

ZONING BY-LAWS

TOWN OF STAMFORD, VERMONT

Effective July 16, 2009

Purpose

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

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

Section 1 Definitions

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

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

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

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

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

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

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

1.3 “C”

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

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

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

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

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

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

1.5 “E”

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

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

- 1.6.3 Farm: Any parcel of land which is used in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures, vehicles and equipment.
- 1.6.4 Foundation: A permanent, in ground, support.
- 1.7 “G”
- 1.8 “H”
- 1.9 “T”
- 1.10 “J”
- 1.11 “K”
- 1.12 Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this By-Law. In the case of multiple dwellings and public, institutional, commercial, industrial, or agricultural buildings, a group of buildings on the same or contiguous premises, all under the same ownership, may be considered as occupying the same lot.
- Lot Line: The established division line between lots or between a lot and a street.
- Lot Line, Front: All dividing lines between a street and the lot shall be considered the front line.
- Lot Line, Side: The line or lines bounding a lot which extends from the street towards the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.
- Lot Lines, Rear: The line or lines bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.
- Lot, Minimum Width of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines, which line of measurement shall touch but not be in front of, the building line. In the case of a corner lot, the minimum width shall be similarly measured and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered as side lot lines.
- 1.13 “M”
- 1.14 Nonconforming Use: A use of land, building, or premises, which is not a use permitted by the provisions of this By-Law for the district in which such land, building, or premises

are situated, but which was legally existing at the effective date hereof, or of any pertinent amendment hereto.

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

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

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

1.16.2 Premises: A lot as defined in this section.

1.17 “Q”

1.18 “R”

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

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

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

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

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

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

1.21 “U”

1.22 “V”

1.23 “W”

1.24 “X”

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

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

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

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

1.26 “Z”

Section 2 Limitations

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

1. State or community (municipality) owned and operated institutions and facilities.
2. Public and private schools and other institutions certified by the Vermont Department of Education;
3. Churches, convents, and parish houses;
4. Public and private hospitals;

5. Solid waste management facilities pursuant to 24 V.S.A. Section 4413 and Section 8.6 of this bylaw.

Section 3 Districts

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

Residential District
Rural Districts
Forest Districts

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

Flood Hazard Area as defined in flood hazard area by-laws and map dated July 3, 1978.

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

Section 4 Residential Districts

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

- 4.1.1 One family and two family dwelling, one per lot.

- a. One Family Dwelling

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

Frontage shall be at least 150 ft.

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

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

Building Height shall not exceed 35 feet.

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

- b. Two Family Dwelling

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

Frontage shall be at least 175 feet.

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

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

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

- c. A family childcare home or facility serving six or fewer children. A family 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 4902(3)(A) is permitted, but requires site plan approval.
 - d. A residential care home or group home operated under state licensing or registration, serving not more than eight persons who have a handicap or disability as defined in 9 V.S.A. Section 4501, except that no such home shall be permitted if located within 1,000 feet of another existing or permitted such home.
- 4.1.2 Accessory uses customarily incidental to the permitted use. Such uses shall include patios, decks, swimming pools, tennis courts and similar recreational facilities, and buildings for housing automobiles, equipment, supplies, pets and animals. These structures shall meet the applicable setback requirements under Section 4.1.1.
- 4.1.3 One sign not over 4 square feet in area for each dwelling unit bearing the name and occupation of the occupant. One temporary sign not exceeding 12 square feet in area advertising the sale, rental, or improvement of the premises on which it is located. For uses other than dwellings one sign not more than 12 square feet in area pertaining to such use. No sign shall be flashing or illuminated in color. Directional signs not over 2 square feet in area may be placed near street intersections, provided that they comply with all provisions of the laws.
- 4.1.4 Pursuant to 24 V.S.A. Section (1)(E) and (F), an accessory dwelling unit, as defined in this bylaw, is permitted as a use subordinate to a one-family dwelling, provided such accessory dwelling unit meets all applicable setback, coverage, and parking requirements. The accessory dwelling unit may be located in the one-family dwelling structure or in an existing or new accessory structure. If creation of the accessory dwelling unit involves the construction of a new accessory structure, an increase in the height or floor area of any existing structure, or an increase in the dimension of a parking area, conditional use review shall be required pursuant to Section 7.3 of this bylaw.
- 4.1.5 The sale of merchandise by a resident in his own dwelling, carried on entirely within such dwelling or building or building accessory thereto and using an area equivalent to not more than 30 percent of the floor area of such dwelling, provided that such use does not change the residential character thereof, that no merchandise is displayed outside a

building and that no sign is displayed other than as permitted for the dwelling unit under the provisions of Section 4.1.3.

