwelling units permitted if the land were subdivided into lots in accordance with the standards for the district(s) in which the land is situated, except where specifically permitted in these regulations and as permitted below:
  - a. an additional density bonus of up to 25% of the permitted overall density may be permitted in any district in instances in which not less than 50% of the total acreage involved is set aside as open space in accordance with Subsection 9, below; or
  - b. an additional density bonus of 25% of the permitted overall density may be permitted in instances in which not less than 20% of the total number of dwelling units created are affordable housing units, as defined in Article 7.
4. Where a district boundary line divides a parcel, the ZBA and Planning Commission may allow the development of a single PUD with a total density based on the allowable density of each district. Contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted density on one parcel may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted if the land were subdivided into lots in conformance with district regulations.

5. A greater concentration or intensity of residential development may be located within some portion(s) of the site provided there is an offset by a lesser concentration in another portion(s) or an appropriate reservation of open space on the remaining land in accordance with Subsection 9, below.
6. The dwelling units permitted may, at the discretion of the ZBA and Planning Commission, be of varied types including one-family, two-family, and multi-family.
7. The minimum front, side and rear yard setbacks at the periphery of the PUD shall be as required for the district unless specified by the ZBZ and Planning Commission. The ZBA/Planning Commission may consider other setback standards, such as zero lot lines as part of its review. The ZBA/Planning Commission may impose restrictions on the height and spacing of buildings; greater setback and screening requirements for structures and parking areas and other development along the perimeter of the project, and between development areas and common open space areas.
8. The minimum size of any subdivided lot shall be one (1) acre. Each such lot shall comply with all existing regulations for one-acre residential lots, and shall meet all local and state health regulations for water supply and sewage disposal.
9. Provision for preserved open space shall be made and dedicated, either in fee or through a conservation easement approved by the ZBA/Planning Commission to the Town, a community association comprising all of the present and future owners of lots in the subdivision, or a nonprofit land conservation organization. Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long-term stewardship. The location, size and shape of lands set aside to be preserved for open space shall be approved by the ZBA/Planning Commission, in accordance with the following:
  - a. Open space shall provide for the protection of identified resources, including farmland, productive forest, significant wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, historic and archeological sites, and scenic views and vistas. Generally open space shall be at least 50% of the total area.
  - b. Open space shall be suitably improved and/or maintained for its intended use, except for open space containing natural or cultural resources worthy of preservation which may be required to be left unimproved.
  - c. Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can show that they will not detract from the values for which the open space is to be protected.
10. Roads developed in a P.U.D shall be built to Town of Reading specifications. A road which is a "dead end" shall have a minimum turn-around area with a radius of 100 feet, in which no parking is allowed.
11. Principle buildings and mixed uses (where permitted) shall be arranged to be compatible, and buffered as appropriate to ensure visual and acoustical privacy for

residents of the development and for adjacent properties.

12. The development shall not exceed, in the ZBA/Planning Commission's judgment the Town's capacity for services and facilities. If the ZBA/Planning Commission finds an excessive burden will be placed on town services, it can require the developer to provide comparable private services or share the cost with the Town.

## **Section 5.5 FLOOD HAZARD REVIEW**

### 5.5.1 Title and Enactment

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established these Flood Hazard Area Zoning Regulations for areas of special flood hazard in the Town of Reading, Vermont.

### 5.5.2 Purpose

It is the purpose of these regulations to:

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
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
3. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
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.

### 5.5.3 Applicability

These regulations shall apply to all areas in the Town of Reading, Vermont identified as areas of special flood hazard, also referred to as Special Flood Hazard Areas (SFHA), 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.

The Flood Insurance Study and maps are on file in the Reading Town Offices.

### 5.5.4 Administration

1. **Designation of the Administrative Officer for these Flood Hazard Regulations.** The Selectboard of the Town of Reading hereby appoints the Administrative Officer to administer and implement the provisions of these regulations.
2. **Duties and Responsibilities of the Administrative Officer.** The Administrative Officer is hereby authorized and directed to enforce the provisions of this ordinance. The administrative officer is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties of the Administrative Officer shall include, but not be limited to:

- a. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- b. Advise permit applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. Require permit applicant to obtain a Permit Review Sheet from the Agency of Natural Resources and attach it to the permit application. (See Section 5.5.6 (1)(b)(5) and (c)(5) herein)
- c. Notify adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section 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.
- d. **Where base flood elevation (BFE) data is available per Section 5.5.7 or the Flood Insurance Rate Map (FIRM)**, or other available data verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 5.5.8.
- e. **Where BFE data is available per Section 5.5.7 or the Flood Insurance Rate Map (FIRM)**, or other available data verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 5.5.8.
- f. When no elevation data is available per Section 5.5.7 in AO Zones and A Zones without elevations, verify and record elevation of the lowest floor on the proposed structure in relation to highest adjacent grade and verify that the elevation of the lowest floor exceeds by one foot the elevation determined pursuant to subparagraph h. of this Section 5.5.4 (2).
- g. Review certified plans and specifications for compliance.
- h. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (determination of the horizontal limits only, not vertical) the Administrative Officer shall make the necessary interpretation. The person contesting the location of the boundary may appeal the interpretation to the ZBA.
- i. When base flood elevation data or floodway data have not been provided in accordance with Section 5.5.7, then the Administrative Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 5.5.8.
- j. Prior to issuing a permit the Administrative Officer shall submit a copy of the application and supporting information 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.

