

**TOWN OF STAMFORD, VERMONT
FLOOD HAZARD AREA ZONING BYLAWS**

1.0 STATUTORY AUTHORIZATION

1.1 To effect the purposes of 10 V.S.A. chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A. chapter 117, section (4405, 4407 (a), 4410, or 4412), there are hereby established zoning regulations for areas of special flood hazard in the Town of Stamford, Vermont.

2.0 STATEMENT OF PURPOSE

2.1 It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by

- a. restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;
- b. requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;
- c. protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

3.0 LANDS TO WHICH THESE REGULATIONS APPLY

3.1 These regulations shall apply to all lands in the Town of Stamford.

- a. Identified as areas of special flood hazard of the Federal Insurance administration (FIA) Flood Insurance Rate Maps (FIRM), dated July 3, 1978, and as a regulatory floodway on the FIA Flood Boundary and Floodway maps, dated July 3, 1978; (Proof Copy)
- b. Within an area 100 feet from the center line of any stream or reach of stream not identified of the FIRM maps but which is designated as an area of special flood hazard on the municipality's Official Flood Hazard Area map.

4.0 OFFICIAL FLOOD HAZARD AREA MAP

4.1 The Official Flood Hazard Area Map shall consist of the FIA Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM), and Flood Boundary and Floodway Maps and any additional land identified thereon as special flood hazard areas. The Official Flood Hazard Area Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of these regulations.

5.0 INTERPRETATION OF DISTRICT BOUNDARIES

5.1 The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by scaling distances of the Official Flood Hazard Area Map. Appeals with respect to a boundary interpretation shall be made by filing a notice with the chairman of the Board of Adjustment within fifteen days of the decision or act.

6.0 PERMITTED USES

6.1 Upon issuance of a permit by the Administrative Officer, the following open space uses shall be permitted within the area of special flood hazard to the extent that they are not prohibited by any other ordinance and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area, or channel modification or relocation, and do not obstruct flood flows, or increase offsite flood damage potential.

- a. Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, and forestry;
- b. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites;
- c. Residential uses, such as lawns, gardens, parking areas, and play areas.

7.0 CONDITIONAL USES

7.1 All new construction, substantial improvement, and development uses prescribed by the Town of Stamford Zoning Bylaws that do not meet the requirements of section 6.0 and fall within the designated area of special flood hazard are permitted only upon granting of a conditional use permit by the Zoning Board of Adjustment in accordance with the procedures and requirements of sections 10.0, 11.0, and 12.0 of these regulations.

8.0 REQUIREMENTS AND APPLICATION PROCEDURES

8.1 Permits are required for all proposed new construction, substantial improvements and other developments, including the placement of mobile homes within all lands to which these regulations apply.

8.2 All zoning permit applications shall be submitted to the Administrative Officer, on forms furnished by him, who shall determine, on application, whether or not the proposed development is location within the area of special flood hazard by the procedures established in section 5.0 of these regulations.

8.3 If the proposed use will be located in the areas of special flood hazard and meets the requirements of section 6.0 of these regulations, the Administrative Officer shall issue a permit. If the proposed use does not meet the requirements of section 6.0, the Administrative Officer shall refer all applicants to the Chairman of the Board of Adjustment. The applicant may enter an appeal to the Board of Adjustment for a condition of use permit or variance in accordance with the procedures established in sections 10.1 and 10.2 of these regulations.

9.0 RECORDS

9.1 The Administrative Officer shall maintain a record of

- a. The elevation, in relation to mean sea level, of the lowest habitable flood, including basement, or all substantial improvement of structures, and whether or not such structures contain a basement; and
- b. The elevation, in relation to mean sea level, to which such structures have been flood proofed.

10.0 CONDITIONAL USE APPLICATION AND REVIEW PROCEDURES

10.1 The application for a conditional use permit under these regulations shall include:

- a. Base flood elevation data for all subdivisions and other proposed new developments greater than 50 lots or 5 acres whichever is the smaller;
- b. The elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures;
- c. Where flood proofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been flood proofed;
- d. Certification from a registered professional engineer or architect that the flood proofed structure meets the flood proofing criteria of section 12.2(g)(i)

of these regulations;

e. A description of the extent to which any watercourse will be altered or relocation as a result of the proposed development.

10.2 In addition, the application shall include such of the following information as it seems necessary for determining the suitability of the particular site for the proposed use:

a. Plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above to the location of the channel, floodway, and base flood elevation.

b. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross-sectional areas to be occupied by the proposed development.

c. A profile showing the slope of the bottom of the channel or flow line of the stream.

d. Specifications for building construction and materials, flood proofing, mining, dredging, filling, grading, paving, excavation or drilling, channel improvement, storage of materials, water supply, and sanitary facilities.

10.3 In unnumbered A zones, the Board of Adjustment shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for approval of all new construction and substantial improvements under 12.2 (g), (i), (j).

10.4 The Board of Adjustment shall notify adjacent communities and the Vermont Department of Water Resources prior to approve of any alteration or relocation of a watercourse and shall submit copies of such notifications to the FIA Administrator.

10.5 The chairman of the Board of Adjustment shall transmit one copy of the information required by subsections 10.1 and 10.2 to the Vermont Department of Water Resources in accordance with 24 V.S.A. section 4409 (c) (2) (A).

10.6 In reviewing each application, the Board of Adjustment shall consider the evaluation of the Vermont Department of Water Resources and shall determine that the proposed use will conform to the development standards of section 12.0 of these regulations.

