

# **TOWN OF STAMFORD, VERMONT**

## **ZONING BYLAWS**

**Effective: October 23, 2020**

TOWN OF STAMFORD, VERMONT  
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**Purpose and Applicability.**

This Bylaw is intended to implement the goals and policies of the Town Plan by providing for appropriate future land uses, densities, and intensities of development in a manner that will promote economic prosperity, protect important resources, and contribute to a high quality of life for residents.

This Bylaw is adopted under the authority of 24 V.S.A. Chapter 117, the Vermont Municipal and Regional Planning and Development Act, replaces and supersedes the previous Stamford Zoning Bylaw.

**Section 1: Definitions.**

For the purpose of this Bylaw, 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".

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

**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.

Conditional Use: Certain uses which may be permitted in any district only by approval of the Zoning Board of Adjustment upon a determination that the general and specific standards enumerated in this Bylaw are satisfied.

District: A district established by the provisions of Section 3 of this Bylaw.

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.

“E”

Family: Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit.

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.

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.

Foundation: A permanent, in ground, support.

“G”    “H”    “I”    “J”    “K”

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 Bylaw. 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.

“M”

Nonconforming Use: A use of land, building, or premises, which is not a use permitted by the provisions of this Bylaw 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 Bylaw, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

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

Permitted Use: A use which shall be permitted allowing the property owner to use their property in a way which the Zoning Regulations expressly permit under the conditions specified in the regulations after obtaining approval by the Zoning Administrator or Planning Commission, as required.

Personal Service Business: A business which provides services of a personal nature, including but not limited to: professional offices, beauty and barber shops, technology and telecommunication services, and similar uses.

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.

Premises: A lot as defined in this section.

“Q”

Restaurant: An establishment that serves food and beverages to persons seated primarily within the principal building. This includes taverns, bars, cafes, tea rooms, and outdoor cafes. It also may include take-out service.

Seasonal, Vacation Structure or Camp: A second place for living, used by the occupants periodically and for no more than 21 consecutive days or 60 total days per year, primarily recreational use, and not used as their principal residence.

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.

Street Line: The line dividing the street and the lot. The street line for state highways shall be confirmed by the District Highway Engineer.

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.

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.

“U”     “V”     “W”     “X”

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.

“Z”

## **Section 2: Limitations.**

- 2.1. In accordance with 24 VSA, Section 4413, of the Vermont Planning and Development Act, the following 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. These uses are allowed, subject to review as conditional uses, in any district, and conditions related to any of the standards noted in this section may be imposed by the Zoning Board of Adjustment.
  - 2.1.1. State or community (municipality) owned and operated institutions and Facilities.
  - 2.1.2. Public and private schools and other educational institutions certified by the Agency of Education.
  - 2.1.3. Churches and other places of worship, convents, and parish houses.
  - 2.1.4. Public and private hospitals.
  - 2.1.5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
  - 2.1.6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.
- 2.2. Uses Not Requiring a Permit. The following uses do not require a permit provided that any new or expanded use or structure is within the standards so provided:
  - 2.2.1. The erection, repair or replacement of one small accessory building not exceeding 300 square feet in area and 10 feet in height which meets the required setbacks. A person shall notify the Zoning Administrator in writing of the intent to build said structure.
  - 2.2.2. Outdoor fireplaces meeting required setbacks.
  - 2.2.3. Antennas and towers under 50' in height used for private, HAM radio, residential radio and/or television which meet the required setbacks and are not used for commercial purposes.
  - 2.2.4. Telecommunication facilities subject to jurisdiction of the Public Utility Commission pursuant to 30 VSA Section 248(a).
  - 2.2.5. Public utility power generating plants and transmission facilities regulated under 30 VSA Section 248.

- 2.2.6. Pools that are not in ground, are taken down each year for winter storage, and meet required setbacks.
- 2.2.7. Repair and maintenance of an owner's property or driveways.
- 2.2.8. Lampposts or other minor yard decorations.
- 2.2.9. Walkways or handrails to assist the handicapped.
- 2.2.10. Swing sets, jungle gyms, treehouses, and other similar children's play equipment not connected with commercial property.
- 2.2.11. Garbage dumpsters that meet the required setbacks.
- 2.2.12. Required Agricultural Practices, including the construction of farm structures, as defined by the Secretary of Agriculture, Food, and Markets. Refer to Appendix I – Flood Hazard Area Regulations for additional requirements that may apply to construction of a structure in a flood hazard area.
- 2.2.13. Forestry operations and Accepted Silvicultural Practices, as defined by the Commissioner of Forests, Parks, and Recreation.
- 2.2.14. Solar energy devices on a roof having a slope of less than or equal to five degrees.

**Section 3: Districts.** For the purpose of this Bylaw, the Town is divided into the following districts:

- 3.1. Residential District
- 3.2. Rural District
- 3.3. Forest District
- 3.4. The boundaries of these districts are hereby established as shown on the Zoning Map of the Town of Stamford dated February 21, 2006.
- 3.5. The Flood Hazard Area is defined in the Flood Hazard Area Regulations dated October 15, 2015 and attached hereto as Appendix I.
- 3.6. Any uncertainty as to the location of a district boundary line on the Zoning Map shall be resolved by the Zoning Board of Adjustment.

**Section 4: Residential District.** The purpose of the Residential District is to provide an opportunity for a mix of residential, commercial, and public uses at a moderate density while preserving the character and scenic qualities of the area.