- k. Provide information, testimony, or other evidence, as needed, during variance request hearings.
- l. When damage occurs to a building or buildings, the following actions shall be conducted:

- 1) Determine whether damaged structures are located within the Special Flood Hazard Area;
  - 2) Conduct damage assessments for those damaged structures located in the SFHA; and,
  - 3) Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.
3. **Record Keeping.** The Administrative Officer shall maintain a record of:
- a. All permits issued for development in areas of special flood hazard;
  - b. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) in relation to mean sea level or, where base flood elevation data is not available, in relation to highest adjacent grade, of the lowest floor, including basement, of all new or substantially improved buildings;
  - c. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) in relation to mean sea level, to which buildings have been floodproofed;
  - d. All flood proofing certifications required under this regulation; and
  - e. All variance actions per Section 5.5.9(2)(f), including justification for their issuance.

#### 5.5.5 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 Zoning Board of Adjustment (ZBA) is required for the following prior to being permitted by the Administrative Officer:

1. New buildings;
2. Substantial improvement of existing buildings; and,
3. Development in a floodway;

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.

#### 5.5.6 Procedures

1. Applications and Hearings
  - a. All applications for permits for development in the SFHA must be heard as a conditional use by the ZBA. Those hearings shall be scheduled, noticed and heard using the same procedures as other conditional uses under these Zoning Regulations.

b. Submission Requirements. Applications for Flood Hazard Review shall include

- 1) Two (2) copies of a map drawn to scale showing:
  - a) The dimensions of the lot;
  - b) The location of existing and proposed structures;
  - c) The elevation above mean sea level of the lowest floor, including basement, either:
    - i) in relation to mean sea level where base flood elevation data in relation to mean sea level is available, or
    - ii) in relation to the elevation determined pursuant to Section 5.5.7 (2), or
    - iii) if neither i) or ii) apply for lack of a determined elevation, in relation to the highest adjacent grade.
  - d) The relationship of the above to the streambank and, based upon the best information available (including Federal Insurance Administration data, if issued), the elevation and limits of the SFHA.
- 2) If any portion of the proposed development is within a designated Floodway, the application must show that the development standards in Section 5.5.8 (3) are met.
- 3) If the proposed development is in the Floodway Fringe Area(s), the application must show that the development standards in Section 5.5.8 (4) are met.
- 4) All permits required for the proposed development by municipal law.
- 5) The applicant shall contact a permit specialist at ANR and request the specialist to complete a permit review for the project. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the Town permit application.

c. Review Procedure.

The ZBA shall review the application, comments from the the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section, if available, and other pertinent information available to insure compliance with the development standards set forth in Section 5.1.8.

- 1) The ZBA shall review the application and assure that all permits required for the proposed development by municipal law have been received by the applicant.
- 2) If the ZBA approves the proposed project, among other conditions, the ZBA shall, in its decision, make the approval contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the

project review sheet.

- 3) The permit issued by the Administrative Officer after the ZBA approval shall contain, among other conditions, a statement that the validity of the permit is contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the project review sheet.
- 4) Applicant is required to obtain the legally required permits from the entity indicated on the permit review sheet, or, if it is determined by that agency that a permit is not required, a letter so stating from the agency, and as received provide copies of the permit or letter to the Administrative Officer for the applicant's file.

#### 5.5.7 Base Flood Elevations and Floodway Limits

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 (see Section 5.5.3) shall be used to administer and enforce these regulations.
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, the Administrative Officer shall obtain and utilize base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, including data developed pursuant to Section 5.5.8 (4)(c) or (d) to administer and enforce these regulations. "Available" base flood elevations and floodway data means existing and readily available from State or Federal agencies or from data previously obtained pursuant to Section 5.5.8 (4)(c) or (d) of this bylaw. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation," dated July 1995.
3. In special flood hazard areas with base flood elevations (Zones AE, AH and A1 – A30) but without floodways, no encroachments, including fill material or structures and substantial improvement of a structure, shall be permitted certification by a Vermont registered professional engineer is provided demonstrating 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. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles. (See also Section 3.10).

#### 5.5.8 Development Standards

1. **All Development.** All development shall be reasonably safe from flooding and:
  - a. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
  - b. Constructed with materials resistant to flood damage,
  - c. Constructed by methods and practices that minimize flood damage, and

- d. 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.
  - e. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway fringe.
2. **Permitted Uses.** The following uses within the SFHA can be permitted by the Administrative Officer, including: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require certification (with supporting technical data) by a Vermont registered professional engineer demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. The uses in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations.
3. **Floodway Areas.**
- a. Development within the regulatory floodway, as determined by Section 5.5.7, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a Vermont registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood. Such development shall be subject to conditional use review by the ZBA.
  - b. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.
  - c. All development in the regulatory floodway shall meet the standards of Section 5.5.8 (4), below.
4. **Floodway Fringe Areas.** (i.e., special flood hazard areas outside of the floodway)
- a. Residential Development:
    - 1) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
    - 2) Manufactured homes to be placed and existing manufactured homes, which have incurred substantial damage or are to be substantially improved, that are:

- a) 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 at or above the 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. The required elevation and adequate anchoring must be certified in writing by a Vermont registered professional engineer.
  - b) located in an existing manufactured home park, where elevating a replacement home to or 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 36 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement. The required elevation and adequate anchoring must be certified in writing by a Vermont registered professional engineer.
- 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.
- b. Nonresidential Development:
- 1) New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above one foot above the base flood elevation.
  - 2) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or 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.
  - 3) A permit for a building proposed to be floodproofed shall not be issued until a Vermont 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.
  - 4) Nonresidential 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.

