Purpose

The purpose of this By-Law is to encourage the appropriate development of all lands in the town in a manner which will promote the public health, safety, morals, prosperity, comfort, convenience, efficiency, economy, and general welfare, and to provide the methods for the prevention, minimization and future elimination of such land development problems as may presently exist, or which may be foreseen. These bylaws are intended to implement the goals and policies of the Town Plan by providing for appropriate future land uses, densities, and intensities of development.

This By-Law is designated as a civil by-law pursuant to 24 V.S.A. 1971(b). A violation of this by-law shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974(a) and 1977 et seq. and pursuant to 24 V.S.A. Section 4454.

Section 1 Definitions

For the purpose of this By-Law, certain terms or words shall have meaning as defined below. Words in the present tense include the future, the singular number includes the plural, and vice-versa. The word "person" includes a partnership, corporation, or any joint venture or other entity. The word "building" includes the word "structure".

1.1 Accessory use: A use customarily incidental and subordinate to a principal use on the same lot.

1.2 Building: Any structure having a roof, side walls and with or without a permanent foundation, and intended for the shelter, housing or enclosure of persons, animals, or
materials. Any other structure more than eight feet high shall be considered as a building, including a solid fence or wall, but excluding an electric transmission line or an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole.

**Building, Accessory:** Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot, or on an adjoining lot under the same ownership. A detached accessory building shall be one which is not attached to the principal by any covered porch, breezeway or other roofed structure.

**Building Area:** The ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions.

**Building Coverage:** The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.

**Building Height:** The vertical distance from the average finished grade within ten feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridge for gable, hip, or gambrel roofs.

**Building Line:** A line parallel to a street at a distance equal to the required front yard, or at a greater distance when otherwise legally established by the municipality or by private covenant.

1.3 **“C”**

1.4 **District:** A district established by the provisions of Sec. 3 of this By-Law.

**Dwelling, One Family:** A detached building designated as or occupied solely as a dwelling by one family.

**Dwelling, Two Family:** A detached building designated as or occupied solely as a dwelling by two families living independently of each other.

**Dwelling, Multiple:** A building containing separate dwelling units for up to three families, having separate or joint entrances, services or facilities.

**Dwelling Unit:** A dwelling or part of a dwelling occupied or intended to be occupied by one family for residential purposes, containing full housekeeping facilities for the exclusive use of the occupants.

**Dwelling Unit, Accessory:** An efficiency or one bedroom dwelling unit located within or appurtenant to an owner-occupied one-family dwelling that is clearly subordinate to the one-family dwelling, which has facilities and provisions for independent living, including
sleeping, food preparation, and sanitation, provided that the property has sufficient wastewater capacity and that the unit does not exceed 30 percent of the total habitable floor area of the one-family dwelling, but is at least 400 square feet in floor area.

1.5 “E”

1.6.1 Family: Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit; provided, however, that a group of not more than five persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

1.6.2 Family Child Care Home or Facility: A home or facility where the owner or operator is licensed or registered by the State for child care. See Section 4.1.1.d.

1.6.3 Farm: Any parcel of land which is used in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures, vehicles and equipment.

1.6.4 Foundation: A permanent, in ground, support.

1.7 “G”

1.8 “H”

1.9 “I”

1.10 “J”

1.11 “K”

1.12 Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this By-Law. In the case of multiple dwellings and public, institutional, commercial, industrial, or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot.

Lot Line: The established division line between lots or between a lot and a street.

Lot Line, Front: All dividing lines between a street and the lot shall be considered the front line.

Lot Line, Side: The line or lines bounding a lot which extends from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.
Lot Lines, Rear: The line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

Lot, Minimum Width of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch but not be in front of, the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered as side lot lines.

1.13 “M”

1.14 Nonconforming Use: A use of land, building, or premises, which is not a use permitted by the provisions of this By-Law for the district in which such land, building, or premises are situated, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

Nonconforming Building: A building, the location, size, height, or construction of which does not conform to all the applicable provisions of this By-Law, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

1.15 Open Space: A space, not occupied by a building or other roofed structure on the same lot as the principal building.

1.16.1 Pollution: Presence in air, land, or water, of one or more contaminants injurious to human health or welfare, animal or plant life, or property, or which would unreasonably interfere with the enjoyment of life or property.

1.16.2 Premises: A lot as defined in this section.

1.17 “Q”

1.18 “R”

1.19.1 Seasonal or Vacation Structure: A second place for living, used by the occupants periodically and for short periods of time for primarily recreational use, and not used as their principal residence.

1.19.2 Street: A Town or State highway or a road or street shown on a subdivision plot approved by the Planning Commission. The Word “street” shall include the entire right-of-way thereof. If a boundary of the right-of-way has not been surveyed or is not marked by a fence line or other physical features, the boundary shall be deemed to be 25 feet from the centerline of the traveled way.
1.19.3 **Street Line**: The line dividing the street and the lot. The street line for state highways shall be confirmed by the District Highway Engineer.

1.19.4 **Subdivision**: The division of a parcel of land into two or more lots, or other divisions for present or future transfer of ownership, either by sale or lease. The word subdivision shall refer to the land to be subdivided or to the process of subdivision, as appropriate to the context, and shall include re-subdivision.

1.20 **Trailer Coach**: Any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in connection with a motor vehicle, and which is designed and constructed, or added to, so as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation, including the type of vehicle known as a mobile home. The provisions hereof shall also be applicable to any motor vehicle which is designed or added to so as to permit its use and occupancy for human habitation.

