

TOWN OF WARREN

LAND USE & DEVELOPMENT REGULATIONS

(AS ADOPTED MARCH 6, 2001, AMENDED MARCH 5, 2002 &
AMENDED JANUARY 31, 2006 BY APPROVAL THE WARREN SELECT BOARD,
EFFECTIVE FEBRUARY 22, 2006*; FURTHER AMENDED MARCH 25, 2008 BY
APPROVAL OF THE WARREN SELECT BOARD, EFFECTIVE APRIL 1st, 2008)



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TOWN OF WARREN, VERMONT
LAND USE & DEVELOPMENT REGULATIONS

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Official Zoning Map

- Warren Village Inset
- Sugarbush Village Inset
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Appendices
add!
Narrative Description
of Zoning District
Boundaries

ARTICLE 1. AUTHORITY & PURPOSE

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 1.1 Enactment & Title

In accordance with the Vermont Municipal and Regional Planning and Development Act [24 V.S.A., Chapter 117], hereinafter referred to as the "Act," there are hereby established Zoning and Subdivision Regulations for the Town of Warren. These regulations shall be known and cited as the "Town of Warren Land Use and Development Regulations."

Section 1.2 Purpose

It is the purpose of these regulations to provide for orderly community growth; to further the goals and purposes established in the Act [§4302]; to integrate all administrative and regulatory provisions of the Town's zoning and subdivision regulations into a single set of land use regulations as authorized by the Act [§4419]; and to implement the Warren Town Plan as most recently amended. In conformance with the Warren Town Plan, these regulations are specifically intended to help:

- preserve the Town's historic settlement pattern defined by compact villages surrounded by rural countryside;
- maintain, preserve and enhance Warren's natural resources and environmental quality for the benefit of future generations;
- preserve the Town's rural character, cultural heritage and historic working landscape;
- accommodate a diversity of housing types *including affordable housing* in appropriate locations;
- ensure that the rate and scale of development does not overburden the Town's ability to provide necessary public services and facilities; and,
- promote a diverse local economy and maintain the economic viability of resort businesses in and adjacent to the Lincoln Peak/Sugarbush Village growth center.

Section 1.3 Application & Interpretation

(A) The provisions of these regulations shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

(B) The application of these regulations is subject to all subchapters of the Act as most recently amended. In accordance with the Act [§4446], no land development or subdivision of land shall commence within the Town of Warren except in compliance with these regulations. Land development, as defined in Article 10, shall not include customary maintenance activities. Any land development and/or subdivision of land not specifically authorized under this regulation, unless otherwise exempted under the Act, or Section 9.2 [Exemptions] of these regulations, is prohibited.

(C) These regulations are not intended to repeal, annul or in any way to impair any permit

Land Development: the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, or of any mining, excavation, or landfill, any change in use of any building or other structure, or land or extension of use of lands.

Subdivision of Land: the division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease, or development. The term "subdivision" includes re-subdivision involving the adjustment of boundaries between two or more existing parcels.

previously adopted or issued. Where these regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these regulations shall control.

Section 1.4 Effective Date

(A) These regulations shall take effect on the date of their adoption by the Town of Warren, in accordance with the Act [§ 4442].

(B) The zoning regulations, zoning map and subdivision regulations for the Town of Warren in effect prior to the adoption of these regulations and map are hereby repealed as of the effective date of these regulations and map.

Section 1.5 Amendment or Repeal

(A) These regulations may be amended or repealed in accordance with the requirements and procedures established in the Act [§§4441,4442]. An amendment or repeal of these regulations may be prepared by the Planning Commission or by any other person or body.

(B) A proposed amendment or repeal of these regulations prepared by another person or body shall be submitted in writing, along with any supporting documentation, to the Warren Planning Commission. The Planning Commission may then proceed as if the amendment had been prepared by the Planning Commission. If, however, the proposed amendment or repeal is submitted by a petition signed by not less than five percent (5%) of Warren voters, the Planning Commission shall correct any technical deficiency and shall, without otherwise changing the proposed amendment or repeal, promptly prepare a written report and warn a public hearing on the amendment as required under the Act [§4441].

Section 1.6 Severability

The provisions of these regulations are severable. If any provision of these regulations or the application thereof is held invalid, the invalidity does not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application.