4.1 Permitted Uses – No Site Plan Review Required:

- 4.1.1. One-family and two-family dwelling.
- 4.1.2. A family child care home or facility serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. Section 3511(7) is permitted, but requires site plan approval.
- 4.1.3. 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.
- 4.1.4. Home occupations that are clearly an incidental, non-residential use of a dwelling provided such use does not alter the essential residential character of the building, lot, or neighborhood, and provided that the following conditions are met:
  - 4.1.4.a. No signs are used to advertise the home occupation other than those permitted for a dwelling unit in the Residential District;
  - 4.1.4.b. A home occupation may include the sale of merchandise by a resident in their own dwelling, provided that such sales do not change the residential character thereof.
- 4.1.5. Accessory uses customarily incidental to the permitted use: such uses shall include permanent framed decks or decks on a structure, in-ground swimming pools, tennis courts and similar recreational facilities, and permanent buildings for housing automobiles, equipment, supplies, pets and animals, and any structure (including tents) affixed to a foundation. These structures shall meet the applicable setback requirements under this section.
- 4.1.6. An accessory dwelling unit, as defined in this Bylaw, is permitted as a use subordinate to a one or two family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the primary dwelling structure or in an existing or new accessory structure.
- 4.1.7. Signs: For residential uses, one sign not over 4 square feet in area bearing the name and occupation of the occupant, is allowed, as well as 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 is allowed. Signs may be illuminated externally and shall not include internal or flashing lights, or lighting that would interfere with the safe operation of a motor vehicle. Directional signs

not over 2 square feet in area may be placed near street intersections, provided that they comply with all provisions of applicable laws.

- 4.2. Permitted Uses - Site Plan Review Required: The following may be permitted following a public hearing and review by the Planning Commission. The site plan must conform to all requirements of Section 7.14 and the Planning Commission may approve, approve with conditions, or deny the application to ensure that the standards of this Bylaw are satisfied.
- 4.2.1. A public park or playground operated by a governmental unit or non-profit corporation.
  - 4.2.2. 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.
  - 4.2.3. A municipal fire or police station, water tank, electric transformer station, unattended telephone exchange or similar utility building.
  - 4.2.4. A bona fide club, the principal activity of which is not carried on as a business.
  - 4.2.5. A convalescent home or home for the aged, provided that the lot includes no less than 6,000 square feet in area per patient accommodated.
  - 4.2.6. An inn or bed and breakfast establishment with no more than six rooms rented to guests.
  - 4.2.7. A professional or business office building, not exceeding 3,000 square feet of building area with no more than two stories of usable floor space.
  - 4.2.8. Multi-family dwelling as defined in Section 1, provided that at least one of the dwelling units shall be owner-occupied.
  - 4.2.9. Accessory uses customarily incidental to a permitted or conditional use that will accommodate an expansion of a permitted or conditional commercial use require site plan review.
  - 4.2.10. Commercial building for manufacturing, retail sales, or a personal service business, provided that the use does not create environmental pollution or noise noticeable off the premises and that all material is stored out of view.
  - 4.2.11. A restaurant.

4.3. Conditional Uses Permitted in the Residential District: The following may be permitted as conditional uses in the Residential District. In addition to the conditional use standards enumerated in Section 7.3, the development must include an architectural design and landscaping that are in keeping with the character of the vicinity, and include an estimate of direct and indirect municipal costs.

- 4.3.1. All conditional use applications must account to the town for probable direct and indirect municipal costs. Applicants shall be required to submit an economic and environmental study and statement as part of the required application materials.
- 4.3.2. A public or semi-public use identified in Section 2.1, provided that the aggregate area of buildings on the lot shall not exceed ten percent of the area of such lot.
- 4.3.3. An inn or bed and breakfast establishment with more than six rooms rented to guests.
- 4.3.4. A commercial golf course or golf driving range. The course or range shall not include night lighting.

4.4 Dimensional Standards for the Residential District:

Dimensional Standards for the Residential District		
	Permitted Uses	Conditional Uses
Minimum Lot Area per Principal Building or Use *	2 acres or as specified for the use in Section 4.2	2 acres or as specified for the use in Section 4.3
Minimum Front Yard	50 feet from road centerline	50 feet from road centerline
Minimum Side Yard	25 feet	25 feet
Minimum Rear Yard	25 feet	25 feet
Maximum Building Height	35 feet	35 feet
Maximum Building Coverage	30 percent	30 percent
Minimum Frontage on Public or Private Street	150 feet or access by a right-of-way of at least 25 feet	150 feet or access by a right-of-way of at least 25 feet

\* A two-family, multifamily building, or mixed use building must satisfy the minimum lot area requirement for the principal building; additional lot area is not required when two or more units/uses are created in a permitted principal building, provided all state water supply and wastewater disposal requirements are satisfied.

**Section 5: Rural District.** The purpose of the Rural District is to maintain and preserve the agricultural character and scenic qualities of outlying areas while providing the opportunity for moderate density residential and limited non-residential development. The type and density of development also is intended to limit the need for costly expansion of public infrastructure into this rural area.

5.1. Permitted Uses – No Site Plan Review Required:

- 5.1.1. One-family and two-family dwelling.
- 5.1.2. A family child care home or facility serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. Section 3511(7) is permitted, but requires site plan approval.
- 5.1.3. 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.
- 5.1.4. Home occupations that are clearly an incidental, non-residential use of a dwelling provided such use does not alter the essential residential character of the building, lot, or neighborhood, and provided that all of the following conditions are met:
  - 5.1.4.a. No signs are used to advertise the home occupation other than those permitted for a dwelling unit in the Residential District;
  - 5.1.4.b. A home occupation may include the sale of merchandise by a resident in their own dwelling, provided that such sales do not change the residential character thereof.
- 5.1.5. Accessory uses customarily incidental to the permitted use: such uses shall include permanent framed decks or decks on a structure, in-ground swimming pools, tennis courts and similar recreational facilities, and permanent buildings for housing automobiles, equipment, supplies, pets and animals, and any structure (including tents) affixed to a foundation. These structures shall meet the applicable setback requirements under this section.
- 5.1.6. An accessory dwelling unit, as defined in this Bylaw, is permitted as a use subordinate to a one or two family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the primary dwelling structure or in an existing or new accessory structure.
- 5.1.7. Signs: For residential uses, one sign not over 4 square feet in area bearing the name and occupation of the occupant, is allowed, as well as 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 is allowed. 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 applicable laws.