- c. Residential and Nonresidential Development in SFHA where BFE or floodway data is not available.

When base flood elevation data or floodway data are not available in accordance with Section 5.5.3 and Section 5.5.7 (2)., in Special Flood Hazard Areas without Base Flood Elevation Data, new construction or substantial improvements of residential structures shall be elevated, and new construction of nonresidential structures shall be elevated to elevations adopted / established by the community. Substantial improvement of nonresidential structures shall be elevated or floodproofed. The administrator officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5 of this ordinance. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation," dated July 1995.

- d. Subdivisions:

- 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.
- 2) Subdivisions (including manufactured home parks) shall be designed to assure:
  - a) Such proposals minimize flood damage within the flood-prone area;
  - b) Public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
  - c) Adequate drainage is provided to reduce exposure to flood hazards.

- e. Enclosed Areas Below the Lowest Floor:

- 1) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.
- 2) New construction and existing buildings to be substantially improved 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.
- 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.

- f. Recreational Vehicles. Recreational Vehicles placed on sites with special flood hazard areas shall either:
  - 1) Be on the site for fewer than 180 consecutive days;
  - 2) Be fully licensed and ready for highway use; or,
  - 3) Be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in Section 5.1.8 (4)(a)(2).
- g. Accessory Structures. A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building meets the following requirements:
  - 1) The structure must only be used for parking or storage,
  - 2) The structure must have the required openings to allow floodwaters in and out,
  - 3) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
  - 4) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
  - 5) all building utility equipment including electrical and heating must be elevated or floodproofed.
- h. Water Supply Systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- i. 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.
- j. 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.
- k. Watercourse Carrying Capacity. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- l. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of one foot above the Base Flood Elevation;
- m. Bulk or individual fuel storage tanks. All fuel storage tanks shall be located a minimum of one foot above the Base Flood Elevation and be tied down to prevent flotation. No underground fuel storage tanks are allowed in the SFHA.
- n. All development. Until a regulatory floodway is designated, in Zones A1-A30 and AE the requirements of Section 5.5.7 (3) shall be met.

### 5.5.9 Variances

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.

1. **Matters to be Considered in Variance Procedures.** In passing upon such applications, in addition to the requirements of said § 4469, the ZBA shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger of life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  - l. Upon consideration of factors listed above, and the purpose of these regulations, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
2. **Procedures for Variance Hearings.** In addition to the requirements of 24 VSA § 4469, in considering variances to these flood hazard area regulations, the ZBA shall follow the following procedures, which include the procedures for the granting of variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations:
  - a. No-Impact Certification within the Floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result. A No-Impact

Certification within the Floodway from a Vermont registered professional engineer is required to satisfy this prohibition set forth in 44 CFR, Section 60.6(a)(1).

- b. Variances may be issued for new construction and substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures set forth in 5.5.9 (2)(c) through (f). herein.
- c. Variances shall only be issued when there is:
  - 1) A showing of good and sufficient cause;
  - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- e. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - 1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and,
  - 2) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Administrative Officer in the Office of the Town Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- f. The Administrative Officer will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's annual or biennial report submission to the Federal Emergency Management Agency or State NFIP Coordinator upon request.
- g. Historic Structures. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
- h. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- 1) The criteria of paragraphs 5.5.9 (2)(a) through (d) of this section, above, are met, and
- 2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

#### 5.5.10 Warning of Disclaimer of Liability

These regulations do 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. These regulations shall not create liability on the part of the Town of Reading or any town official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

#### 5.5.11 Precedence of Regulations

The provisions of the regulations in this Section 5.5 of this bylaw shall not in any way impair or remove the necessity of compliance with any other applicable ordinances. Where the regulations in this Section 5.5 of this bylaw impose a greater restriction, the provisions of the regulations in this Section 5.5 shall take precedence.

#### 5.5.12 Enforcement and Penalties

It shall be the duty of the Administrative Officer to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 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 notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period 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 alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still noncompliant after the opportunity to cure has passed, the Administrative 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.