- 4.2 Conditional Uses Permitted in Residential Districts: The following may be permitted as conditional uses in Residential Districts provided that the lot area is not less than 3 acres and no building, structure or space used for vehicular parking, shall be located less than 75 feet from any street line or less than 100 feet from any other lot line, unless otherwise specified, provided that the architectural design and landscaping are in keeping with the character of the vicinity.
- 4.2.1 All proposals for industry or commerce must account to the town for probable direct and indirect municipal costs. Applicants shall be required to make an economic and environmental study and statement prior to consideration by the town.
- 4.2.2 A public park or playground operated by a governmental unit or non-profit corporation.
- 4.2.3 A community center or community recreation building, library, museum, hospital, clinic or similar philanthropic use, operated by a governmental unit or non-profit corporation, provided that the aggregate area of buildings on the lot shall not exceed ten percent of the area of such lot.
- 4.2.4 A municipal fire or police station, water tank, electric transformer station, unattended telephone exchange or similar utility building.
- 4.2.5 A bona fide club, the principal activity of which is not carried on as a business.
- 4.2.6 A convalescent home or home for the aged located on a lot no less than 6,000 sq. feet in area, per patient accommodated.
- 4.2.7 A rooming house, tourist home or boarding house for not more than 12 roomers or tourists, operated by the occupant of the dwelling.
- 4.2.8 Farming, including dairying, orchards, woodlots and forestry, truck gardening, keeping of poultry and the sale of produce raised on the premises, provided that no building housing animals is located less than 100 feet from any street or lot line.
- 4.2.9 A professional or business office building, not exceeding 3,000 sq. feet of building area nor two stories of usable floor space.
- 4.2.10 A public or semi-public use as permitted under Section 2, provided that the aggregate area of buildings on the lot shall not exceed ten per cent of the area of such lot.
- 4.2.11 Uses accessory to the Conditional Use shall be permitted only when applied for and granted as part of the Conditional Use.

- 4.2.12 A commercial golf course or golf driving range provided that the lot area is not less than 20 acres, and not lighted at night.
- 4.2.13 Any use which the ZBA finds, after consultation with the Planning Commission, is similar in its impact as other conditionally permitted uses, is consistent with the Town Plan, and complies with 7.3.
- 4.2.14 Commercial building for manufacturing, sales or service may be permitted in accordance with Section 7.2, provided that the aggregate area of buildings on the lot shall not exceed 20 per cent of the area of such lot and does not create environmental pollution or noise noticeable off the premises and that all material is stored out of view.
- 4.2.15 Multi-family dwelling as defined in Section 1, provided that at least one of the dwelling units shall be owner-occupied. Minimum: Lot Size - 3 acres; Frontage – 175 feet; Front Yard – 50 feet; Side and rear yard – 35 feet.

Section 5 Rural Districts

- 5.1 Permitted Uses in Rural Districts: The following uses are permitted subject to the limitations of Section 2 and 7.
 - 5.1.1 Farm
 - 5.1.2 One-family and two-family dwellings, one per lot, as in 4.1.1 and 4.1.1 b.
 - 5.1.3 Municipal recreation area.
 - 5.1.4 Cabins, camps, chalets, and similar seasonal and vacation structures, one per lot, as provided for dwellings in Section 4.1.1 a above. A seasonal or vacation structure need not meet the minimum floor area requirements, but no seasonal or vacation structure shall be used as a dwelling, not be used as the principal place of residence of the occupants, unless it meets all of the requirements, dimensional and other, of Section 4.1.1. a. For the purpose of the By-Laws, permanent shall mean in excess of three (3) months of continuous use.
- 5.2 Conditional Uses Permitted in Rural Districts: The following may be permitted, as conditional uses, in Rural Districts in conformance with the provisions of Section 7.3.
 - 5.2.1 A mobile home park or trailer park (See Section 8).
- 5.3 All other uses and conditional uses as permitted and limited in the Residential District.