- 5.1.8. Seasonal camps, one per lot, not used as a dwelling or as the principal place of residence of the occupants, unless it meets all of the requirements, dimensional and other, for a one family dwelling. For the purpose of the Bylaws, permanent shall mean in excess of 21 days of continuous use or 60 total days in one calendar year.
- 5.2 Permitted Uses - Site Plan Review Required: The following may be permitted following a public hearing and review by the Planning Commission. The site plan must conform to all requirements of Section 7.14 and the Planning Commission may approve, approve with conditions, or deny the application to ensure that the standards of this Bylaw are satisfied.
- 5.2.1. A public park or playground operated by a governmental unit or non-profit corporation.
  - 5.2.2. A municipal fire or police station, water tank, electric transformer station, unattended telephone exchange or similar utility building.
  - 5.2.3. A bona fide club, the principal activity of which is not carried on as a business.
  - 5.2.4. A convalescent home or home for the aged, provided that the lot includes no less than 6,000 square feet in area per patient accommodated.
  - 5.2.5. An inn or bed and breakfast establishment with no more than six rooms rented to guests.
  - 5.2.6. Multi-family dwelling as defined in Section 1, provided that at least one of the dwelling units shall be owner-occupied.
  - 5.2.7. Accessory uses customarily incidental to a permitted or conditional use that will accommodate an expansion of a permitted or conditional commercial use require site plan review.
- 5.3. Conditional Uses Permitted in the Rural District: The following may be permitted as conditional uses in the Rural District. In addition to the conditional use standards numerated in Section 7.3, the development must include an architectural design and landscaping that are in keeping with the character of the vicinity, and include an estimate of direct and indirect municipal costs.
- 5.3.1. A public or semi-public use identified in Section 2.1, provided that the aggregate area of buildings on the lot shall not exceed ten percent of the area of such lot.
  - 5.3.2. An inn or bed and breakfast establishment with more than six rooms rented to guests.

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

5.3.4. A mobile home park or trailer park (See Section 8.5 for specific requirements).

5.3.5. Commercial building for manufacturing, retail sales, or a personal service business, provided that the use does not create environmental pollution or noise noticeable off the premises and that all material is stored out of view.

5.3.6. A restaurant.

**5.4. Dimensional Standards for the Rural District:**

Dimensional Standards for the Rural District		
	Permitted Uses	Conditional Uses
Minimum Lot Area per Principal Building or Use *	2 acres or as specified for the use in Section 5.2	2 acres or as specified for the use in Section 5.3
Minimum Front Yard	50 feet from road centerline	50 feet from road centerline
Minimum Side Yard	25 feet	25 feet
Minimum Rear Yard	25 feet	25feet
Maximum Building Height	35 feet	35 feet
Maximum Building Coverage	20 percent	20 percent
Minimum Frontage on Public or Private Street	150 feet or access by a right-of-way of at least 25 feet	150 feet or access by a right-of-way of at least 25 feet

\* A two-family, multifamily building, or mixed use building must satisfy the minimum lot area requirement for the principal building; additional lot area is not required when two or more units/uses are created in a permitted principal building, provided all state water supply and wastewater disposal requirements are satisfied.

**Section 6: Forest District.** The purpose of the Forest District is to preserve tracts of land suitable for perpetuating forest resources for forestry, recreation, and similar uses, to maintain environmental quality and protect vital sources of pure water for public and private supplies, and to provide opportunities for low-density development.

**6.1. Permitted Uses – No Site Plan Review Required:**

6.1.1. One-family and two-family dwelling.

6.1.2. A family child care home or facility serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. Section 3511(7) is permitted, but requires site plan approval.

- 6.1.3. 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.
- 6.1.4. Home occupations that are clearly an incidental, non-residential use of a dwelling provided such use does not alter the essential residential character of the building, lot, or neighborhood, and provided that all of the following conditions are met:
  - 6.1.4.a. No signs are used to advertise the home occupation other than those permitted for a dwelling unit in the Residential District;
  - 6.1.4.b. A home occupation may include the sale of merchandise by a resident in their own dwelling, provided that such sales do not change the residential character thereof.
- 6.1.5. Accessory uses customarily incidental to the permitted use: such uses shall include permanent framed decks or decks on a structure, in-ground swimming pools, tennis courts and similar recreational facilities, and permanent buildings for housing automobiles, equipment, supplies, pets and animals, and any structure (including tents) affixed to a foundation. These structures shall meet the applicable setback requirements under this section.
- 6.1.6. An accessory dwelling unit, as defined in this Bylaw, is permitted as a use subordinate to a one or two family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the primary dwelling structure or in an existing or new accessory structure.
- 6.1.7. Signs: For residential uses, one sign not, over 4 square feet in area bearing the name and occupation of the occupant, is allowed, as well as 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 is allowed. 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 applicable laws.
- 6.1.8. Seasonal camps, one per lot, not used as a dwelling or as the principal place of residence of the occupants, unless it meets all of the requirements, dimensional and other, for a one family dwelling. For the purpose of the Bylaws, permanent shall mean 21 days of continuous use or 60 total days in one calendar year.
- 6.1.9. Temporary accommodations for personnel employed on the premises.

- 6.2. Conditional Uses Permitted in the Forest District: The following may be permitted as conditional uses in the Forest District. In addition to the conditional use standards enumerated in Section 7.3, the development must include an architectural design and landscaping that are in keeping with the character of the vicinity, and include an estimate of direct and indirect municipal costs.
- 6.2.1. A public or semi-public use identified in Section 2.1, provided that the aggregate area of buildings on the lot shall not exceed ten percent of the area of such lot.
- 6.2.2. A public park or playground operated by a governmental unit or non-profit corporation.
- 6.2.3. An inn or bed and breakfast establishment with no more than six rooms rented to guests.

6.3. Dimensional Standards for the Forest District:

Dimensional Standards for the Forest District		
	Permitted Uses	Conditional Uses
Special Limitation: Elevation and Slope	All buildings and structures must be located below 2,500 feet in elevation and on slopes less than 25 percent.	
Minimum Lot Area per Principal Building or Use *	5 acres	5 acres
Minimum Front Yard	50 feet from road centerline	50 feet from road centerline
Minimum Side Yard	25 feet	25 feet
Minimum Rear Yard	25 feet	25 feet
Maximum Building Height	35 feet	35 feet
Maximum Building Coverage	5 percent	5 percent
Minimum Frontage on Public or Private Street	150 feet or access by a right-of-way of at least 25 feet	150 feet or access by a right-of-way of at least 25 feet

\* A two-family or mixed use building must satisfy the minimum lot area requirement for the principal building; additional lot area is not required when two or more units/uses are created in a permitted principal building, provided all state water supply and wastewater disposal requirements are satisfied.