## Article 6 – ADMINISTRATION, ENFORCEMENT, AND APPEALS

### Section 6.0 Permit Requirements

1. **Zoning Permit.** In accordance with the Act [§4449], the application for and receipt of a zoning permit issued by the Administrative Officer shall precede any initiation of development as defined herein, except for development which is specifically exempted from these regulations under Section 5.1.2. Additionally any development may require a State permit for a new or altered on site waste disposal system. Renovations or alterations of any commercial, retail, or rental unit may also require a construction permit from the State to be obtained from the Division of Fire Safety (contact a Permit Specialist at 802 885 8850). Compliance with any property specific restrictions or covenants is the responsibility of the applicant or property owner. For other business licenses contact the Town Clerk.
2. **Application Requirements.** Applications for zoning permits shall be submitted to the Administrative Officer on approved application forms available at the Town Offices, with the correct application fee as established by the Selectboard. In addition, the following information will be required as applicable:
  - a. **Permitted Uses.** The application for a permitted use shall include a sketch of the lot which clearly and accurately depicts:
    - the dimensions of the lot, including existing and proposed lot lines;
    - the location, footprint and height of existing and proposed structures and additions;
    - the location of existing and proposed easements, rights-of-way, and utilities;
    - setback distances from property lines, rights-of-way, surface waters and wetlands; and
    - additional information as requested to determine project conformance with these regulations.
  - b. **Other Uses.** In addition to the above permit application requirements, an application for development requiring approval under conditional use, site plan, flood hazard area, and/or planned unit or planned residential development review shall include a site development plan prepared in accordance with Article 5.
3. **Issuance of Zoning Permits.** No zoning permit shall be issued by the Administrative Officer until a complete application, including all forms, materials, and fees, has been received, and all applicable approvals have been obtained in accordance with the following provisions:
  - a. No zoning permit shall be issued by the Administrative Officer for any use or structure which requires approval of the Planning Commission, Zoning Board of Adjustment, Selectboard, Sewage Officer, and/or Health Officer until such approval has been obtained.
  - b. For uses within the Flood Hazard Area Overlay District requiring state agency referral , no zoning permit shall be issued until the expiration of 30 days following the submission of a report to the the Vermont Department of Environmental Conservation in accordance with the Act §4424(2)(D).

- c. If public notice is issued with respect to amendment of these regulations, the Administrative Officer shall continue to issue any zoning permit for a development affected by the amendment, until the effective date of adoption of the amendment.
  - d. Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the Administrative Officer shall act to either issue or deny a permit in writing, or to refer the complete application to the Planning Commission or ZBA, pursuant to the Act [~~§§4448, 4449~~]. If the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the day. Decisions shall be sent by certified mail to the applicant explaining any conditions of approval or reasons for denial, and include a statement of the time in which an appeal may be made under Section 6.2.
  - e. Each permit issued shall require the applicant to post a notice of permit, on a form prescribed by the Town, within view from the public right-of-way nearest to the subject property until the time for appeal has passed.
  - f. Within three (3) days of issuance, the Administrative Officer shall deliver a copy of the permit to the Listers, and post, for a period of 15 days from issuance, a copy at the Town Office.
4. **Effective Dates.** No zoning permit shall take effect until the time for appeal under Section 6.2 has passed or, in the event that a notice of appeal has been properly filed, until final adjudication of the appeal. A zoning permit shall remain in effect for a period of one (1) year from the date of issuance. If the work described therein is not commenced and diligently prosecuted within this one-year period, the zoning permit shall become void. All associated approvals (conditional use, site plan, etc.) shall expire with the zoning permit
5. **Administrative Review.** In accordance with the Act [~~§ 4464~~] the Administrative Officer may review and approve new development and amendments to previously approved development.
- a. The Administrative Officer may approve amendments to previously approved development providing it shall not have the effect of substantively altering any impact under any of the standards set forth in the bylaw or have the effect of substantively altering any of the findings of fact or conditions of the most recent approval.
  - b. The Administrative Officer may approve a one year extension of the permit expiration date after written request and explanation of the reason for the extension by the applicant and signed by the property owner.

#### Section 6.1 ENFORCEMENT

Penalties and remedies for violations of these regulations shall be as prescribed in Sections 4444 and 4445 of the Act.

#### Section 6.2 APPEALS

Any interested person as defined under §4464(b) of the Act may appeal a decision or act of the Administrative Officer within 15 days of the date of the decision or act by filing a notice of appeal with the Secretary of the Board of Adjustment, or the Municipal Clerk if no Secretary has been elected, and by filing a copy of the notice with the Administrative Officer.

1. The Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required under §4467. The Board shall give public notice of the hearing under §4467, and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
2. The Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant §4470.
3. In accordance with the §4467, all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes 3 V.S.A. §810. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Board from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.
4. A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under the Act §4470. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Municipal Clerk as part of the public records of the municipality, in accordance with §4470. Failure of the Board to issue a decision within this 45 day period shall be deemed approval and shall be effective on the day.

#### 6.2.1 Interested Persons

The definition of an interested person under the Act §4464(b) includes the following:

1. a person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
2. the Town of Reading or any adjoining municipality;
3. a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's 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 ten (10) voters or property owners within the municipality who, by signed petition to the Board of Adjustment, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality; and
5. any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

### 6.2.2 Notice of Appeal to Board of Adjustment

A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the Act §4466:

1. the name and address of the appellant,
2. a brief description of the property with respect to which the appeal is taken,
3. a reference to applicable provisions of these regulations,
4. the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
5. the alleged grounds why such relief is believed proper under the circumstances.