ARTICLE 2. ZONING DISTRICTS & DISTRICT STANDARDS

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 2.1 Establishment of Zoning Districts & Zoning Map

(A) The following zoning districts are hereby established in the Town of Warren:

Forest Reserve (FR)
Rural Residential (RR)
Warren Village Historic Residential (WVR)
Sugarbush Village Residential (SVR)
Vacation Residential (VR)
Alpine Village Residential (AVR)
Sugarbush Village Commercial (SVC)
German Flats Commercial (GFC)
Access Road Commercial (ARC)
Warren Village Commercial (WVC)
Airport Commercial (AC)
Bobbin Mill Commercial (BMC)
Flood Hazard Overlay District (FHO)
Meadowland Overlay District (MO)

(B) The location and boundaries of zoning districts are defined in the "Narrative Description of Zoning District Boundaries" in the Appendix. The Meadowland Overlay District, is established as shown on the official "Town of Warren Meadowland Overlay District Map, dated January 14, 2008", which is based on the original aerial photograph entitled "Meadowland Map, Town of Warren" dated 1979. The Flood Hazard Overlay District includes identified areas of special flood hazard in and on the most current flood insurance studies and maps for the Town of Warren, 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 [under 10 V.S.A. §753], which are hereby adopted by reference and declared to be part of these regulations. The official zoning map and flood hazard overlay shall be located in the Town Clerk's office and shall be the final authority as to the current zoning status of land and waters in the town.

(C) The official zoning map and overlays shall be identified by the signatures of the Select Board, as attested to by the Town Clerk. No changes of any nature shall be made on the official map or overlays except in conformance with zoning amendment procedures and requirements set forth in Section 1.5 and the Act [§§ 4441, 4442].

Section 2.2 Interpretation of Zoning District Boundaries

(A) If the location of a boundary is uncertain, then the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streams, roads, transportation and utility rights-of-way shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following property boundaries or platted lot lines shall be construed to follow such lot lines.
- (3) Boundaries indicated as following lake or pond shorelines shall be construed as being parallel the normal mean lake level. In the event of change in the shoreline the boundary shall be construed

as moving with the shoreline.

- (4) Boundaries indicated as following elevation contours shall be construed to follow such contours.
 - (5) With regard to the Meadowland Overlay District, boundaries correspond to historically viable farmland in production as interpreted by the Planning Commission from Orthophoto maps prepared by the Vermont Division of Property Valuation and Review, published in 1979.
 - (6) Boundaries indicated as parallel to or extensions of features under the subsections (1)-(5) shall be so construed. Boundaries indicated as lines perpendicular to lines or features described in subsections (1)-(3) shall be construed to proceed at right angles from such lines or features. Distances not specifically indicated shall be determined by the scale of the official zoning map.
 - (7) The abandonment or relocation of a right-of-way or roadway, or the change in a line or feature which references a district boundary line, after the effective date of these regulations, shall not affect the location of such boundary line, except as otherwise noted under Subsection (C).
 - (8) Where available (i.e., in Zones A1- A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway data provided by FEMA or available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area overlay provisions. Single structures or legally recorded parcels of land for which "Letters of Map Amendment" or "Letters of Map Revision" have been issued by FEMA and recorded in the town land records shall be excluded from the Flood Hazard Overlay District.
- (B) When the Administrative Officer cannot definitely determine the location of a district boundary by the scale or dimensions given on the official zoning map and associated overlays or by the above rules, the Planning Commission and/or the appropriate state official (the State National Flood plain Insurance Program Coordinator) shall be consulted prior to making the final determination. A determination by the Administrative Officer regarding the location of a district boundary may be appealed to the Development Review Board under Section 9.5.
- (C) Where a district boundary line divides a lot in single ownership on or after the effective date of these regulations or of amendments thereto, the Development Review Board may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line into the remaining portion of the lot.
- (D) When a lot is situated partly in the Town of Warren and partly in a neighboring town, the standards of these regulations shall be applied to that portion of the lot that lies in the Town of Warren in the same manner as if the entire lot were situated therein.

Section 2.3 Application of District Standards

- (A) The standards for each district shall apply uniformly to each class of use and/or structure, unless otherwise specified in these regulations. All uses and structures must comply with all prescribed standards for the district in which they are located as set forth in Tables 2.1 - 2.14, and as defined in Article 10, unless otherwise permitted under Planned Residential Development (PRD) or Planned Unit

Development pursuant to Article 8. Nonconforming uses and structures shall be regulated in accordance with Section 3.8.