Section 6 Forest Districts

- 6.1 Permitted Uses in Forest Districts:

- 6.1.1 Commercial forestry as defined in Section 8.3.
- 6.1.2 Temporary accommodations for personnel employed on the premises.
- 6.1.3 Municipal recreation area.
- 6.1.4 Accessory Uses, including buildings for storing and repairing products and equipment.
- 6.1.5 Signs, as permitted in Residential Districts.
- 6.2 Conditional Uses Permitted in Forest Districts: The following may be permitted, as conditional uses, in conformance with the provisions of Section 7.3.
 - 6.2.1 All structures and uses as defined in Section 4.1 and cabins, camps, chalets, and similar seasonal and vacation structures for recreational use provided that such structure is located on a separate lot not less than five (5) acres in an area not above 2,500 foot elevation nor on a slope greater than 25%, and that no structure or camp site is situated within 125 feet from the centerline of the adjacent road, and 150 feet from any other lot line of its own lot. A seasonal or vacation structure need not meet the minimum floor area requirements as provided for dwellings in Section 4.1.1. No seasonal or vacation structure shall be used as a dwelling, nor be used as the principal place of residence of the occupants.

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

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

No lot shall be approved for development if it is identified by the Planning Commission as within the headwaters of the watershed of a public water supply designated by the Vermont Department of Health or within an area supplying significant amounts of re-charge water to aquifers.
 - 6.2.2 A municipally operated solid waste disposal area or sanitary landfill.
 - 6.2.3 Uses accessory to a Conditional Use shall be permitted only when applied for and granted as a part of the Conditional Use.

Section 7 General Regulations

- 7.1 Compliance with By-Laws: No land, building or premises, or part thereof, shall hereafter be used, and no building or part thereof, or other structure, shall be constructed,

reconstructed, extended, enlarged, moved or altered, except in conformity with this By-Law. No lot shall have an area, width, or a front, side or rear yard, less than that set forth in the applicable paragraphs hereof, except as otherwise specifically provided in this By-Law. No building or buildings shall occupy in the aggregate a greater percentage of lot area, nor be greater in height, than set forth in the applicable paragraphs hereof, except as otherwise specifically provided in this By-Law.

- 7.1.1 Nothing contained in this By-Law shall require any change in the plans, construction, or designated use of a building complying with local laws in force prior to this By-Law, if a prior permit shall have been duly issued, and the entire building shall have been completed in accordance with such plans within one year from the effective date of this By-Law.
- 7.1.2 Except as otherwise provided herein, any use not permitted shall be deemed to be prohibited.
- 7.2 No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such road or waters by a permanent easement or right-of-way at least twenty feet in width.
- 7.3 Conditional Use: A conditional use may be approved by the Board of Adjustment only after a public hearing, provided that the Board shall have found that such use will not adversely affect the capacity of existing or planned community facilities, the character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan, traffic on roads and highways in the vicinity and in accord with other provisions of ordinances, regulations and By-Laws of the Town applicable thereto, and each use so approved shall meet any standards applicable to the specific use as to lot and building dimensional requirements, landscaping, design, off street parking facilities and locations of signs and service areas. Approval by the Board shall be based on a Site Development Plan and failure of the development to conform to such Site Plan shall constitute a violation of this By-Law.
 - 7.3.1 The appellant for a conditional use permit shall notify the Board of Adjustment, in writing, of the names of the abutters at the time of application for the permit.
 - 7.3.2 The Board of Adjustment shall notify the abutters, in writing, of the public hearing for a conditional use permit and such other notifications as may be required under 24 VSA, Chapter 117.
 - 7.3.3 Thirty days before the public hearing, (unless a shorter period is mutually agreed upon) the Board shall refer the application for a conditional use together with a copy of the proposed Site Development Plan to the Planning Commission, and the report of the

Planning Commission on such application and Site Plan shall be made a part of the record of the hearing.

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

- 7.4 Obstructions at Street Intersections: No fence, wall, hedge, shrubbery, or other obstruction to vision in excess of 3 feet in height shall be placed or allowed to grow at street intersections within the area formed by a line joining points on each front line 20 feet from the intersection of the tangents of such streets.
- 7.5 Application of Area Requirement: Whenever any provision of this By-Law requires that a particular use or a conditional use, or a use permitted under a special exception, shall be located on a lot larger in area than the minimum lot area set forth in the section of this By-Law applicable to the district in which such use is located, the required area of such lot shall be contained within a space whose average greater dimension does not exceed three times the average lesser dimension. The area of any pond, lake or stream, which lies within a lot, shall not be included as any part of the required area of such lot.
- 7.6 Height Limitation: No building in any district shall exceed a height applicable to the district but this limit shall not apply to spires, cupolas, chimneys, penthouses, ventilators, tanks, or similar parts of a building, occupying in the aggregate not more than 10 per cent of the area of such building, and not used for any human occupancy, not to farm silos or other farm equipment as defined in 24 VSA, 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. Wind turbines with blades less than 20 feet in diameter which exceed the district height limit may be permitted if the Board of Adjustment approves a variance for a renewable energy resource structure pursuant to 24 VSA, S.4469(b).
- 7.7 Use of Land for Access or Parking: The use of land for access or for parking in connection with a use shall be considered to be accessory to and part of such use. Except as otherwise provided in this By-Law, access to or parking in connection with a permitted use may take place in any portion of the lot, including the required front, side or rear yard.
- 7.8 Building on Existing Lots: The provisions of this By-Law relating to width shall be waived to permit the construction of any otherwise permitted building or establishment of an otherwise permitted use on a lot, which at the date of the adoption of this By-Law and continuously thereafter was in individual, separate and non-affiliated ownership from surrounding property, if such lot is not less than one-eighth (1/8) acre in area with a minimum width or depth dimension of forty (40) feet, and further provided that the use of said lot complies with section 7.13 of this section.