**Travel Trailer**: A vehicle similar to a trailer coach, but not exceeding thirty feet in length, and designed and used primarily for recreational travel purposes. To be considered a travel trailer, such vehicle must rest on its own wheels. The provisions hereof applicable to travel trailers shall also be applied to any motor vehicle not exceeding thirty feet in length, whose body has been equipped for occupancy for recreational travel purposes.

1.21 **“U”**

1.22 **“V”**

1.23 **“W”**

1.24 **“X”**

1.25 **Yard, Front**: An open space between the building and the front lot line, extending the full width of the lot, or in the case of a corner lot, extending along all streets.

**Yard, Side**: An open space between the building and a side lot line, extending from the front yard to the rear yard.

**Yard, Rear**: An open space between the building and rear lot line, extending the full length of the lot.

**Yards - Depth or Width of**: The depth of front and rear yards and the width of side yards shall be measured perpendicularly to the respective lot lines.

1.26 **“Z”**
Section 2 Limitations

In accordance with 24 VSA, Section 4413, of the Vermont Planning and Development Act, the following Conditional Uses, may be regulated only with respect to location, size, height, bulk, yards, courts, setbacks, density of building, off-street parking, loading facilities, traffic, noise, lighting, and landscaping or screening requirements:

1. State or community (municipality) owned and operated institutions and facilities.
2. Public and private schools and other institutions certified by the Vermont Department of Education;
3. Churches, convents, and parish houses;
4. Public and private hospitals;
5. Solid waste management facilities pursuant to 24 V.S.A. Section 4413 and Section 8.6 of this bylaw.

Section 3 Districts

For the purpose of this By-Law, the Town is divided into the following districts:

- Residential District
- Rural Districts
- Forest Districts

The boundaries of these districts are hereby established as shown on the Zoning Map of the Town of Stamford dated February 21, 2006.

Flood Hazard Area as defined in the Flood Hazard Area Regulations dated October 15, 2015 and attached hereto as Appendix I.

Any uncertainty as to the location of a district boundary line on the Zoning Map shall be resolved by the Board of Adjustment.

Section 4 Residential Districts

4.1 Permitted uses in Residential Districts: The following uses are permitted subject to the limitations of Section 2 and 7.

4.1.1 One family and two family dwelling, one per lot.
a. One Family Dwelling

Lot Size: A lot shall be at least two acres in area (87,120 sq.ft.)

Frontage shall be at least 150 ft.

Depth of Front Yard shall be at least 50 feet from the street line.

Side and Rear Yard minimum distance shall be at least 25 feet.

Building Height shall not exceed 35 feet.

Floor Area: A dwelling shall have at least 750 sq. ft. of floor area.

b. Two Family Dwelling

Lot Size: A lot shall be at least 3 acres in area.

Frontage shall be at least 175 feet.

Depth of Front Yard shall be at least 50 feet from the street line.

Side and Rear Yard minimum distance shall be at least 35 feet.

Floor Area: A two-family dwelling shall have at least 750 sq. feet of floor area per family for the first dwelling unit and at least 450 sq. feet for the second dwelling unit.

c. A family childcare home or facility serving six or fewer children. A family childcare home or facility serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. Section 4902(3)(A) is permitted, but requires site plan approval.

d. A residential care home or group home 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. Section 4501, except that no such home shall be permitted if located within 1,000 feet of another existing or permitted such home.

4.1.2 Accessory uses customarily incidental to the permitted use. Such uses shall include patios, decks, swimming pools, tennis courts and similar recreational facilities, and buildings for housing automobiles, equipment, supplies, pets and animals. These structures shall meet the applicable setback requirements under Section 4.1.1.
4.1.3 One sign not over 4 square feet in area for each dwelling unit bearing the name and occupation of the occupant. One temporary sign not exceeding 12 square feet in area advertising the sale, rental, or improvement of the premises on which it is located. For uses other than dwellings one sign not more than 12 square feet in area pertaining to such use. No sign shall be flashing or illuminated in color. Directional signs not over 2 square feet in area may be placed near street intersections, provided that they comply with all provisions of the laws.

4.1.4 Pursuant to 24 V.S.A. Section (1)(E) and (F), an accessory dwelling unit, as defined in this bylaw, is permitted as a use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one-family dwelling structure or in an existing or new accessory structure. If creation of the accessory dwelling unit involves the construction of a new accessory structure, an increase in the height or floor area of any existing structure, or an increase in the dimension of a parking area, conditional use review shall be required pursuant to Section 7.3 of this bylaw.

4.1.5 The sale of merchandise by a resident in his own dwelling, carried on entirely within such dwelling or building or building accessory thereto and using an area equivalent to not more than 30 percent of the floor area of such dwelling, provided that such use does not change the residential character thereof, that no merchandise is displayed outside a building and that no sign is displayed other than as permitted for the dwelling unit under the provisions of Section 4.1.3.

4.2 Conditional Uses Permitted in Residential Districts: The following may be permitted as conditional uses in Residential Districts provided that the lot area is not less than 3 acres and no building, structure or space used for vehicular parking, shall be located less than 75 feet from any street line or less than 100 feet from any other lot line, unless otherwise specified, provided that the architectural design and landscaping are in keeping with the character of the vicinity.

4.2.1 All proposals for industry or commerce must account to the town for probable direct and indirect municipal costs. Applicants shall be required to make an economic and environmental study and statement prior to consideration by the town.