(B) Overlay district standards shall be applied concurrently with the standards for underlying districts. Where overlay districts impose more restrictive standards on the use of a structure or land, the standards of the overlay district shall apply.

(C) Allowed uses for each district are classified as "permitted," to be reviewed in accordance with Section 9.3, or "conditional" to be reviewed in accordance with Article 5.

(D) Any use not allowed by these regulations, unless specifically exempted under Section 9.2, shall be deemed to be prohibited.

Section 2.4 District Objectives, Uses and Standards

The following tables set forth the stated purpose, allowable uses and specific standards for each zoning district.

Table 2.1
Forest Reserve District (FR)

(A) Purpose. The Forest Reserve District is intended to protect lands characterized by high elevations, steep slopes, soils unsuitable for on-site septic disposal, intact wildlife habitat, productive forest land, headwater streams and associated water supplies and scenic resources, and to limit development in areas of town with poor access and/or proximity to public services and facilities while accommodating activities associated with the operation of an alpine ski resort, and sustainable forest management.

(B) Permitted Uses

- (1) Accessory Dwelling; see Section 4.1(A)(1)]
- (2) Agriculture (see Section 9.2)
- (3) Forestry (see Section 9.2)
- (4) Home Child Care (see Section 4.5)
- (5) Home Occupation (see Section 4.8)

(C) Conditional Uses

- (1) Accessory Dwelling (see Section 4.1(A)(2)]
- (2) Accessory Use or Structure
- (3) Bed & Breakfast (see Section 4.10)
- (4) Commercial Water Extraction
- (5) Group Home (see Section 4.7)
- (6) Outdoor Recreation Facility (structures shall be limited to primitive shelters and huts associated with recreational trails and outdoor recreational activities)
- (7) Single Family Dwelling
- (8) Ski Facilities/Services
- (9) Ski Lifts
- (10) Telecommunications Facility (see Section 4.17)

(D) Dimensional Standards: Within the Forest Reserve District, the following standards shall apply to all development

Minimum Lot Size: 25 acres (or as permitted under Article 8)
Maximum Residential Density: 1 unit per 25 acres
Minimum Setback¹ (all property boundaries): 150 feet

Minimum Lot Frontage 200 ft.
Maximum Building Height: 35 ft.
Maximum Lot Coverage: 2%

¹ Setback requirements exclude forestry and outdoor recreation not involving the construction or use of structures

(E) Supplemental Development Standards - Permitted Uses

- (1) Forestry activities shall meet all applicable state regulations, and shall, as a minimum standard, comply with Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks & Recreation.
- (2) Forest management activities designed as pre-development site preparation, such as road and driveway construction (including excavation related to the construction or upgrade of logging roads and the conversion of logging roads to development roads or driveways), clearing and/or grading for house-sites and septic systems or related work, shall be reviewed by the Development Review Board under these regulations in accordance with subsections (F) (1). Where a landowner fails to submit pre-development plans for review, the Board may limit development to the non-impacted portion of the property and/or direct the manner in which the site will be restored or re-vegetated prior to development.

ARTICLE 2. ZONING DISTRICTS & DISTRICT STANDARDS

Section 2.4 Establishment of Zoning Districts & Zoning Map

The following zoning districts tables will have the added permitted uses as described below:

4.18 Telecommunications Facilities (C)(1), Co-Located, (C)(2) Temporary wireless telecommunications facilities & (D), de Minimis Review

| District Tables | ZONING DISTRICT NAMES | Co-Located | De Minimis | Temporary Wireless |
|-----------------|---|------------|------------|--------------------|
| Table 2.1 | Forest Reserve (FR) | ✓ | ✓ | |
| Table 2.2 | Rural Residential (RR) | ✓ | ✓ | |
| Table 2.3 | Warren Village Historic Residential (WVR) | ✓ | ✓ | |
| Table 2.4 | Sugarbush Village Residential (SVR) | ✓ | ✓ | |
| Table 2.5 | Vacation Residential (VR) | ✓ | ✓ | ✓ |
| Table 2.6 | Alpine Village Residential (AVR) | ✓ | ✓ | |
| Table 2.7 | Sugarbush Village Commercial (SVC) | ✓ | ✓ | |
| Table 2.8 | German Flats Commercial (GFC) | ✓ | ✓ | |
| Table 2.9 | Access Road Commercial (ARC) | | | |
| Table 2.10 | Warren Village Commercial | ✓ | ✓ | |
| Table 2.11 | Airport Commercial (AC) | ✓ | ✓ | |
| Table 2.13 | Meadowland Overlay District | | ✓ | |