**Section 7: General Regulations.**

- 7.1. Compliance with Bylaws: 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 Bylaw. 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

Bylaw. 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 Bylaw.

- 7.1.1. Nothing contained in this Bylaw shall require any change in the plans, construction, or designated use of a building complying with local laws in force prior to this Bylaw, 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 Bylaw.
- 7.1.2. Except as otherwise provided herein, any use not permitted shall be deemed to be prohibited.
- 7.2. Land development is permitted on lots which have either: (1) frontage on a public road or public waters or (2) access to such road or waters by a permanent easement or right-of-way, from a public road, which shall be:
  - 7.2.1. At least 20 feet wide and approved by the Zoning Administrator for access to one or two lots, provided the application does not otherwise require review by the Planning Commission or Zoning Board of Adjustment. The Zoning Administrator shall recommend that the adequacy of access for emergency vehicles and other factors that may affect public health and safety be considered;
  - 7.2.2. At least 20 feet wide and approved as part of a site plan review by the Planning Commission, or by the Zoning Board of Adjustment for a conditional or nonconforming use, for access to three or more lots. In approving the easement or right-of-way, the Planning Commission or Zoning Board of Adjustment should consider adequacy of access for emergency vehicles and other factors that may affect public health and safety.
- 7.3. Conditional Use: A conditional use may be approved by the Zoning 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 Bylaws 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 Bylaw.

- 7.3.1. The appellant for a conditional use permit shall notify the Zoning Board of Adjustment, in writing, of the names of the abutters at the time of application for the permit.
  - 7.3.2. The Zoning 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. The Board shall act to approve, approve with conditions, or disapprove any such requested conditional use within forty-five (45) calendar days after the date of the close of the final ZBA hearing and failure to so act within such period shall be deemed approval on the 46<sup>th</sup> 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 Bylaw 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 Bylaw applicable to the district in which such use is located, the required area of such a 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 percent 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, Ss 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.
  - 7.6.1. The height of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high on sloped roofs, any of which are mounted on complying structures, are not subject to these regulations. For the purposes of this section, a sloped roof means a roof having a slope of more than five degrees.
  - 7.6.2. The height of antennae that are part of a telecommunications facility, as defined in 30 V.S.A. Section 248(a), is exempt from review under this Bylaw.
- 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 Bylaw, 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 Bylaw relating to lot size 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 Bylaw 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 Bylaw, 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 campground 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. **Mobile Home or 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 one 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 Bylaw 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 plan shall be required for any use listed in Sections 4.2, 4.3, 5.2, 5.3, or 6.2 of this Bylaw. Site plans for permitted uses are reviewed by the Planning Commission and site plans are considered as part of the conditional use review by the Zoning Board of Adjustment.
- 7.14.1. The site plan shall be at a scale prescribed by the Planning Commission or Zoning Board of Adjustment and shall show all of the following unless any requirements are waived by the PC or ZBA:
- 7.14.1.a. The boundaries and area of the affected lot;
  - 7.14.1.b. Existing and proposed structures on the lot and adjacent lots within 200 feet from the boundary of the lot;
  - 7.14.1.c. A plan for safe and effective vehicle circulation and parking;
  - 7.14.1.d. A plan for safe and effective pedestrian circulation;
  - 7.14.1.e. Any open space, park, or playground facilities;
  - 7.14.1.f. Existing and proposed landscaping and screening that will promote an attractive streetscape and mitigate any impacts on adjacent residential properties;
  - 7.14.1.g. Water supply and fire protection;
  - 7.14.1.h. Wastewater disposal;
  - 7.14.1.i. Surface water features and drainage ways;
  - 7.14.1.j. Proposed grading,
  - 7.14.1.k. Provisions for erosion control or a stormwater management plan, if required;
  - 7.14.1.l. A plan for existing and proposed exterior lighting that will minimize off-site illumination and glare.
  - 7.14.1.m. Extent of any Flood Hazard Area.

7.15. Planned Unit Development: The Purpose of Planned Unit Development regulation is to:

- 7.15.a. To implement the policies of the Stamford Town Plan.
- 7.15.b. To encourage compact, pedestrian-oriented development and redevelopment either in residential subdivisions, or, in districts where commercial uses are allowed, in planned commercial or mixed use developments.
- 7.15.c. To ensure that development in rural parts of the Town is compatible with the use and character of surrounding open spaces.
- 7.15.d. To provide for flexibility in site and lot layout, building design, placement of buildings, use of open areas, vehicle and pedestrian facilities and parking, and related site and design considerations to best achieve the goals for the area as articulated in the Town Plan and this Bylaw within the particular character of the site and its surroundings.
- 7.15.e. To provide for the conservation of important open space features, including the preservation of agricultural land, forest land, trails and other recreational resources, critical and sensitive natural areas, and scenic resources, and to provide protection from natural hazards.
- 7.15.f. To provide for efficient use of public facilities and infrastructure.
- 7.15.g. To encourage and preserve opportunities for energy-efficient development and redevelopment.

7.15.1. Definition: A Planned Unit Development (PUD) is a form of development in which the overall density allowed by a property's zoning remains unchanged, but modifications can be made to lot sizes, setbacks, and other dimensional requirements to achieve the Purpose of the applicable land use district and the objectives of the Stamford Town Plan.

7.15.2. Allowance for Planned Unit Development: Planned Unit Developments are allowed in the Residential, Rural, and Forest Districts, subject to the use and overall density restrictions applicable to each district.