- 7.9 More than One Dwelling on a Lot: If more than one principal dwelling shall be placed on any one lot, such dwelling shall be located so that each dwelling and any building accessory to it could be set off as a separate lot conforming to all of the applicable provisions of this By-Law, and no building shall be sold into separate ownership except in compliance with the above.
- 7.10 Junk and Waste Material: No inoperable motor vehicle may be stored on any lot for a period in excess of thirty days, except within a building. No scrap or waste material not originating on the premises may be stored or disposed of on any lot except at a municipal dump. No scrap or waste material originating on the premises may be stored on any lot unless within a building or screened from view from off the premises, except that a reasonable time shall be allowed for removal of scrap or waste material resulting from a construction operation, or from fire, flood, or similar emergency.
- 7.11 Trailer Coach and Travel Trailer Occupancy: A trailer coach may be used for a residence for a period not exceeding one year by the owner of the lot on which such trailer coach is located, provided that such owner is actively constructing a residence thereon for which a valid building permit shall have been obtained. A travel trailer may be occupied on any lot by a non-paying guest of the owner of such lot for a period not exceeding thirty days in any twelve month period. The provisions of this paragraph shall not apply to a trailer or travel trailer at a camp ground operated by the State of Vermont on state land. A trailer, trailer coach or travel trailer, may be used as a temporary field office accessory to a construction operation being executed on the same premises. One unoccupied travel trailer may be stored on any lot by the owner of such lot, provided it is not stored in the front yard.
- 7.12 Prefabricated Building: A prefabricated building conforming in architectural design to a permanent dwelling, designed and constructed so as to be moved as a unit or in two or more parts, may be used as a one-family dwelling, provided that it is located on a permanent masonry foundation and conforms to all of the requirements of this By-Law applicable to a one-family dwelling in the district in which it is located.
- 7.13 Wastewater Disposal and Water Supply: The VT Agency of Natural Resources, Wastewater Management Division, has jurisdiction for permitting, inspection, and enforcement of wastewater disposal and water supply systems (Wastewater System and Potable Water Supply Rules – pursuant to 10 V.S.A., Chapter 64). State approved plans and reasonable notice prior to installation shall be filed in the office of the Town Clerk.
- 7.14 Site Development Plan: A site development plan shall be required for any conditional use. Such site plan shall be at a scale prescribed by the Planning Commission and Zoning Board and shall show if and where applicable:

1. The boundaries and area of the affected lot;

2. Existing and proposed structures on the lot and adjacent lots within a distance of 200 feet from the boundary of the lot;
3. Proposed vehicular circulation and parking;
4. Proposed pedestrian circulation, if applicable;
5. Open space;
6. Park and playground facilities;
7. Landscape details;
8. Proposed grading;
9. Water supply and fire protection;
10. Sanitary sewage;
11. Storm drainage and natural drainage ways and water courses;
12. Existing contours and land conditions;
13. Existing and proposed exterior lighting; and
14. Such other information as the Planning Commission and Zoning Board may require.

Section 8 Special Regulations

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

- a. No nonconforming use may be changed except to a conforming use, or, with the approval of the Board of Adjustment, to another nonconforming use not more objectionable in character.
- b. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
- c. No nonconforming use shall be extended or expanded, except with the approval of the Board of Adjustment, provided that said Board shall have found that such extension or expansion will have no adverse effect upon the public health, safety, convenience, and upon property values in the vicinity, and except in cases where in the opinion of the Board of Adjustment such enforcement would work a hardship on the owner of an established nonconforming use.
- d. No nonconforming use which has been discontinued for a period of six months shall be resumed thereafter.