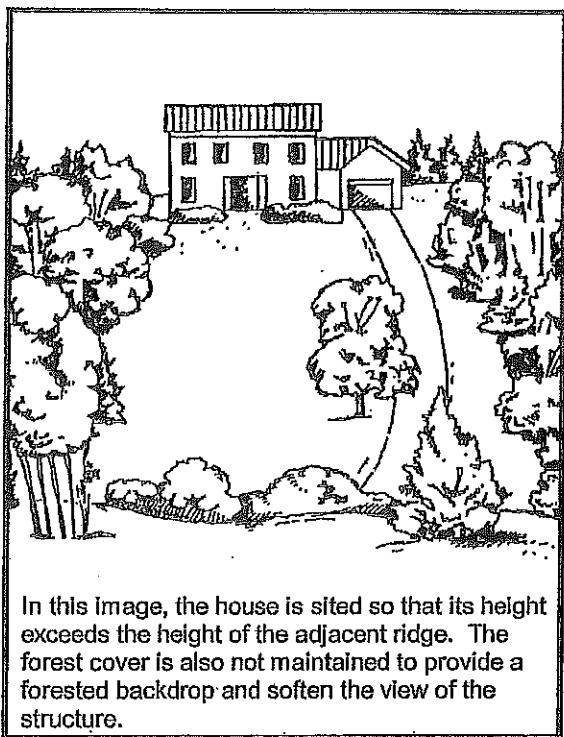
Table 2.1 (continued)

(F) Supplemental Development Standards - Conditional Uses

In addition to the standards set forth in Section 5.3, when reviewing applications for conditional uses within the Forest Reserve District, the Development Review Board shall find that the proposed development complies with the following standards.

- (1) **Clearing and Landscaping.** On wooded sites, existing forest cover shall be maintained adjacent to proposed structures to interrupt the facade of buildings, provide a forested backdrop to structures, and/or soften the visual impact of new development as viewed from public roads and properties. The Board shall consider the location of proposed structures relative to existing vegetation, and may require additional planting and/or limit the amount of clearing adjacent to proposed development to provide screening and maintain a forested backdrop. A plan for the maintenance of remaining and proposed trees may be required; such a plan shall address specific measures to be taken to ensure the survival and, if necessary, replacement of designated trees during or after site development and the installation of all site improvements.
- (2) **Access.** Access roads, including the conversion of logging roads to private roads or driveways and utility corridors, shall use or share existing accesses and rights-of-way where feasible; follow existing contours and linear features (e.g., tree lines, stone walls); and be located to minimize stream and wetland crossings, and avoid to the extent practical the fragmentation of resource lands and wildlife habitat, and other adverse impacts to natural and scenic resources as identified in the Warren Town Plan and/or through site investigation.
- (3) **Placement of Structures.** Careful consideration shall be given to the location of proposed structures relative to site conditions, existing vegetation, and the location of fragile features (including but not limited to steep slopes, streams and identified habitat and natural areas). The following guidelines shall be considered by the Board and applicant to ensure compliance with this standard. Structures generally shall:
 - (a) be minimally visible from public roads and properties, and not stand in contrast to surrounding landscape patterns and features or serve as a visual focal point;
 - (b) be located down-slope of ridgelines and prominent knolls, and be designed so that the height of proposed structures will not exceed the elevation of any adjacent ridgeline and/or the height of the adjacent tree canopy serving as the visual backdrop to the structure;
 - (c) not adversely affect natural and scenic resources and fragile areas identified in the Warren Town Plan or through site investigation, including wetlands, streams, critical habitat, steep slopes, areas of unstable or shallow soils and/or soil types that are generally unsuitable for development and on-site septic disposal; and
 - (d) with regard to building materials, the Board shall consider proposed materials (e.g., roof materials and window treatments), and may impose conditions to minimize visual impacts as viewed from public roads and properties.

Table 2.1 (continued)



In this image, the house is sited so that its height exceeds the height of the adjacent ridge. The forest cover is also not maintained to provide a forested backdrop and soften the view of the structure.



This house is sited downslope from the height of land, the forest cover is maintained, and the driveway follows the contour.