7.15.3. Planned Unit Development Review: The Zoning Board of Adjustment shall review a proposal for a PUD pursuant to the site plan and conditional use requirements of this Bylaw. In addition to the information required for site plan and conditional use review, applications for PUDs must include the following:

- 7.15.3.a. A statement setting forth the nature of all proposed modifications or changes of existing land use and development regulations and the standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of buildings, and sizes of lots and open spaces.
  - 7.15.3.b. A brief summary of the project and how it meets the standards in this section.
  - 7.15.3.c. Additional information required by the Zoning Board of Adjustment to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth below.
- 7.15.4. Planned Unit Development Standards: PUDs shall satisfy the following:
- 7.15.4.a. The overall density shall not exceed the number of units, bedrooms or uses permitted in the Zoning Board of Adjustment's judgment if the land were subdivided in accordance with the standards for the district(s) in which such land is situated.
  - 7.15.4.b. The PUD is an effective and unified treatment of the development possibilities of the project site.
  - 7.15.4.c. Uses shall be limited to those which are allowed in the zoning district in which the proposed PUD is located.
  - 7.15.4.d. A greater concentration or intensity of 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.
  - 7.15.4.e. A PUD may involve the creation of separate building lots, or may include a development in which multiple buildings and uses are constructed on a single parcel in common ownership.
  - 7.15.4.f. The PUD shall be consistent with the goals and policies of the Stamford Town Plan and any specific requirements for the district within which the PUD is located.
  - 7.15.4.g. The PUD shall be designed to maximize vehicular and pedestrian integration with adjacent uses and parcels. Pedestrian facilities shall be laid out to serve as an interconnected network of sidewalks, pathways and trails, as appropriate to site conditions. Provision for safe and efficient transit access may also be required.

- 7.15.4.h. Site design and landscaping shall be compatible with neighboring properties. In instance in which a PUD abuts a residential property, greater setback requirements for structures and parking areas and appropriate screening may be required.
- 7.15.4.i. Consideration should be given to provision of access to renewable energy resources through such means as developing south-facing slopes in lot layout and enabling solar access to all future buildings.
- 7.15.4.j. In instances in which an applicant proposes development of a portion of a larger parcel, or development of a parcel contiguous to another parcel(s) in common or affiliated ownership, a general indication of the intended use of the remaining (undeveloped) portion of the land shall be submitted for Zoning Board of Adjustment review.
- 7.15.4.k. With the application, the landowner/PUD proponent shall submit to the Zoning Board of Adjustment for review and approval a form of declaration of easements and restrictions governing the relationship among lot/building owners and the maintenance of the PUD, including the creation, if applicable, of a home/lot owners' association to manage the PUD and to establish and collect home/lot owners' dues in an amount necessary to meet the common expenses of the PUD (such as snow removal, maintenance of streets and drainage facilities, and real estate taxes on common elements). Upon approval of the PUD/subdivision plat, the declaration shall be recorded with the Stamford Land Records so as to be enforceable against each lot.

## **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 Bylaw, 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:

- 8.1.a. No nonconforming use may be changed except to a conforming use, or, with the approval of the Zoning Board of Adjustment, to another nonconforming use not more objectionable in character.
- 8.1.b. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
- 8.1.c. No nonconforming use shall be extended or expanded, except with the approval of the Zoning 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 Zoning Board of Adjustment such enforcement would work a hardship on the owner of an established nonconforming use.

- 8.1.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: The Zoning Administrator may issue permits, without approval by the Planning Commission or Zoning Board of Adjustment, for structural alterations, moving, reconstruction, or enlargement of a noncomplying structure provided that such action would not otherwise be subject to site plan or conditional use review, and that it does not increase the degree of or create any new non-compliance with regard to the regulations pertaining to such buildings. Any increase in noncompliance will require approval by the Zoning Board of Adjustment after public hearing pursuant to the requirements for a variance or waiver, as appropriate.

8.1.2. Reconstruction after Damage: Except in the areas regulated by the Flood Hazard Area Regulations, nothing in this Bylaw shall prevent the restoration or reconstruction within two years of a building damaged or destroyed by fire, explosion, accident, or by the public enemy, subsequent to the adoption of this Bylaw, to its condition prior to such damage or destruction, nor prevent the restoration of an unsafe wall or structural member. A permit shall be obtained for such restoration or reconstruction, but the fee for said application shall be waived provided the application is filed within two years of the loss.

8.1.3. Any use not otherwise covered by the above shall be referred to the Zoning 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 Bylaw.

8.2. Permit for Removal of Earth Products: Except as otherwise provided in this Bylaw 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 Zoning 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:

- 8.2.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.
- 8.2.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.
- 8.2.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.
- 8.2.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. A stream alteration general permit, obtained from the Vermont Department of Environmental Conservation, may be required for any such excavation.

8.2.1. Commercial sand and gravel operations must conform to Act 250.

- 8.3. 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 Bylaw. Required parking facilities shall contain not less than the following areas, exclusive of driveways necessary for access:

- 8.3.a. For dwellings, 250 square feet for each dwelling unit.
- 8.3.b. For stores, offices, and for permitted home occupations, an area equal to the floor area used for such purpose.
- 8.3.c. For lodging places, 250 square feet for every guest room.
- 8.3.d. For restaurants, 250 square feet for every three seats used for dining.
- 8.3.e. The Planning Commission or Zoning Board of Adjustment may modify these requirements based on a determination of actual parking demand for a proposed use. For uses not otherwise listed, the Planning Commission or Zoning Board of Adjustment may establish a parking requirement based

on the expected number of vehicles for occupants, employees, and visitors.

- 8.4. **Solid Waste Facilities**: Any solid waste facility must be certified by the Vermont Department of Environmental Conservation and approved as a conditional use by the Zoning Board of Adjustment, and also must meet the following minimum standards: Minimum lot size: 10 acres; minimum distance from any building or waste storage/processing area to all property lines and surface waters: 100 feet; minimum distance from any building or waste storage/processing area to existing dwellings: 1,000 feet; and the volume processed shall primarily be generated from the Town of Stamford.
- 8.5. **Mobile Home Parks**: Mobile Home Parks are permitted in accordance with 10 VSA, Ch. 153 s.6204(a) and 24 VSA, s.4412(B) and (C), and may include essential services such as laundry and convenience goods for the occupants, subject to the following standards:
  - 8.5.a. Location: Rural District;
  - 8.5.b. Minimum Park Area: 5 acres;
  - 8.5.c. Density: maximum of four (4) homes per gross acre of park area;
  - 8.5.d. Minimum MH lot: 6,000 square feet;
  - 8.5.e. Minimum lot width: 50 feet; MH lot line setback 15 feet;
  - 8.5.f. Water supply and wastewater disposal to meet state standards;
  - 8.5.g. Minimum open space 10% of the gross park area;
  - 8.5.h. A landscaped buffer around the perimeter of the park shall be at least 20 feet wide;
  - 8.5.i. Adequate internal landscaping/lighting shall be provided;
  - 8.5.j. Each mobile home shall be located on the defined lot with permanent markers and adequately anchored and skirted to industry standards;
  - 8.5.k. Minimum of two parking spaces (paved or gravel) per mobile home lot.
  - 8.5.l. Grading and drainage must be developed and maintained to minimize erosion and manage stormwater consistent with State standards;
  - 8.5.m. Provision must be made for safe and effective operation and maintenance of the park over time.