4.2.2 A public park or playground operated by a governmental unit or non-profit corporation.

4.2.3 A community center or community recreation building, library, museum, hospital, clinic or similar philanthropic use, operated by a governmental unit or non-profit corporation, provided that the aggregate area of buildings on the lot shall not exceed ten percent of the area of such lot.

4.2.4 A municipal fire or police station, water tank, electric transformer station, unattended telephone exchange or similar utility building.
4.2.5 A bona fide club, the principal activity of which is not carried on as a business.

4.2.6 A convalescent home or home for the aged located on a lot no less than 6,000 sq. feet in area, per patient accommodated.

4.2.7 A rooming house, tourist home or boarding house for not more than 12 roomers or tourists, operated by the occupant of the dwelling.

4.2.8 Farming, including dairying, orchards, woodlots and forestry, truck gardening, keeping of poultry and the sale of produce raised on the premises, provided that no building housing animals is located less than 100 feet from any street or lot line.

4.2.9 A professional or business office building, not exceeding 3,000 sq. feet of building area nor two stories of usable floor space.

4.2.10 A public or semi-public use as permitted under Section 2, provided that the aggregate area of buildings on the lot shall not exceed ten per cent of the area of such lot.

4.2.11 Uses accessory to the Conditional Use shall be permitted only when applied for and granted as part of the Conditional Use.

4.2.12 A commercial golf course or golf driving range provided that the lot area is not less than 20 acres, and not lighted at night.

4.2.13 Any use which the ZBA finds, after consultation with the Planning Commission, is similar in its impact as other conditionally permitted uses, is consistent with the Town Plan, and complies with 7.3.

4.2.14 Commercial building for manufacturing, sales or service may be permitted in accordance with Section 7.2, provided that the aggregate area of buildings on the lot shall not exceed 20 per cent of the area of such lot and does not create environmental pollution or noise noticeable off the premises and that all material is stored out of view.

4.2.15 Multi-family dwelling as defined in Section 1, provided that at least one of the dwelling units shall be owner-occupied. Minimum: Lot Size - 3 acres; Frontage – 175 feet; Front Yard – 50 feet; Side and rear yard – 35 feet.

Section 5 Rural Districts

5.1 Permitted Uses in Rural Districts: The following uses are permitted subject to the limitations of Section 2 and 7.

5.1.1 Farm
5.1.2 One-family and two-family dwellings, one per lot, as in 4.1.1 and 4.1.1 b.

5.1.3 Municipal recreation area.

5.1.4 Cabins, camps, chalets, and similar seasonal and vacation structures, one per lot, as provided for dwellings in Section 4.1.1 a above. A seasonal or vacation structure need not meet the minimum floor area requirements, but no seasonal or vacation structure shall be used as a dwelling, not be used as the principal place of residence of the occupants, unless it meets all of the requirements, dimensional and other, of Section 4.1.1. a. For the purpose of the By-Laws, permanent shall mean in excess of three (3) months of continuous use.

5.2 Conditional Uses Permitted in Rural Districts: The following may be permitted, as conditional uses, in Rural Districts in conformance with the provisions of Section 7.3.

5.2.1 A mobile home park or trailer park (See Section 8).

5.3 All other uses and conditional uses as permitted and limited in the Residential District.

Section 6 Forest Districts

6.1 Permitted Uses in Forest Districts:

6.1.1 Commercial forestry as defined in Section 8.3.

6.1.2 Temporary accommodations for personnel employed on the premises.

6.1.3 Municipal recreation area.

6.1.4 Accessory Uses, including buildings for storing and repairing products and equipment.

6.1.5 Signs, as permitted in Residential Districts.

6.2 Conditional Uses Permitted in Forest Districts: The following may be permitted, as conditional uses, in conformance with the provisions of Section 7.3.

6.2.1 All structures and uses as defined in Section 4.1 and cabins, camps, chalets, and similar seasonal and vacation structures for recreational use provided that such structure is located on a separate lot not less than five (5) acres in an area not above 2,500 foot elevation nor on a slope greater than 25%, and that no structure or camp site is situated within 125 feet from the centerline of the adjacent road, and 150 feet from any other lot line of its own lot. A seasonal or vacation structure need not meet the minimum floor area requirements as provided for dwellings in Section 4.1.1. No seasonal or vacation
structure shall be used as a dwelling, nor be used as the principal place of residence of the occupants.

A lot shall be in individual and non-affiliated ownership from surrounding properties. Roads providing access to lots in the Forest District shall be constructed to town standards.

No lot shall be approved for development requiring water supply and wastewater disposal until a permit is issued by the state (10 V.S.A. Chapter 64).

No lot shall be approved for development if it is identified by the Planning Commission as within the headwaters of the watershed of a public water supply designated by the Vermont Department of Health or within an area supplying significant amounts of recharge water to aquifers.

6.2.2 A municipally operated solid waste disposal area or sanitary landfill.

6.2.3 Uses accessory to a Conditional Use shall be permitted only when applied for and granted as a part of the Conditional Use.

Section 7 General Regulations

7.1 Compliance with By-Laws: No land, building or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed, reconstructed, extended, enlarged, moved or altered, except in conformity with this By-Law. No lot shall have an area, width, or a front, side or rear yard, less than that set forth in the applicable paragraphs hereof, except as otherwise specifically provided in this By-Law. No building or buildings shall occupy in the aggregate a greater percentage of lot area, nor be greater in height, than set forth in the applicable paragraphs hereof, except as otherwise specifically provided in this By-Law.