### 6.2.3 Appeals to Environmental Court

In accordance with the Act §4471, an interested person who has participated in a regulatory proceeding of the Zoning Board of Adjustment may appeal a decision rendered by the Board of Adjustment under the Act §4468, within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

1. "Participation" in a ZBA proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Municipal Clerk, or the Administrative Officer if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

## Section 6.3 VARIANCES

The Board of Adjustment shall hear and decide requests for variances as required by the Act §4468(a) and appeal procedures under §4467. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;

3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and
5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

#### 6.3.1 Renewable Energy Structures

Where a variance is requested for a structure that is primarily a renewable energy resource structure, in accordance with the Act §4469(b), the Board may grant such variance only if *all* of the following facts are found in the affirmative and specified in its written decision:

1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;
2. The hardship was not created by the appellant;
3. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
4. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect.

#### Section 6.4 Administrative Requirements

1. **Appointments.** The following appointments shall be made in association with the administration and enforcement of these regulations as provided for in the Act:
  - a. **Administrative Officer.** The Selectboard shall appoint an Administrative Officer, from nominations received from the Planning Commission, for a term of three (3) years in accordance with the Act [§4448]. In the absence of the Administrative Officer, the Selectboard may also appoint an Acting Administrative Officer from nominations submitted by the Planning Commission. The Administrative Officer shall administer these regulations literally, and shall not have the power to permit any development that is not in conformance with them. The Administrative Officer will also be responsible for providing municipal permit information to applicants, coordinating associated permitting and approval processes, and maintaining permit records.
  - b. **Zoning Board of Adjustment.** Members of the Zoning Board of Adjustment, which may consist of the members of the Planning Commission, shall be appointed by the Selectboard in accordance with the Act [§4460]. One or more alternates also may be appointed by the Selectboard to serve for members in the event of an absence or conflict of interest. The Board shall adopt rules of procedure and rules of ethics with

regard to conflicts of interest to guide its official conduct in accordance with the requirements of the Act [§§4461, 4464] and Vermont's Open Meeting Law [1 V.S.A., §310-314]; and shall have powers and duties set forth in the Act to administer the provisions of this bylaw, including but not limited to the power to hear and decide:

- appeals from any decision or act of the Administrative Officer under Section 6.2;
- variance requests under Section 6.3;
- applications for conditional use approval under Section 5.2; and
- applications for flood hazard review under Section 5.5.

c. **Planning Commission.** The Selectboard in accordance with the Act [§§4321, §4323] shall appoint members of the Planning Commission. The Planning Commission shall adopt rules of procedure to guide its official conduct in accordance with the requirements of the Act [§4323] and Vermont's Open Meeting Law [1 V.S.A., §310-314]; and shall have powers and duties as set forth in the Act [§§4325, 4441], including the powers to:

- prepare and review proposed amendments to these regulations;
- prepare reports documenting the conformance of proposed bylaw amendments to the Reading Town Plan in effect;
- review applications for site plan approval under Section 5.3;
- review applications for planned unit development under Section 5.4;
- review applications for subdivision of land under Section 4.14 (and site plan review under Section 5.3).
- prepare and submit to the Selectboard a Capital Budget and Program;
- hold warned public hearings on proposed amendments to these regulations; and
- participate as statutory party under Act 250 review procedures.

2. **Fee Schedule.** In accordance with the Act [§4440], the Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the town's administrative costs. The Selectboard may also establish procedures and standards for requiring an applicant to pay for the reasonable costs of an independent technical review of an application.

3. **Hearing Notice Requirements.**

a. Pursuant to the Act [§4464], a warned public hearing shall be required for conditional use review (Section 5.3), planned unit development applications (Section 5.5), flood hazard review (Section 5.6) and appeals and variances (Sections 6.1 and 6.2). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by *all* of the following:

- 1) publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town,
- 2) posting of the same information in three (3) or more public places within the municipality in conformance with the requirements of state statute [1 V.S.A., §312(c)(2)], including the posting of a hearing notice within view from the

public right-of-way nearest to the property for which the application is being made;

- 3) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
  - 4) for hearings on Planned Unit Development subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.
- b. Public notice of all other types of quasi-judicial development review proceedings, including site plan review hearings (Section 5.3), shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:
- 1) posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality in conformance with the requirements of state statute [1 V.S.A., §312(c)(2)], and
  - 2) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- c. No defect in the form or substance of any required public notice under this section shall invalidate the action of the Planning Commission or ZBA where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Planning Commission or ZBA or the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.
- d. Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with the Act [ §§ 4441, 4444].

#### 4. Meeting & Hearing Requirements.

- a. **Zoning Board of Adjustment.** In accordance with the Act [ §§4461, 4464], all meetings and hearings of the Zoning Board of Adjustment, except for deliberative and executive sessions, shall be open to the public. In addition:
- 1) For the conduct of any meeting and the taking of any action a quorum shall be not less than a majority of the members of the Board, and any action shall be taken by a concurrence of the majority of the Board.
  - 2) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and

shall keep records of its examinations and other official actions which shall be filed immediately in the Town Office as public records.