8.1.1 Enlargement of Noncomplying Buildings: No building which does not conform to the requirements of this By-Law regarding building height limit, area, and width of lot, percentage of lot coverage, and required yards and parking facilities, shall be enlarged or

substantially altered except with the approval of the Board of Adjustment, after a public hearing.

- 8.1.2 Reconstruction after Damage: Nothing in this By-Law shall prevent the restoration or reconstruction within one year of a building damaged or destroyed by fire, explosion, accident, or by the public enemy, subsequent to the adoption of this By-Law, to its condition prior to such damage or destruction, nor prevent the restoration of an unsafe wall or structural member.
- 8.1.3 Any use not otherwise covered by the above shall be referred to the Board of Adjustment for approval.
- 8.1.4 Discontinuance of Nonconforming Uses: Nothing herein shall require the discontinuance of a building that does not comply with the requirements of this By-Law, but the following uses of land where nonconforming shall be discontinued within three (3) years from the effective date of this By-Law:
- a. Junk yard, auto graveyard, or open storage.
- 8.2 Permit for Removal of Earth Products: Except as otherwise provided in this By-Law there shall be no removal from any premises in the Town of sand, gravel, clay or stone, except as surplus material resulting from a bona fide construction, landscape or agricultural operation being executed on the premises, and provided that no permanent damage is done to the landscape. The Board of Adjustment, after a public hearing, may grant a permit for the removal of earth, sand, gravel, clay or stone, under the following conditions:
- a. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.
 - b. The operator shall provide for proper drainage of the area of the operation during and after completion, and no bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance, except in a ledge rock. No removal shall take place within twenty feet of a property line, except that where the grade from a property line rises towards the lot where removal is to take place, material lying above the grade at the property line may be removed.
 - c. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than 4 inches of top soil, and seeded with a suitable cover crop, except where ledge rock is exposed or the removal was from a stream bed.
 - d. If the extraction is wholly or partly from a stream bed, it shall be carried on in such a manner that there shall be no obstruction or substantial change in normal

flow, and at the conclusion of work in any section there shall be no increase in erosion or flood hazards.

- 8.2.1 Existing Sand and Gravel Operations: Existing sand and gravel, or other extractive operations, must conform to this By-Law from its effective date with respect to any extension over a large area.
- 8.2.2 Surety Bond: In accordance with the provisions of 4407 (8) of the Vermont Planning and Development Act, and before a permit is granted under this Section, the applicant shall post a surety bond with the Treasurer of the Town in an amount and in form approved by the Board of Adjustment as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- 8.3 Permit for Commercial Cutting and Removal of Timber: There shall be no commercial cutting and removal of timber from any premises in the Town, except in accordance with the State Statutes.
- 8.4 Off Street Parking Facilities: Parking facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered or enlarged and all premises otherwise developed after the adoption of this By-Law. Required parking facilities shall contain not less than the following areas, exclusive of driveways necessary for access:
- For dwellings, 250 square feet for each dwelling unit.
- For offices and for permitted home occupations, an area equal to twice the floor area used for such purpose.
- For lodging places, 250 square feet for every two guests accommodated.
- For uses not otherwise listed, an area approved by the Planning Commission as sufficient to accommodate the motor vehicles of all occupants, employees and visitors normally visiting the premises at any one time.
- 8.5 Solid Waste Facilities pursuant to Section 2.5 and 7.3 of this bylaw and in accordance with the following minimum standards: Minimum lot size: 10 acres; setback from all property lines and surface water: 100 feet; distance to existing dwellings: 1,000 feet; and the volume processed shall primarily be generated from the Town of Stamford.
- 8.6 Mobile home parks in accordance with 10 VSA, Ch. 153 s.6204(a) and 24 VSA, s.4412(B) and (C) and including essential services such as laundry and convenience goods for the occupants.

Standards: Location: Rural District; Minimum Park Area: 5 acres; Density: maximum of four (4) homes per gross acre of park area; Minimum MH lot is 6,000 sq.ft.; Minimum lot

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

- 8.7 Notice for Agricultural and Silvicultural Uses: Accepted agricultural and silvicultural practices are allowed uses in all Districts pursuant to T.24 V.S.A. s. 4413(d) provided they are approved by the VT Secretary of Agriculture or the Commissioner of Forest, Parks, and Recreation accordingly. Prior to initiating such use and obtaining State approval, a property owner shall notify the Zoning Administrator of the intent to conduct such operation or to constructing a building or structure. Buildings, structures and operations shall comply with standards in these bylaws where applicable unless otherwise approved by the Secretary or Commissioner as provided herein.
- 8.8 Telecommunication Infrastructure: Refer to the Wireless Telecommunication Facility Zoning Bylaw adopted March 2, 2006.