7.1.1 Nothing contained in this By-Law shall require any change in the plans, construction, or designated use of a building complying with local laws in force prior to this By-Law, if a prior permit shall have been duly issued, and the entire building shall have been completed in accordance with such plans within one year from the effective date of this By-Law.

7.1.2 Except as otherwise provided herein, any use not permitted shall be deemed to be prohibited.

7.2 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 road or waters by a permanent easement or right-of-way at least twenty feet in width.
7.3 **Conditional Use:** A conditional use may be approved by the Board of Adjustment only after a public hearing, provided that the Board shall have found that such use will not adversely affect the capacity of existing or planned community facilities, the character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan, traffic on roads and highways in the vicinity and in accord with other provisions of ordinances, regulations and By-Laws of the Town applicable thereto, and each use so approved shall meet any standards applicable to the specific use as to lot and building dimensional requirements, landscaping, design, off street parking facilities and locations of signs and service areas. Approval by the Board shall be based on a Site Development Plan and failure of the development to conform to such Site Plan shall constitute a violation of this By-Law.

7.3.1 The appellant for a conditional use permit shall notify the Board of Adjustment, in writing, of the names of the abutters at the time of application for the permit.

7.3.2 The Board of Adjustment shall notify the abutters, in writing, of the public hearing for a conditional use permit and such other notifications as may be required under 24 VSA, Chapter 117.

7.3.3 Thirty days before the public hearing, (unless a shorter period is mutually agreed upon) the Board shall refer the application for a conditional use together with a copy of the proposed Site Development Plan to the Planning Commission, and the report of the Planning Commission on such application and Site Plan shall be made a part of the record of the hearing.

The Board shall act to approve or disapprove any such requested conditional use within forty five (45) calendar days after the date of the final ZBA hearing and failure to so act within such period shall be deemed approval on the 46th day.

7.4 **Obstructions at Street Intersections:** No fence, wall, hedge, shrubbery, or other obstruction to vision in excess of 3 feet in height shall be placed or allowed to grow at street intersections within the area formed by a line joining points on each front line 20 feet from the intersection of the tangents of such streets.

7.5 **Application of Area Requirement:** Whenever any provision of this By-Law requires that a particular use or a conditional use, or a use permitted under a special exception, shall be located on a lot larger in area than the minimum lot area set forth in the section of this By-Law applicable to the district in which such use is located, the required area of such lot shall be contained within a space whose average greater dimension does not exceed three times the average lesser dimension. The area of any pond, lake or stream, which lies within a lot, shall not be included as any part of the required area of such lot.
7.6 **Height Limitation:** No building in any district shall exceed a height applicable to the district but this limit shall not apply to spires, cupolas, chimneys, penthouses, ventilators, tanks, or similar parts of a building, occupying in the aggregate not more than 10 per cent of the area of such building, and not used for any human occupancy, not to farm silos or other farm equipment as defined in 24 VSA, §§ 4413(d), flagpoles, radio or television aerials, ski lift towers or similar features. On a lot with a frontage on more than one street, the height limitations shall be measured from the ground level at the building which is highest above sea level. Wind turbines with blades less than 20 feet in diameter which exceed the district height limit may be permitted if the Board of Adjustment approves a variance for a renewable energy resource structure pursuant to 24 VSA, §4469(b).

7.7 **Use of Land for Access or Parking:** The use of land for access or for parking in connection with a use shall be considered to be accessory to and part of such use. Except as otherwise provided in this By-Law, access to or parking in connection with a permitted use may take place in any portion of the lot, including the required front, side or rear yard.

7.8 **Building on Existing Lots:** The provisions of this By-Law relating to width shall be waived to permit the construction of any otherwise permitted building or establishment of an otherwise permitted use on a lot, which at the date of the adoption of this By-Law and continuously thereafter was in individual, separate and non-affiliated ownership from surrounding property, if such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet, and further provided that the use of said lot complies with section 7.13 of this section.

7.9 **More than One Dwelling on a Lot:** If more than one principal dwelling shall be placed on any one lot, such dwelling shall be located so that each dwelling and any building accessory to it could be set off as a separate lot conforming to all of the applicable provisions of this By-Law, and no building shall be sold into separate ownership except in compliance with the above.

7.10 **Junk and Waste Material:** No inoperable motor vehicle may be stored on any lot for a period in excess of thirty days, except within a building. No scrap or waste material not originating on the premises may be stored or disposed of on any lot except at a municipal dump. No scrap or waste material originating on the premises may be stored on any lot unless within a building or screened from view from off the premises, except that a reasonable time shall be allowed for removal of scrap or waste material resulting from a construction operation, or from fire, flood, or similar emergency.

7.11 **Trailer Coach and Travel Trailer Occupancy:** A trailer coach may be used for a residence for a period not exceeding one year by the owner of the lot on which such trailer coach is located, provided that such owner is actively constructing a residence thereon for which a valid building permit shall have been obtained. A travel trailer may be occupied on any...
lot by a non-paying guest of the owner of such lot for a period not exceeding thirty days in any twelve month period. The provisions of this paragraph shall not apply to a trailer or travel trailer at a camp ground operated by the State of Vermont on state land. A trailer, trailer coach or travel trailer, may be used as a temporary field office accessory to a construction operation being executed on the same premises. One unoccupied travel trailer may be stored on any lot by the owner of such lot, provided it is not stored in the front yard.