The Board, however, may approve a project that does not strictly conform with one or more of these guidelines if they find that strict conformance would not result in the most appropriate development alternative for the site or achieve the purpose of the district.

- (4) **Erosion Control.** The Development Review Board may require an erosion control plan prepared in accordance with Section 3.4. Clearing may be limited to one or more portions of the property to prevent erosion and sedimentation of streams; buffer areas in addition to the minimum requirements set forth in Section 3.13 may be required to protect streams, wetlands and other fragile features.
- (5) **Setbacks.** Notwithstanding the minimum setback requirements set forth in subsection (D), the Development Review Board may waive the minimum setbacks if the Board determines that such a waiver would allow for the placement of a structure in a location which more fully complies with the standards set forth in subsection (F)(3), above.

(G) Exemptions

- (1) Notwithstanding this provision, the following development activities shall be exempt from the standards set forth in subsections (E) and (F) if conducted as an accessory to a commercial alpine ski resort. Such development activities shall, however, be reviewed by the Development Review Board in accordance with the process and standards set forth in Article 5:
 - (a) alteration, replacement and/or installation of ski lifts; and
 - (b) clearing associated with the maintenance, expansion and/or creation of alpine ski trails.

Table 2.2
Rural Residential District (RR)

(A) Purpose. The purpose of the Rural Residential District is to maintain a clean, healthy environment, maintain the town's historic working landscape, encourage the productive use and protection of natural resources, and allow residential development at moderate densities in appropriate locations.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)
- (5) Group Home (see Section 4.7)
- (6) Home Child Care (see Section 4.5)
- (7) Home Occupation (see Section 4.8)
- (8) Single Family Dwelling

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Adaptive Reuse (see Section 4.2)
- (4) Bed & Breakfast (see Section 4.10)
- (5) Boarding House
- (6) Campground (see Section 4.4)
- (7) Cemetery
- (8) Commercial Water Extraction
- (9) Composting Facility
- (10) Cottage Industry (see Section 4.8)
- (11) Day Care Facility (see Section 4.5)
- (12) Duplex Dwelling
- (13) Extraction of Earth Resources (excluding processing; see Section 4.6)
- (14) Gallery/Artist Studio
- (15) Inn
- (16) Kennel
- (17) Lodge
- (18) Mobile Home Park (see Section 4.12)
- (19) Multi-Family Dwelling (in PRD only, pursuant to Article 8)
- (20) Outdoor Recreation Facility
- (21) Place of Worship (see Section 4.14)
- (22) Public Facility (closed; see Section 4.14)
- (23) Salvage Yard (see Section 4.15)
- (24) Sawmill

(D) Dimensional Standards: The following standards shall apply to all development within the Rural Residential District:

| | | | |
|------------------------------|--------------------|--------------------------|----------|
| Minimum Lot Size: | 1 acre | Minimum Rear Setback: | 25 feet |
| Maximum Residential Density: | See Subsection (B) | Minimum Lot Frontage: | 200 feet |
| Minimum Front Setback- | | Maximum Building Height: | 35 feet |
| Lincoln Gap, Roxbury | | | |
| & Brook Roads: | 100 feet | | |
| All other roads: | 40 feet | | |
| Minimum Side Setback: | 25 feet | | |

Table 2.2 (continued)

(E) Supplemental Development Standards

- (1) The maximum residential density for all lots created by subdivision after the effective date of these regulations shall be as follows:

| | |
|------------------------------|----------------|
| Maximum Density (1-3 lots): | 1 unit/acre |
| Maximum Density (4-20 lots): | 1 unit/3 acres |
| Maximum Density (20+ lots): | 1 unit/5 acres |

In approving subdivisions in this district in accordance with Articles 6 and 7, the Development Review Board shall place appropriate conditions on the subdivided parcel to ensure that the total density does not exceed the allowable density under this subsection in the event that subdivided lots are further subdivided at a future date. Such conditions shall be included in the municipal land use permit to be recorded in accordance with Section 9.8, and may include notations limiting future subdivision to be placed on the final plat and/or the designation of a portion of the subdivided parcel as open space in accordance with Section 7.4.