- 3) Public hearings shall be noticed and warned in accordance with Section 6.4 (1). In any regulatory hearing of the Zoning Board of Appeals (ZBA) there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under Section 6.2 to demonstrate that the criteria for achieving such status are met. The Board shall keep a written record of the name, address, and participation of each of these persons.
- 4) The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review.
- 5) The Board may recess a public hearing on any application or appeal pending submission of additional information, but should close evidence promptly after all parties have submitted requested information.

**5. Decisions.** In accordance with the Act [§4464(b)], the Planning Commission or ZBA may recess proceedings on any application pending the submission of additional information. The Board will close evidence promptly after all parties have submitted requested information, and shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the day.

- a. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under Section 6.2.
- b. In rendering a decision in favor of the applicant, the Planning Commission or ZBA may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the Town Plan currently in effect. This may include, as a condition of approval the submission of a three (3)-year performance bond, escrow account, or other form or surety acceptable to the Reading Selectboard, which may be extended for an additional three (3)-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project.
- c. All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or to the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Town Clerk as part of the public record of the municipality, in accordance with Section 6.4 (6).
- d. In accordance with the Act [§4464(c)], any decision issued by the Planning Commission or ZBA may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the Administrative Officer, rather than Board review, in accordance with the following, which shall be specified in the Board's decision:

- 1) The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.
  - 2) The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of these regulations, or any of the thresholds or conditions set forth in the decision.
  - 3) No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any Board approval in effect.
  - 4) Any decision of the Administrative Officer authorized in this manner may be appealed to the ZBA in accordance with Section 6.2.
6. **Recording Requirements.** The Administrative Officer shall maintain a complete record of all applications, reviews, decisions, appeals, and variances made under these regulations, and any administrative actions taken pursuant thereto.
- a. In accordance with the Act [~~§~~ 4449(c)], within thirty (30) days after a municipal land use permit, including but not limited to a zoning permit and associated approvals, has been issued, or within thirty (30) days of the issuance of a notice of violation, the Administrative Officer shall deliver the original or a legible copy of the municipal land use permit or notice of violation, or a notice of the municipal land use permit generally in the form set forth in 24 V.S.A. subsection 1154(c), to the Town Clerk for recording as provided in 24 V.S.A. 1154(a). The applicant may be charged the cost of recording fees.
8. **Availability & Distribution of Documents.** In accordance with the Act [§4445], copies of these regulations, other related municipal regulations and ordinances, and the Town Plan shall be made available to the public during normal business hours in the Town Clerk's Office.

#### Section 6.5 RECORDS

The Administrative Officer shall maintain a complete Record of all the applications, reviews, decisions, appeals and variances made under these regulations and any administrative actions taken pursuant thereto.

## **Article 7 – GLOSSARY**

### **Section 7.0 – CLARIFICATION OF WORD MEANINGS**

Doubt as to the precise meaning of any word used in these regulations shall be clarified by the Board of Adjustment. The definitions established in the Town of Reading Health Ordinance and the Vermont Planning and Development Act shall apply to these Regulations unless a different definition is provided herein.

### **Section 7.1 – DEFINITIONS**

For the purpose of these regulations, words used in the present tense include the future, the singular includes the plural and vice versa. The word "shall" is mandatory. The word "applicant" includes an individual, partnership, association, corporation or other organization. The word "structure" includes "building."

A ZONE AREA means that portion of the SFHA subject to a one percent chance of being equaled or exceeded in any given year. In the A Zone the base floodplain is mapped by approximate methods, i.e. BFEs are not determined. This is often call unnumbered A Zone or approximate A Zone.

A1 – A 30 AND AE ZONE is the Special Flood Hazard Area inundated by the 100-year flood, base flood elevations are determined.

ACCESSORY USE OR STRUCTURE - A use or structure that is incidental and subordinate to the principal use or structure, located on the same lot, and operated and maintained under the same ownership.

ACCESSORY APARTMENT, ATTACHED - An Attached Accessory Apartment is a single, self-contained, dwelling unit with its own sleeping, cooking and sanitary facilities, located within, or attached to, a primary single-family residence occupied by the owner.

ACCESSORY APARTMENT, DETACHED - A Detached Accessory Apartment is a single, self-contained dwelling unit with its own sleeping, cooking, and sanitary facilities, on a lot containing a single-family residence.

ADMINISTRATIVE OFFICER means the person appointed by the Selectboard to administer and implement the provisions of these regulations, who is also referred to at the Administrative Officer.

AFFORDABLE HOUSING - Housing that is either (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance and condominium association fees, is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

**AFFORDABLE HOUSING DEVELOPMENT** - A housing development of which at least 20 percent of the units or five (5) units, whichever is greater, are affordable units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years, or as otherwise provided in these zoning regulations.

**AGRICULTURAL USE** - The use of one or more acres of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, silviculture, or animal or poultry husbandry, including incidental farm structures and storage of machinery and agricultural produce.

**AGRICULTURE AND FORESTRY PRODUCT PROCESSING** - The processing of agricultural or forestry products ~~which are grown primarily on the site~~, for sale to or consumption by others.

**AREA OF SHALLOW FLOODING** - A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** - The land in the flood plain within a community subject to Inundation by the base flood and/or flood-related erosion hazards as shown on a FIRM as Zone A, AE, AO, AH, A1-30, or AE.