7.12 Prefabricated Building: A prefabricated building conforming in architectural design to a permanent dwelling, designed and constructed so as to be moved as a unit or in two or more parts, may be used as a one-family dwelling, provided that it is located on a permanent masonry foundation and conforms to all of the requirements of this By-Law applicable to a one-family dwelling in the district in which it is located.

7.13 Wastewater Disposal and Water Supply: The VT Agency of Natural Resources, Wastewater Management Division, has jurisdiction for permitting, inspection, and enforcement of wastewater disposal and water supply systems (Wastewater System and Potable Water Supply Rules – pursuant to 10 V.S.A., Chapter 64). State approved plans and reasonable notice prior to installation shall be filed in the office of the Town Clerk.

7.14 Site Development Plan: A site development plan shall be required for any conditional use. Such site plan shall be at a scale prescribed by the Planning Commission and Zoning Board and shall show if and where applicable:

1. The boundaries and area of the affected lot;
2. Existing and proposed structures on the lot and adjacent lots within a distance of 200 feet from the boundary of the lot;
3. Proposed vehicular circulation and parking;
4. Proposed pedestrian circulation, if applicable;
5. Open space;
6. Park and playground facilities;
7. Landscape details;
8. Proposed grading;
9. Water supply and fire protection;
10. Sanitary sewage;
11. Storm drainage and natural drainage ways and water courses;
12. Existing contours and land conditions;
13. Existing and proposed exterior lighting; and
14. Extent of the hazard areas as defined by the Flood Hazard Area Regulations attached hereto as Appendix I.
15. Such other information as the Planning Commission and Zoning Board may require.
Section 8 Special Regulations

8.1 Nonconforming Buildings and Uses: Any nonconforming use of a building or premises, which was lawfully existing at the time of the adoption of this By-Law, or any pertinent amendment thereto, may be continued, and any building so existing which was designed, arranged, intended for, or devoted to a nonconforming use, may be reconstructed and structurally altered, and the nonconforming use therein changed subject to the following regulations:

a. No nonconforming use may be changed except to a conforming use, or, with the approval of the Board of Adjustment, to another nonconforming use not more objectionable in character.

b. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

c. No nonconforming use shall be extended or expanded, except with the approval of the Board of Adjustment, provided that said Board shall have found that such extension or expansion will have no adverse effect upon the public health, safety, convenience, and upon property values in the vicinity, and except in cases where in the opinion of the Board of Adjustment such enforcement would work a hardship on the owner of an established nonconforming use.

d. No nonconforming use which has been discontinued for a period of six months shall be resumed thereafter.

8.1.1 Enlargement of Noncomplying Buildings: No building which does not conform to the requirements of this By-Law regarding building height limit, area, and width of lot, percentage of lot coverage, and required yards and parking facilities, shall be enlarged or substantially altered except with the approval of the Board of Adjustment, after a public hearing.

8.1.2 Reconstruction after Damage: Except in the areas regulated by the Flood Hazard Area Regulations attached as Appendix I, nothing in this By-Law shall prevent the restoration or reconstruction within one year of a building damaged or destroyed by fire, explosion, accident, or by the public enemy, subsequent to the adoption of this By-Law, to its condition prior to such damage or destruction, nor prevent the restoration of an unsafe wall or structural member.

8.1.3 Any use not otherwise covered by the above shall be referred to the Board of Adjustment for approval.

8.1.4 Discontinuance of Nonconforming Uses: Nothing herein shall require the discontinuance of a building that does not comply with the requirements of this By-Law, but the
following uses of land where nonconforming shall be discontinued within three (3) years from the effective date of this By-Law:

a. Junk yard, auto graveyard, or open storage.

8.2 Permit for Removal of Earth Products: Except as otherwise provided in this By-Law there shall be no removal from any premises in the Town of sand, gravel, clay or stone, except as surplus material resulting from a bona fide construction, landscape or agricultural operation being executed on the premises, and provided that no permanent damage is done to the landscape. The Board of Adjustment, after a public hearing, may grant a permit for the removal of earth, sand, gravel, clay or stone, under the following conditions:

a. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.

b. The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance, except in a ledge rock. No removal shall take place within twenty feet of a property line, except that where the grade from a property line rises towards the lot where removal is to take place, material lying above the grade at the property line may be removed.

c. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than 4 inches of top soil, and seeded with a suitable cover crop, except where ledge rock is exposed or the removal was from a stream bed.

d. If the extraction is wholly or partly from a stream bed, it shall be carried on in such a manner that there shall be no obstruction or substantial change in normal flow, and at the conclusion of work in any section there shall be no increase in erosion or flood hazards.

8.2.1 Existing Sand and Gravel Operations: Existing sand and gravel, or other extractive operations, must conform to this By-Law from its effective date with respect to any extension over a large area.

8.2.2 Surety Bond: In accordance with the provisions of 4407 (8) of the Vermont Planning and Development Act, and before a permit is granted under this Section, the applicant shall post a surety bond with the Treasurer of the Town in an amount and in form approved by the Board of Adjustment as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
8.3 Permit for Commercial Cutting and Removal of Timber: There shall be no commercial cutting and removal of timber from any premises in the Town, except in accordance with the State Statutes.

8.4 Off Street Parking Facilities: Parking facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered or enlarged and all premises otherwise developed after the adoption of this By-Law. Required parking facilities shall contain not less than the following areas, exclusive of driveways necessary for access:

For dwellings, 250 square feet for each dwelling unit.

For offices and for permitted home occupations, an area equal to twice the floor area used for such purpose.