10.7 In accordance with 24 V.S.A. section 4409 (c) (2) (A), no permit may be granted for new construction or the development of land in any area designated as a flood plain by the Vermont Department of Water Resources prior to the expiration of a period of 30 days following the submission of a report to the Vermont Department of Water Resources under section 10.5

above.

11.0 CONSIDERATIONS BY THE BOARD OF ADJUSTMENTS

11.1 In reviewing each application, the Board of Adjustment shall consider

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments;
- b. The danger that materials may be swept onto other lands or down stream to the injury of others;
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding;
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- e. The importance of the services provided by the proposed facility to the community;
- f. The necessity of the facility of a waterfront location;
- g. The availability of alternative locations not subject to flooding for the proposed use;
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- i. The relationship of the proposed use to the proposed comprehensive plan, insofar as it has been developed;
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
- l. The costs of providing governmental and public facilities and services during and after flooding;
- m. Such other factors as are relevant to the purposes of this ordinance.

12.0 CONDITIONS ATTACHED TO CONDITIONAL USE
APPROVAL/DEVELOPMENT STANDARDS

12.1 Floodway Areas

- a. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood;
- b. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous materials, are prohibited within the floodway. If prescribed by the zoning ordinance district regulations, these facilities may be permitted outside of the floodway, provided the area is filled to at least one foot above the base flood elevation and the development meets all applicable requirements of the zoning ordinance.

12.2 Fringe Areas

- a. All development shall be designed (i) to minimize flood damage to the proposed development and to public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards;
- b. Structures shall be (i) designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure during the occurrence of the base flood, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damage, and (iv) be 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;
- c. The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained;
- d. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems discharges from the systems into flood waters;
- e. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- f. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation;

- g. The lowest floor, including basement of all new buildings shall be at or above the base flood elevation;
- h. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection g.
- i. Existing buildings to be substantially improved for non-residential purposes shall either (1) meet the requirements of subsection h or (2) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed 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.
- j. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

12.3 Upon consideration of those factors in section 11.0, 12.1, and 12.2, the Board of Adjustment shall attach such additional conditions to the granting of a permit as are necessary to meet the purposes and flood hazard area management requirements of these zoning regulations.

13.0 TIME FOR ACTING ON APPLICATION

13.1 The Board of Adjustment shall hold a properly warned hearing within 60 days of receiving an application, and shall act on such application in a manner described in sections 11.0 and 12.0 above, within (45) days of the final hearing, subject to the limitation of section 10.6 of these regulations.

13.2 A copy of the public notice shall be mailed to the applicant at least 15 days prior to the hearing date.

14.0 ISSUANCE AND TRANSMISSION OF PERMITS

14.1 Upon granting a permit, the Board of Adjustment shall send to the applicant, by

certified mail, a copy of the decision. Copies of the decision also shall be mailed to every person appearing and having been heard at the hearing, with the Administrative Officer, who shall forthwith issue a permit, and with the Town Clerk as part of the public records.

15.0 EFFECTIVE DATE

15.1 A permitted use permit shall take effect 15 days from the date of issuance.

15.2 Conditional use and variance permits shall take effect upon adjudication by the Board of Adjustment.

16.0 APPEALS

16.1 An interested person, as defined in 24 V.S.A. section 4464 (b), may appeal a decision of the Board of Adjustment to the Superior Court in accordance with the provision of 24 V.S.A. section 4471.

17.0 VARIANCES

17.1 Variances shall be granted by the Board of Adjustment only

a. In accordance with the provisions of 24 V.S.A. section 4468 and section 4412 (h) and in accordance with the criteria for granting variances found in 44 CFR, section 60.6, of the National Flood Insurance Program regulations;

b. Upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

17.2 The chairman of the Board of Adjustment shall notify the applicant that the issuance of a variance to construct a structure below base flood level

a. will result in increased premium rates for flood insurance commensurate with the resulting increase in risk;

b. increase risks to life and property.

17.3 The chairman of the Board of Adjustment shall

a. maintain a record of all variance actions, including justification for their Issuance, and

b. report such variances issued to the Administrator on request.

18.0 PROHIBITED USES

18.1 Junkyards, as defined in 24 V.S.A. section 2068, and storage facilities for chemicals, explosives, flammable liquids, or other toxic materials shall be prohibited.

19.0 FEES

19.1 The Board of Selectmen shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the chairman of the Board of Adjustment upon application for a conditional use permit or variance under these regulations.

20.0 WARNING OF DISCLAIMER OF LIABILITY

20.1 These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Stamford or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

21.0 SEVERABILITY

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

22.0 PRECEDENCE OF REGULATIONS

22.1 The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws.

23.0 ANNUAL REPORT TO FEDERAL INSURANCE ADMINISTRATION

23.1 The Administrative Officer shall, to the extent possible, submit to the Administrator the information required by the FIA annual report form with respect to the administration and enforcement of these flood hazard area bylaws.

23.2 A copy of the annual report shall be submitted to the state coordinating agency.

24.0 DEFINITIONS

Administrator. The Federal Insurance Administrator

Area of special flood hazard. The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A zone designations on the FIRM. It does not include Zones B and C.

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

FIA. Federal Insurance Administration

FIRM. An official map of a community on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodway. 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.

Flood proofed or flood proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Mobile home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile home park or mobile home subdivision. A parcel of land divided into two or more mobile home lots for rent or sale.

New construction. Structures commenced on or after the effective date of this ordinance.

Structure. An assembly of materials for occupancy or use, including but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Start of construction. See FIA definition in section 1909.1 of the current National Flood Insurance Program rules and regulations.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Approved by: Australian Ballot on March 4, 2003