**BASE FLOOD** - 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** - Any area of the building having its floor subgraded (below ground level) on all sides.

**BED AND BREAKFAST** - An owner-occupied dwelling in any zoning district that provides overnight or short stay accommodations and breakfast.

**BOARDING HOUSE** - A dwelling in which people are sheltered or fed, or both, for profit.

**BUILDING** - A structure having a roof supported by columns or walls that is intended for the shelter or enclosure of persons, animals, or tangible property.

**CAMP, SEASONAL** - A building used for temporary and/or seasonal living quarters that is typically rustic in nature.

**COVERAGE** - The percentage of the lot area covered by any and all buildings.

**CLUBHOUSE** - A building to house only a duly organized or incorporated club; not organized or conducted for profit, and which is used exclusively for such membership purposes.

DEVELOPMENT - The division of a parcel into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or any mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, and any change in the use of any building or other structure, or land, or extension of use of land.

DEVELOPMENT in SFHA 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.

DRIVEWAY -

DWELLING UNIT - A dwelling unit is a building or part thereof providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING UNIT, SINGLE FAMILY - A dwelling unit for one family.

DWELLING UNIT, TWO FAMILY - A dwelling unit with independent living quarters for two families. Both living quarters shall have primary ground floor access to the outside and be attached to each other by party walls without openings.

DWELLING UNIT, MULTI-FAMILY - A dwelling unit with independent living quarters for more than two families. Each of the dwelling units shall have primary ground floor access to the outside and be attached to each other by party walls without openings.

EMERGENCY MANAGEMENT SERVICES - A structure and the use of a structure for the Fire, Ambulance, Police, and/or Rescue services of either the Town of Reading or the County of Windsor or the State of Vermont and the structures in which they are located.

ESSENTIAL SERVICES - The structures of public utilities or governmental agencies necessary for the provision of sewage, water, and electrical, gas or cable television services, etc.

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).

FAMILY - An individual, or two or more persons related by blood, marriage, or legal adoption, or those placed in a home for adoption, and foster children, or a group of not more than five (5) persons not related by blood or marriage, living together as a single housekeeping unit.

**FARM STRUCTURE** means a silo, a building for housing livestock, raising horticultural or agronomic plants, or for carrying out other accepted agricultural practices as defined in the Accepted Agricultural Practice Rules. It also means a barnyard or waste management system, either of which is created from an assembly of materials, but excludes a dwelling for human habitation.

**FILL** means a deposit of earth material placed by artificial means.

**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 BOUNDARY AND FLOODWAY MAP (FBFM)** means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (*generic*)** 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.

**FLOOD INSURANCE STUDY (FIS)** is the official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

**FLOODPLAIN OR FLOOD-PRONE AREA** means any land area susceptible to being inundated by water from any source (see definition of “flood”).

**FLOOD PROOFING** - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures, and their contents.

**FLOOD WAY** - 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.

**FLOODWAY FRINGE** means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

**FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**FORESTRY USE** - Any management, including logging, of a forest or woodland, including the maintenance, construction or alteration of woods roads, skidways, landings, fences and forest drainage systems. [This does not include portable sawmills for short term processing.](#)

**FRONTAGE** - The distance along the lot line that separates a lot from a street, road, or highway measured along the right-of-way of that road or highway.

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

**HEIGHT:** See STRUCTURE HEIGHT.

**HISTORIC STRUCTURE** means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic 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.

**HOME-BASED BUSINESS** - A business carried out by the property owner, who resides at the site, in a principal or accessory structure.

**HOME OCCUPATION** - Any occupation customary in residential areas, carried on by a resident at his residence, provided that the use occupies a minor portion of the dwelling/accessory structure, does not materially change the character of the area and is clearly incidental to the principal use as a residence.

**HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS** means an analysis performed by a professional engineer, registered in the State of Mississippi, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and / or floodway boundaries.

INN - An establishment providing lodging and meals for travelers and so designed that normal access and egress are from a central point.

LAND DEVELOPMENT - The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

LEGISLATIVE BODY means the selectboard in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

LOT - Land occupied by or capable of being occupied by one principal structure and the accessory structures or uses customarily incidental to it, including such yards and open spaces as required herein.

LOT LINE - The established division line between lots or between a lot and the right-of-way of a road or highway.

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 - A factory-built, single-family detached structure that is manufactured to the National Manufactured Home Construction and Safety Standards Act, which is transportable in one or more sections.

[MANUFACTURED HOME PARK – a parcel \(or contiguous parcels\) of land divided into two or more manufactured home lots for rent or sale.](#)

MEAN SEA LEVEL - Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MINERAL RESOURCES - Substances obtained from the ground for use such as sand, gravel, stone, talc, or the like.

MOBILE HOME: A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

- transportable in one or more sections; and
- at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
- any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. § 6201(1).

MOBILE HOME PARK: A parcel of land which contains, or is designed, laid out, or adapted to accommodate three or more mobile homes.

MULTIPLE USE STRUCTURE - A building of two or more stories, with a commercial use in the ground floor and one or more dwelling units in the upper floor(s).