For lodging places, 250 square feet for every two guests accommodated.

For uses not otherwise listed, an area approved by the Planning Commission as sufficient to accommodate the motor vehicles of all occupants, employees and visitors normally visiting the premises at any one time.

8.5 Solid Waste Facilities pursuant to Section 2.5 and 7.3 of this bylaw and in accordance with the following minimum standards: Minimum lot size: 10 acres; setback from all property lines and surface water: 100 feet; distance to existing dwellings: 1,000 feet; and the volume processed shall primarily be generated from the Town of Stamford.

8.6 Mobile home parks in accordance with 10 V.S.A., Ch. 153 s.6204(a) and 24 V.S.A., s.4412(B) and (C) and including essential services such as laundry and convenience goods for the occupants.

Standards: Location: Rural District; Minimum Park Area: 5 acres; Density: maximum of four (4) homes per gross acre of park area; Minimum MH lot is 6,000 sq. ft.; Minimum lot width 50 ft.; MH lot line setback 15 feet; Water supply and wastewater disposal to meet state standards; Open space 10% of the gross park area; The enterprise of mobile home sales, sale of merchandise or business services on a mobile home lot is not permitted; A landscaped perimeter buffer shall be at least 20 feet and provision for internal landscaping/lighting; Each mobile home shall be located on the defined lot with permanent markers, adequately anchored and skirted to industry standards; Minimum of two parking spaces (paved or gravel) per mobile home lot; Provision for grading and drainage; Provision for operation and maintenance. Review procedure includes site plan and conditional use approval.

8.7 Notice for Agricultural and Silvicultural Uses: Accepted agricultural and silvicultural practices are allowed uses in all Districts pursuant to T.24 V.S.A. s. 4413(d) provided
they are approved by the VT Secretary of Agriculture or the Commissioner of Forest, Parks, and Recreation accordingly. Prior to initiating such use and obtaining State approval, a property owner shall notify the Administrative Officer of the intent to conduct such operation or to constructing a building or structure. Buildings, structures and operations shall comply with standards in these bylaws where applicable unless otherwise approved by the Secretary or Commissioner as provided herein.

8.8 Telecommunication Infrastructure: Refer to the Wireless Telecommunication Facility Zoning Bylaw adopted March 2, 2006.

Section 9 Administration and Enforcement

9.1 Administrative Officer: The provisions of this By-Law shall be administered and enforced by the Administrative Officer or acting Administrative Officer, nominated by the Planning Commission and approved by the Board of Selectmen as provided by Section 4448 of the Vermont Planning and Development Act. The Administrative Officer shall literally enforce the provisions of this By-Law and the duties of the office.

9.1.1 The Administrative Officer shall maintain a full and accurate record of all applications, permits, decisions and violations acted upon by him, which records shall be filed with the Stamford Town Clerk.

9.2 Permits: Permits shall be required for land development as provided herein. An Application for Permit, accompanied by payment of Permit fee established by the Board of Selectmen, shall be submitted to, and approved by the Administrative Officer before:

a. The subdivision of any land.

b. Any land or structure is devoted to a new or changed use.

c. The construction or moving of a building, accessory building or any other structure intended for accessory use.

d. The enlargement or realignment of any building or structure.

e. The change, extension or expansion of a nonconforming use.

f. The reconstruction of a building or structure damaged or destroyed by fire, explosions, accident or by the public enemy.

g. The removal of earth products except as provided for in Section 8.2 of these By-Laws.

h. The establishment of a home industry or occupation.
9.2.1 The Administrative Officer shall maintain a full and accurate record of all applications, permits and violations acted upon by the Administrative Officer, copies of which shall be filed with the Board of Listers of the town of Stamford and the town clerk as provided for in 24 V.S.A. Section 4449. A copy of all permits also must be posted in at least one public place in the municipality until the expiration of 15 days from issuance of the permit.

For any property for which a permit has been issued, a notice of permit shall be posted within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (24 V.S.A. Section 4465) has passed.

No permit shall take effect until the time for appeal (24 V.S.A. Section 4465) has passed, or in the event that an appeal is properly filed, no such permit shall take effect until adjudication of the appeal by the Board of Adjustment is complete and the time for taking an appeal to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. Section 8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

9.2.2 No permit for any building requiring a sewage disposal system shall be granted until a permit has been granted in compliance with Section 7.13 and Vermont Health Regulations, Chapter 5, Sanitary Engineering Sub-chapter 10, Part 2. Wastewater treatment and disposal – individual on-site systems.

9.2.3 A building permit is valid for two (2) years from date of issue. If no work has begun on the project for which the permit was issued, the permit expires. A valid building permit may be extended for a period not to exceed one (1) year provided written request is made to the Administrative Officer prior to the expiration the 2-year period.

9.3 Board of Adjustment: A Board of Adjustment, appointed by the Board of Selectmen, shall perform the following duties:

a. Perform the administrative review of all questions arising out of or with respect to the administration and enforcement of this By-Law.

b. Hear and decide appeals taken under Section 4465 of the Vermont Planning and Development Act including where it is alleged that an error has been committed in any order, requirement, decision or determination made by the Administrative Officer in connection with the enforcement of this By-Law.

c. Hear and grant or deny appeals for variances from the provisions of this By-Law based on findings as described in Section 4469 of the Vermont Planning and Development Act.
d. Hear and grant or deny appeals for conditional uses, and for specific uses and acts described in Section 8 of this By-Law.

e. Make available to the courts of the State of Vermont, in any action concerning this By-Law brought before them, a record of the facts found, after public hearing, and the grounds for any decision initially rendered by the Board of Adjustment.