8.5.1. The enterprise of mobile home sales, sale of merchandise, or business services on a mobile home lot is not permitted.

8.6. Agriculture and Forestry: Accepted agricultural and silvicultural practices are allowed uses in all Districts pursuant to T.24 V.S.A. s. 4413(d). These uses include:

8.6.1. Required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets;

8.6.1.a. "Farm structure" means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.

8.6.2. Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices which are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation; and

8.6.3. Forestry operations. As used in this section:

8.6.3.a. "Forestry operations" has the same meaning as in 10 V.S.A. § 2602.

8.6.4. A person shall notify the Zoning Administrator in writing of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required.

8.6.5. Accessory on-farm businesses, are allowed in all districts pursuant to 24 VSA Section 4412(11).

8.7. Telecommunication Infrastructure: The regulation of a telecommunications facility, as defined in 30 V.S.A. § 248a, is exempt from municipal approval under this Bylaw when and to the extent jurisdiction is assumed by the Public Utility Commission according to the provisions of that section. This exemption from obtaining approval under this Bylaw shall not affect the substantial deference to be given to a plan or recommendation based on a local land use Bylaw under 30 V.S.A. §248a(c)(2). Furthermore, except to the extent Bylaws protect historic landmarks and structures listed on the State or National Register of Historic Places, no permit shall be required for placement of an antenna used to transmit, receive, or transmit and receive communications signals on a property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.

- 8.8. Waivers: Requests for waivers of dimensional requirements are reviewed by the Zoning Administrator. The purpose of waivers is to allow for minor additions to a principal or accessory structure that would not be counter to the purpose of this Bylaw or the Town Plan, but which might not meet the standards for the granting of a variance. A waiver may be granted only to reduce dimensional requirements as provided below, and compliance with all other requirements of this Bylaw is required. The Zoning Administrator may grant a waiver provided all of the following conditions are satisfied:
- 8.8.a. The proposal is for an addition to an existing principal or accessory structure, provided that said addition does not increase the footprint of the structure by more than ten (10) percent, and that the addition does not increase the building footprint by more than 300 square feet.
  - 8.8.b. The addition is the minimum size that is necessary for it to serve its intended function.
  - 8.8.c. The addition is specifically intended to improve access or safety, or for a minor addition to an existing building.
- 8.8.1. The Zoning Administrator may refer an application for a waiver to the ZBA if the Zoning Administrator makes a finding that it may be necessary to impose conditions regarding the design and screening of the addition to mitigate any impacts on neighboring properties. Development in a Flood Hazard Area must meet all requirements of Section 6.1 of this Bylaw.

## **Section 9: Administration and Enforcement.**

- 9.1. Zoning Administrator: The provisions of this Bylaw shall be administered and enforced by the Zoning Administrator or acting Zoning Administrator, nominated by the Planning Commission and approved by the Selectboard as provided by Section 4448 of the Vermont Planning and Development Act. The Zoning Administrator shall literally enforce the provisions of this Bylaw and the duties of the office.
- 9.1.1. The Zoning Administrator 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 Selectboard, shall be submitted to, and approved by the Zoning Administrator before:
- 9.2.a. The subdivision of any land.
  - 9.2.b. Any land or structure is devoted to a new or changed use.

- 9.2.c. The construction or moving of a building, accessory building, or any other structure intended for accessory use.
  - 9.2.d. The enlargement or realignment of any building or structure.
  - 9.2.e. The change, extension, or expansion of a nonconforming use.
  - 9.2.f. The reconstruction of a building or structure damaged or destroyed by fire, explosions, accident, or by the public enemy.
  - 9.2.g. The removal of earth products.
  - 9.2.h. The establishment of a home occupation.
- 9.2.1. The Zoning Administrator shall maintain a full and accurate record of all applications, permits, and violations acted upon by the Zoning Administrator, 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.
  - 9.2.2. 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.
  - 9.2.3. 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 Zoning 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.
  - 9.2.4. No permit for any building or change of use requiring a sewage disposal system shall be granted until a permit has been granted in compliance with Section 7.13 and Vermont Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules, latest version.
  - 9.2.5. A building permit is valid for two (2) years from the date of issue. If no work has begun within that time period, 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 Zoning Administrator prior to the expiration the 2-year period.

- 9.3. Zoning Board of Adjustment: A Zoning Board of Adjustment, appointed by the Selectboard, shall perform the following duties:
- 9.3.a. Perform the administrative review of all questions arising out of or with respect to the administration and enforcement of this Bylaw.
  - 9.3.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 Zoning Administrator in connection with the enforcement of this Bylaw.
  - 9.3.c. Hear and grant or deny appeals for variances from the provisions of this Bylaw based on findings as described in Section 4469 of the Vermont Planning and Development Act.
  - 9.3.d. Hear and grant or deny requests for conditional uses, planned unit developments, and for specific uses and acts described in Section 8 of this Bylaw.
  - 9.3.e. Hear and grant or deny requests for waivers, when an application is referred by the Zoning Administrator pursuant to Section 8.8 of this Bylaw.
  - 9.3.f. Make available to the courts of the State of Vermont, in any action concerning this Bylaw brought before them, a record of the facts found, after public hearing, and the grounds for any decision initially rendered by the Zoning Board of Adjustment.
- 9.4. Appeals to the Zoning Board of Adjustment: Appeals to the Zoning 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:
- 9.4.a. An appeal by an interested person from any decision or act taken by the Zoning Administrator within fifteen days from the date of the Zoning Administrator's decision or act.
  - 9.4.b. An appeal for approval of an Application for Permit by the Zoning Board of Adjustment, after denial by the Zoning Administrator, where the Zoning Bylaw, requires Zoning Board of Adjustment approval.
  - 9.4.c. An appeal for a variance from the provisions of the Zoning Bylaw, after denial of an Application for Permit by the Zoning Administrator.