MUNICIPAL/GOVERNMENTAL BUILDING - Any building owned by any governmental unit for public use.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

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. NONCONFORMING LOTS OR PARCELS: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer. 24 V.S.A. § 4303(13).

NONCONFORMING STRUCTURE: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. 24 V.S.A. § 4303(14).

NONCONFORMING USE: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer. 24 V.S.A. § 4303(15).

PLANNED UNIT DEVELOPMENT: An area of land, controlled by an applicant to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces, and other site features and improvements.

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.

RESIDENTIAL CARE HOME: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to three or more residents unrelated to the home operator. 33 V.S.A. § 7102(1).

RETAIL - An establishment engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods.

[ROAD – Public way for vehicular traffic which affords the principal means of access to abutting properties.](#)

SERVICE STATION - AUTO - An Auto Service Station is property used for the resale of motor fuel, oil and motor vehicle accessories and for lubrication, washing, or servicing motor vehicles.

SET-BACK - The shortest distance between a building and each boundary of the building lot, measured perpendicularly to the lot line. This measurement is not to be made along the slope of the land, but is to be made on the horizontal. Front yard set-backs are measured from the center of the traveled portion of the roadway.

SIGN - A Sign shall be defined as any logo, illustration, emblem, structure or building, or part thereof, that is placed in view of the general public for the purpose of attracting attention to a business, industry, profession, product or service.

[SIGNIFICANT WILDLIFE HABITAT -](#)

SMALL BUSINESS - A use or structure dedicated to retail, communications (other than transmission and receiving equipment), or light commercial or manufacturing purposes.

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 (FHB). 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”.

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.

**STRUCTURE HEIGHT** - The vertical distance measured from the average finished grade at the front door of the building to the highest point of the roof.

**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”. For the purposes of determining “substantial improvement” value and exceptions in (a) only and for no other purpose, the Administrative Officer is “the local code enforcement official.”

**SURFACE WATER** means all rivers, streams, brooks, reservoirs, ponds, lakes, springs and all bodies of surface waters, artificial or natural, which are contained within, flow through or border the town or any portion of it.

**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.

**WETLANDS** - Those areas of the Town of Reading which are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. These shall include, but may not be limited to, wetlands shown on the most recent Vermont

Significant Wetland Inventory maps (VSWI maps) issued by the state, or National Wetland Inventory (NWI) maps as most recently modified by the state, which are classified as, or contiguous to, Class One or Class Two wetlands.

**WIRELESS COMMUNICATIONS FACILITY** - Any tower, support structure, antenna, or related equipment, used to transmit or receive communications signals for commercial, industrial, municipal, county, or state purposes, including access roads, storage and maintenance buildings, power lines, and other supporting infrastructure.

**YARD** - Space on a lot not occupied by a structure. Minimum yard dimensions are the minimum perpendicular set-back of a structure from a lot line.

**ZONE** means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

## APPENDIX A

### ZONING MAPS (SECTION 2.1)

Key to the Reading Zoning Map adopted November 6, 1990; amended on July 16, 2007 to reflect addition of Ridgeline Protection Overlay District.

#### Boundaries of Zoning Districts:

RC-A (Hammondsville): Beginning 2500 feet south of the intersection of Malagash Rd. and State Route 106, and extending northward to a depth of 660 feet on each side of State Route 106 to the southern boundary of the Industrial Mining District on the north.

RC-B (Felchville): Beginning on the south at State Highway Bridge #St-23-P on State Route 106 and the southerly edge of the Village, extending northward along Route 106 for a distance of 3/4 mile to a depth of 660 feet to the east of Route 106 and 1320 feet to the west of Route 106.

R-1 (South Reading): Beginning on the south at a point 660 feet south of the Tyson Road and 2640 feet east of the Gonyea Rd., extending northward to a point 660 feet north of Malagash Rd., thence westward 660 feet to the north of and parallel to Malagash Rd., to its intersection with Tyson Rd. to an intersection with a north-south line located 660 feet west of the Stone School House in South Reading, thence southward along said north-south line to a point 660 feet south of and parallel to Tyson Rd. to the beginning point described above.

I-M (Industrial Mining - Felchville Area): Beginning at the intersection of the Reading Town Line and Route 44, south along said Town Line 4400 feet, thence westward 1120, thence northward 3220 feet, thence westward 470 feet to Route 106, thence northward 400 feet to the west end of the bridge on Route 44 to the east side of Amsden Cemetery, thence eastward to Reading Town Line, thence southward along said line to point of beginning.

I-M (Industrial Mining - Hammondsville Area): Beginning at a point on State Route 106, approximately 450 feet north of the intersection with the Bailey's Mills Rd., thence easterly 2280 feet, thence north 1800 feet, thence westward 1420 feet to Route 106, thence southward 570 feet along Route 106, thence westward 1070 feet, thence eastward 550 feet to the point of beginning.

RR-5, RR-10, and RR-25 Zone boundaries are as shown on the official Zoning Map located in the Reading Town Office.

RPO boundaries are shown on the official Zoning Map located in the Reading Town Office, and in this document. Boundaries are based on elevations above 1800 feet and, roughly drawn on the Official Zoning Map, the ridgeline areas clearly visible from town roads.