9.4 Appeals to the Board of Adjustment: Appeals to the Board of Adjustment may be entered in accordance with Section 4465 through 4470 of the Vermont Planning and Development Act, accompanied by payment of an Appeal Fee established by the Board of Selectmen, for the following:

a. An appeal by an interested person from any decision or act taken by the Administrative Officer within fifteen days from the date of the Administrative Officer’s decision or act.

b. An appeal for approval of an Application for Permit by the Board of Adjustment, after denial by the Administrative Officer, where the Zoning By-Law, requires Board of Adjustment approval.

c. An appeal for a variance from the provisions of the Zoning By-Law, after denial of an Application for Permit by the Administrative Officer.

9.5 Appeals to Environmental Court: An interested person may appeal a decision of the Board of Adjustment to the Environmental Court under Section 801 through 816 of Title 3.

9.6 Interpretation of By-Law: In their interpretation and application, the provisions of this By-Law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this By-Law to repeal, abrogate, annul, or in any way to impair or interfere with existing provisions of the law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by this By-Law to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this By-Law imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits or by such easements, covenants, or agreements, the provisions of this By-Law shall control.
9.7 **Enforcement:** Any person who violates the provisions of this By-Law shall be subject to the penalties and remedies prescribed in Sections 4451 through 4454 of the Vermont Planning and Development Act.

9.8 **Severability:** If any provision if this By-Law or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this By-Law which can be given effect without the invalid provision or application, and for this purpose the provisions of this By-Law are severable.

Appendix I Flood Hazard Area Regulations

Adopted 23 July 1970

Amended September 1973: Sections: 4.1.3; 5.2; 5.3; 6.2.1; 7.12; 8.1.1; 9

Amended 4 March 1980: Section: 1.2; 1.6.2; 1.6.3; 1.16.1; 1.19.2; 1.19.3; 1.19.4; 3.4; 4.1.2; 4.1.5; 4.2; 4.2.1; 4.2.6; 4.2.9; 4.2.14; 5.1.1; 6.1.1; 6.2; 6.2.1; 7.2; 7.2.1; 7.3.1; 7.3.2; 7.13; 8.3; 9.2.2

Amended 9 June 1998: Sections: 4.2.12; 4.2.13

Amended 2 March 1999: Added the second paragraph under “Purpose” for the civil designation. Added Section 9.2.3

Amended 25 June 2009: Purpose, Sections: 1.4; 1.6.2; 2; 3.4; 3.5; 4.1.1 a; 4.1.1 b; 4.1.1 c; 4.1.1 d; 4.1.4; 4.2; 4.2.15; 5.2.1; 6.2.1; 7.3; 7.3.2; 7.3.3; 7.6; 7.8; 7.13; 7.14; 8.5; 8.6; 8.7; 8.8; 9.1; 9.2.1; 9.3 b; 9.3 c; 9.4; 9.5; 9.7; Removed Sections 2.1; 3.1; 3.2; 3.3

Amended 15 October, 2015: Added Table of Contents and Appendix I, amended Sections: 3; 7.14.14; 8.1.2; 8.7; 9.2; 9.2.1.
Adopted October 15, 2015

Christopher Dargie, Chair

Sheila G. Lawrence

David Bugbee

Nancy L. Bushika

Daniel Potvin

The Zoning By-Laws will become effective 21 days from adoption.
APPENDIX I

TOWN OF STAMFORD, VERMONT

FLOOD HAZARD AREA REGULATIONS
I. Statutory Authorization and Effect

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Stamford, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

II. Statement of Purpose

It is the purpose of this bylaw to:

A. Implement the goals, policies, and recommendations in the current municipal plan;
B. Avoid and minimize 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 related inundation and erosion;
C. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor,
D. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Stamford, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

III. Other Provisions

A. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.
B. Validity and Severability

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

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Stamford or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

IV. Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas

These regulations shall apply to the River Corridor and Special Flood Hazard Areas (hereafter called “hazard areas”) in the Town of Stamford, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

1. The River Corridors as published by the Vermont Agency of Natural Resources including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, the standards in VII C shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.

2. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant’s responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.
C. Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof.

2. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the AO. If the applicant disagrees with the determination made by the AO, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

V. Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium.

<table>
<thead>
<tr>
<th>#</th>
<th>Activity</th>
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</table>
VI. Development Review in Hazard Areas

A. Permit

A permit is required from the Administrative Officer (AO) for all development in all areas defined in Section IV. Development that requires conditional use approval, non-conforming use approval, or a variance from the Zoning Board of Adjustment (ZBA) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the AO. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the River Corridor, and meeting the Development Standards in Section VII, require only an administrative permit from the AO:

1. Non-substantial improvements;
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and,
6. Recreational vehicles.

C. Prohibited Development in Special Flood Hazard Area and River Corridor

1. New residential or non-residential structures (including the placement of manufactured homes and critical facilities) are prohibited in the River Corridor and the floodway.
2. Storage or junk yards;
3. New fill except as necessary to elevate structures above the base flood elevation;
4. Accessory structures in the floodway;
5. Critical facilities are prohibited in all areas affected by mapped flood hazards;
6. All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review

Conditional use review and approval by the ZBA is required prior to the issuance of a permit by the AO for the following proposed development:

1. New residential or non-residential structures (including the placement of manufactured homes) in the Special Flood Hazard Area outside of the River Corridor and the Floodway.
2. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
3. New or replacement storage tanks for existing structures;
4. Improvements to existing structures in the floodway;
5. Grading, excavation, or the creation of a pond;
6. Improvements to existing roads;
7. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
8. Public utilities;
9. Improvements to existing primary structures in the River Corridor that do not expand the footprint of the existing structure more than 500 square feet;
10. Accessory structures in the River Corridor, of 500 square feet or less, that represent a minimal investment;
11. Building utilities in the River Corridor; and,
12. At-grade parking for existing buildings in the River Corridor.