- 9.5. Planning Commission: The Planning Commission, appointed by the Board of Selectmen, shall perform the following duties:
- 9.5.a. Prepare amendments to this Bylaw and other Bylaws as authorized by 24 VSA Chapter 117.
  - 9.5.b. Prepare and update the Town Plan every eight years and prepare amendments to the Plan as necessary.
  - 9.5.c. Review site plans for permitted uses as required by provisions of this Bylaw.
  - 9.5.d. Such other functions as provided in 24 VSA Section 4325.
- 9.6. Appeals to Environmental Court: An interested person may appeal a decision of the Zoning Board of Adjustment or the Planning Commission to the Environmental Court under Section 801 through 816 of Title 3.
- 9.7. Interpretation of Bylaw: In their interpretation and application, the provisions of this Bylaw 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 Bylaw 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 Bylaw to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Bylaw 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 Bylaw shall control.
- 9.8. Enforcement: Any person who violates the provisions of this Bylaw shall be subject to the penalties and remedies prescribed in Sections 4451 through 4454 of the Vermont Planning and Development Act.
- 9.9. Severability: If any provision of this Bylaw or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Bylaw which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bylaw are severable.

First adoption 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.

Amended 2 October 2020: Purpose, Definitions, Section 2: Limitations, 2.1; Section 4: Residential District, 4.1, 4.2, 4.3; Section 5: Rural District, 5.1, 5.2, 5.3; Section 6: Forest District, 6.1, 6.2; Section 7: General Regulations, 7.2, 7.3, 7.6, 7.12, 7.14; Section 8: Special Regulations, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7; Section 9: Administration and Enforcement, 9.2, 9.3, 9.4. Added: Sections 2.2, 4.4, 5.4, 6.3, 7.15, 8.8, 9.3.e, 9.5.

Adopted: October 2, 2020

Nancy L. Bushika  
Naney L. Bushika, Chair

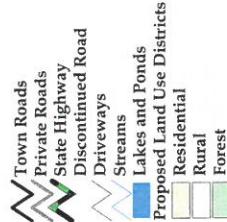
Christopher Warren  
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Michael G. Denault  
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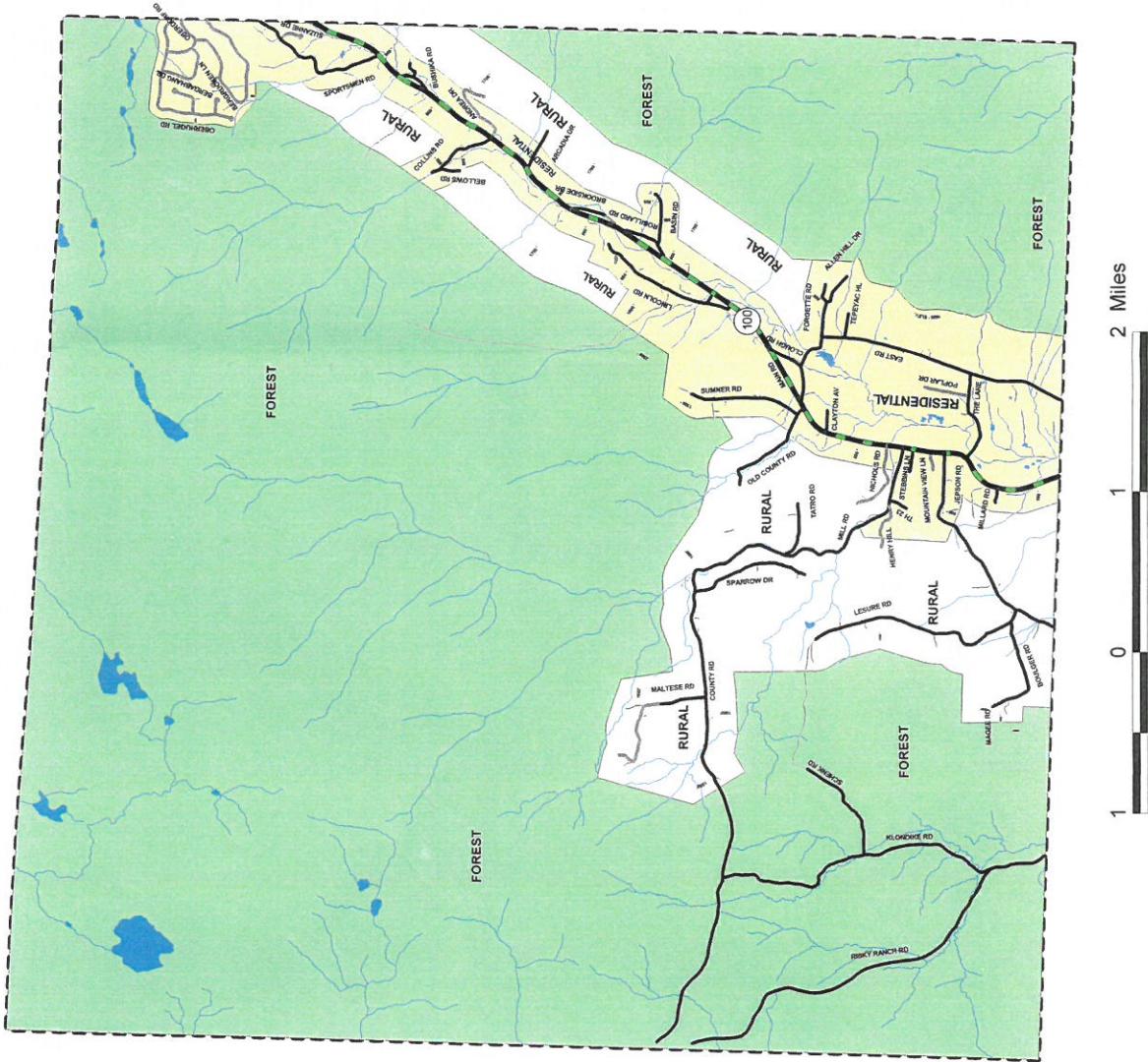
Carol A. Fachini  
Carol A. Fachini

Daniel J. Potvin

# Town of Stamford, Vermont Zoning Map



Map produced June 25, 2009 by  
Bennington County Regional Commission  
111 South Street, Suite 203  
Bennington, Vermont 05201



APPENDIX I

**TOWN OF STAMFORD, VERMONT**

**FLOOD HAZARD AREA  
REGULATIONS**

## TOWN OF STAMFORD FLOOD HAZARD AREA REGULATIONS

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### **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.