Section 9 Administration and Enforcement

- 9.1 Administrative Officer: The provisions of this By-Law shall be administered and enforced by the Administrative Officer or acting Administrative Officer, nominated by the Planning Commission and approved by the Board of Selectmen as provided by Section 4448 of the Vermont Planning and Development Act. The Administrative Officer shall literally enforce the provisions of this ByLaw and the duties of the office.
- 9.1.1 The Administrative Officer shall maintain a full and accurate record of all applications, permits, decisions and violations acted upon by him, which records shall be filed with the Stamford Town Clerk.
- 9.2 Permits: Permits shall be required for land development as provided herein. An Application for Permit, accompanied by payment of Permit fee established by the Board of Selectmen, shall be submitted to, and approved by the Zoning Administrative Officer before:
- a. The subdivision of any land.
 - b. Any land or structure is devoted to a new or changed use.
 - c. The construction or moving of a building, accessory building or any other structure intended for accessory use.

- d. The enlargement or realignment of any building or structure.
- e. The change, extension or expansion of a nonconforming use.
- f. The reconstruction of a building or structure damaged or destroyed by fire, explosions, accident or by the public enemy.
- g. The removal of earth products except as provided for in Section 8.2 of these By-Laws.
- h. The establishment of a home industry or occupation.

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

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

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

- 9.2.2 No permit for any building requiring a sewage disposal system shall be granted until a permit has been granted in compliance with Section 7.13 and Vermont Health Regulations, Chapter 5, Sanitary Engineering Sub-chapter 10, Part 2. Wastewater treatment and disposal – individual on-site systems.
- 9.2.3 A building permit is valid for two (2) years from date of issue. If no work has begun on the project for which the permit was issued, the permit expires. A valid building permit may be extended for a period not to exceed one (1) year provided written request is made to the Administrative Officer prior to the expiration the 2-year period.
- 9.3 Board of Adjustment: A Board of Adjustment, appointed by the Board of Selectmen, shall perform the following duties:

- a. Perform the administrative review of all questions arising out of or with respect to the administration and enforcement of this By-Law.
- b. Hear and decide appeals taken under Section 4465 of the Vermont Planning and Development Act including where it is alleged that an error has been committed in any order, requirement, decision or determination made by the Administrative Officer in connection with the enforcement of this By-Law.
- c. Hear and grant or deny appeals for variances from the provisions of this By-Law based on findings as described in Section 4469 of the Vermont Planning and Development Act.
- d. Hear and grant or deny appeals for conditional uses, and for specific uses and acts described in Section 8 of this By-Law.
- e. Make available to the courts of the State of Vermont, in any action concerning this By-Law brought before them, a record of the facts found, after public hearing, and the grounds for any decision initially rendered by the Board of Adjustment.

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

- a. An appeal by an interested person from any decision or act taken by the Administrative Officer within fifteen days from the date of the Administrative Officer's decision or act.
- b. An appeal for approval of an Application for Permit by the Board of Adjustment, after denial by the Administrative Officer, where the Zoning By-Law, requires Board of Adjustment approval.
- c. An appeal for a variance from the provisions of the Zoning By-Law, after denial of an Application for Permit by the Administrative Officer.

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

9.6 Interpretation of By-Law: In their interpretation and application, the provisions of this By-Law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this By-Law to repeal, abrogate, annul, or in any way to impair or interfere with existing provisions of the law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use

of buildings or premises; nor is it intended by this By-Law to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this By-Law imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits or by such easements, covenants, or agreements, the provisions of this By-Law shall control.

- 9.7 Enforcement: Any person who violates the provisions of this By-Law shall be subject to the penalties and remedies prescribed in Sections 4451 through 4454 of the Vermont Planning and Development Act.
- 9.8 Severability: If any provision of this By-Law or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this By-Law which can be given effect without the invalid provision or application, and for this purpose the provisions of this By-Law are severable.

Adopted 23 July 1970

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

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

Amended 9 June 1998: Sections: 4.2.12; 4.2.13

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

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

Adopted June 25, 2009

Sheila G. Lawrence, Chair

Peter F. Basel

William Rivard

Helen Fields

Eunice M. Rice

Town of Stamford, Vermont Zoning Map



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