E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture’s Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the AO in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances

Variances may be granted in writing by the ZBA only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

1. A variance for development within the River Corridor may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
2. Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.
G. Nonconforming Structures and Uses

The ZBA may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:

1. The proposed development is in compliance with all the Development Standards in Section VII of this bylaw;
2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
3. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

VII. Development Standards – The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Area

1. All development shall be:
   a. Reasonably safe from flooding;
   b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
   c. Constructed with materials resistant to flood damage;
   d. Constructed by methods and practices that minimize flood damage;
   e. 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;
   f. Adequately drained to reduce exposure to flood hazards;
   g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
   h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

2. In Zones A, AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and
anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

3. **Structures, including manufactured homes, to be constructed, placed or substantially improved in Zones A, A1-30, AE, and AH** shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;

4. **New subdivision developments, planned unit developments, or manufactured home parks of more than 5 acres or 50 lots, whichever is less, shall:**
   a. Include base flood elevation data;
   b. Minimize flood damage within the flood-prone area;
   c. Provide adequate drainage to reduce exposure to flood hazards; and
   d. Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems, so as to minimize or eliminate flood damage.

5. **Non-residential structures to be substantially improved shall:**
   a. Meet the standards in VII A 3, or as an alternative to VII A 3, such structures may:
   b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above 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; A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

6. **Fully enclosed areas below grade** on all sides (including below grade crawlspaces and basements) are prohibited.

7. **Fully enclosed areas that are above grade,** below the lowest floor, below BFE and subject to flooding, shall:
   a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
   b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls 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.

8. *Recreational vehicles* must be fully licensed and ready for highway use.

9. A *small accessory* structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure shall meet the criteria in VII A 7 (above).

10. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.

11. *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.

12. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.

13. *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

14. *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources.

15. *New Structures, Subdivisions and Planned Unit Developments* must be accessible by dry land access outside the special flood hazard area.

16. *Structures to be constructed or substantially improved in Zone AO* shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community’s FIRM, or at least two feet if no depth number is specified.

**B. Floodway Areas**

1. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

   a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

2. Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

C. River Corridors

1. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank;
2. Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
3. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
4. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
5. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
6. Bridge and culvert projects must have a Stream Alteration Permit;
7. Channel management activities must be authorized by the Agency of Natural Resources; and,
8. Development shall maintain an undisturbed buffer within at least fifty (50) feet of the top of bank of streams and rivers.

VIII. Administration

A. Application Submission Requirements

Applications for development shall include:

1. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, Floodways, River Corridor, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit
application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit before work can begin;

B. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction the AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, 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.

2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

C. Decisions

The ZBA shall consider comments from the NFIP Coordinator at ANR. The ZBA may recess the proceedings on any application pending submission of additional information.

D. Records

The Administrative Officer shall properly file and maintain a record of:

1. All permits issued in areas covered by this bylaw;
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
3. All flood proofing and other certifications required under this regulation; and,
4. All decisions of the ZBA (including variances and violations) and all supporting findings of fact, conclusions and conditions.
IX Certificate of Occupancy

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridor until a certificate of occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the AO shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and that all work has been completed in conformance with the zoning permit and associated approvals. If the AO fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

X. Enforcement and Penalties

A. It shall be the duty of the Administrative Officer to enforce the provisions of this bylaw under 24 VSA §1974a, §4451, and §4452 in accordance with the municipal zoning bylaws of the Town of Stamford. A copy of the notice of violation will be mailed to the State NFIP Coordinator.

B. If the violation remains after all appeals have been resolved, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance for the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced as violations of the municipal bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

XI. Definitions

"Accessory Structure" means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

"Area of Special Flood Hazard" is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.
“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

“Base Flood Elevation” (BFE) is the elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is 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 the average depth of the base flood, usually in feet, above the ground surface.

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

“BFE” see Base Flood Elevation

“Buffer” means an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

“Channel” means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

“Channel width” (or bankfull width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

“Common plan of development” is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

“Critical facilities” - include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station that survive a flood and now are the only sources for food and gas.
"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

"Fill" means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

"FIRM" see Flood Insurance Rate Map

"Flood" means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

"Flood Insurance Study" means an examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.
“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “flood”).

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

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

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

“Fluvial Erosion” is erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

“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.

“Letter of Map Amendment (LOMA)” is a letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement, except 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 (or Mobile home)" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

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

"New construction” for regulation under this bylaw, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the 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.

"Nonconformity" means a nonconforming use, structure, lot, or parcel.

"Non-residential" includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

"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.

"River Corridor" means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

"Special Flood Hazard Area" is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

"Start of construction" for purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The "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 regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

“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 after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively 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”.

“Top of Bank” means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

“Violation” means the failure of a structure or other development to be fully compliant with this bylaw. 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.
Adopted October 15, 2015

Christopher Dargie, Chair

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The Flood Hazard Area Regulations will become effective 21 days from adoption.