Activity	Hazard Zone		
	A	A	A
P Permitted C Conditional Use Review X Prohibited A Exempted	Special Flood Hazard Area	Floodway	River Corridors
1 New Structures	C	X	X
2 Storage	X	X	X
3 Improvements to Existing Structures	P, C	C	C
4 Small Accessory Structures	P	X	C
5 At Grade Parking	P	C	C
6 Replacement water supply or septic systems	C	C	C
8 Fill as needed to elevate existing structures	C	C	C
9 Fill	X	X	X
12 Grading	C	C	C
13 Road maintenance	A	A	A
14 Road improvements	C	C	C
15 Bridges and culverts	C	C	C
16 Channel management	C	C	C
17 Recreational vehicles	P	P	P
18 Open space, recreation	A	A	A
19 Forestry	A	A	A

## **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 15<sup>th</sup> 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

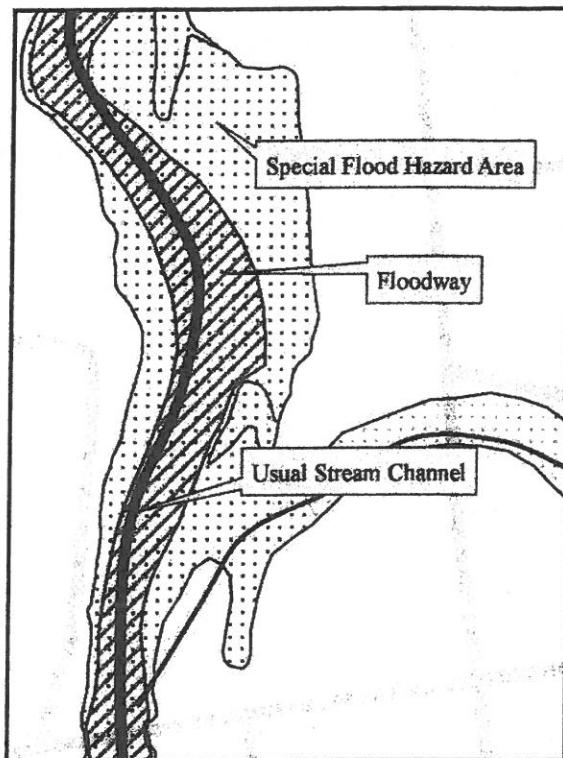
**"Buffer"** means an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent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

***"Nonconforming structure"*** means 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. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

***"Nonconforming use"*** means 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.

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

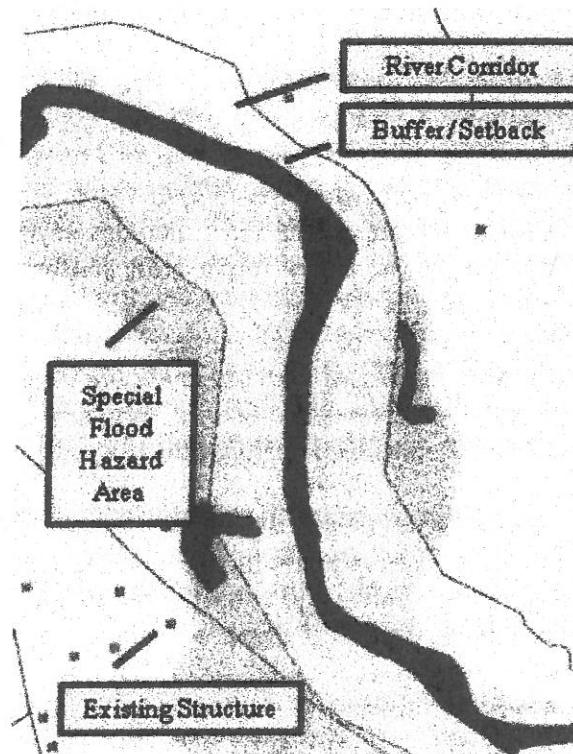
***"Non-residential"*** includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and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

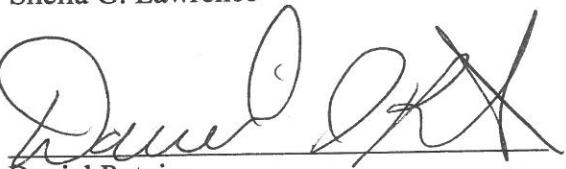
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (b) Any alteration 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

Sheila G. Lawrence  
Sheila G. Lawrence  
  
Daniel Potvin

Nancy L. Bushika  
Nancy L. Bushika

David Bugbee  
David Bugbee

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

# TOWN OF STAMFORD, VERMONT

— Chartered 1753 —

986 Main Road, Stamford, VT 05352

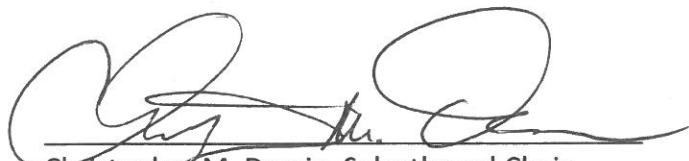
Phone (802) 694-1361

Fax (802) 694-1636

November 5, 2015

In accordance with Vermont Planning and Development Act 24 V.S.A., Chapter 117, Subchapter 6, Sections 4401, 4411, and 4442, the Town of Stamford Zoning By-Laws have been amended to add the Flood Hazard Area Regulations by the vote of the Stamford Selectboard on October 15, 2015.

To effect the purposes of 10 V.S.A. Chapter 32 and in accordance with 24 V.S.A., Section 4424, the amendments are established to provide Flood Hazard Area Regulations for areas of special flood hazard in the Town of Stamford, Vermont.



Christopher M. Dargie, Selectboard Chair



Lori A. Shepard, Town Clerk

/las