- (2) Land development on land with a slope gradient of 15% or greater shall prepare and implement an erosion control plan, to be approved by the Development Review Board, in accordance with Section 3.4.
- (3) Notwithstanding the dimensional standards set forth in Subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.
- (4) Notwithstanding the conditional uses set forth in Subsection (D), Wastewater Treatment/Collection Facilities may be permitted as a conditional use in accordance with Section 5.2, providing such facilities are limited to distribution and disposal facilities (e.g., treatment plants, leach fields), and collection systems which only serve parcels within this district with frontage on the segment of West Hill Road (TH #46) between Route 100 and Ellen Lane (TH #46), and parcels within the Warren Village Historic Residential District.

ARTICLE 2, § 2.4 District Objectives & Uses Table 2.3 Warren Village Historic Residential District (WVR), approved by the Warren Select Board on January 10th, 2012, Effective January 31, 2012

**Table 2.3
Warren Village Historic Residential District (WVR)**

(A) Purpose. The purpose of the Warren Village Historic Residential District is to maintain the residential character and historic settlement pattern of Warren Village, while allowing for appropriate home-based business enterprises and civic uses in a central location well served by community services and facilities, and support the Village's function as a community center.

(B) Permitted Uses

- (1) Accessory Dwelling [(see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)
- (5) Group Home (see Section 4.7)
- (6) Home Child Care (see Section 4.5)
- (7) Home Occupation (see Section 4.8)
- (8) Single Family Dwelling

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Adaptive Re-use (see Section 4.2)
- (4) Bed & Breakfast (see Section 4.10)
- (5) Boarding House
- (6) Cemetery
- (7) Community Care Facility
- (8) Cottage Industry (see Section 4.8)
- (9) Cultural Facility
- (10) Day Care Facility (see Section 4.5)
- (11) Duplex Dwelling
- (12) Educational Facility (see Section 4.14)
- (13) Gallery/Artist Studio
- (14) Multi-Family Dwelling
- (15) Outdoor Recreation Facility
- (16) Place of Worship (see Section 4.14)
- (17) Public Facility (closed; see Section 4.14)
- (18) Public Facility (open; see Section 4.14)
- (19) PUD (See Article 8, Sec (G) Village Standards)
- (20) Wastewater Treatment/Collection Facility

(D) Dimensional Standards: The following standards shall apply to all development within the Warren Village Historic Residential District

| | | | |
|---------------------------------------|------------------|---|---------|
| Minimum Lot Size: | 1/4 acre | Minimum Front Setback (porches & entry ways) | 10 feet |
| Max Density (single-family dwelling): | 1 unit/ 1/4 acre | Minimum Side Setback | 15 feet |
| Max Density (multi-family dwelling): | 4 units/acre | Minimum Rear Setback | 20 feet |
| Minimum Front Setback: | 20 feet | Maximum Building Height | 35 feet |

(E) Supplemental Development Standards:

- (1) Land development on land with a slope gradient of 15% or greater shall prepare and implement an erosion control plan, to be approved by the Development Review Board, in accordance with Section 3.4.
- (2) Notwithstanding the dimensional standards set forth in Subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.



Table 2.3
Warren Village Historic Residential District (WVR)

(A) Purpose. The purpose of the Warren Village Historic Residential District is to maintain the residential character and historic settlement pattern of Warren Village, while allowing for appropriate home-based business enterprises and civic uses in a central location well served by community services and facilities, and support the Village's function as a community center.

(B) Permitted Uses

- (1) Accessory Dwelling [(see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)
- (5) Group Home (see Section 4.7)
- (6) Home Child Care (see Section 4.5)
- (7) Home Occupation (see Section 4.8)
- (8) Single Family Dwelling

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Adaptive Re-use (see Section 4.2)
- (4) Bed & Breakfast (see Section 4.10)
- (5) Boarding House
- (6) Cemetery
- (7) Community Care Facility
- (8) Cottage Industry (see Section 4.8)
- (9) Cultural Facility
- (10) Day Care Facility (see Section 4.5)
- (11) Duplex Dwelling
- (12) Educational Facility (see Section 4.14)
- (13) Gallery/Artist Studio
- (14) Multi-Family Dwelling
- (15) Outdoor Recreation Facility
- (16) Place of Worship (see Section 4.14)
- (17) Public Facility (closed; see Section 4.14)
- (18) Public Facility (open; see Section 4.14)
- (19) Wastewater Treatment/Collection Facility

(D) Dimensional Standards: The following standards shall apply to all development within the Warren Village Historic Residential District

Minimum Lot Size: 1 acre
 Max Density (single-family dwelling): 1 unit/acre
 Max Density (multi-family dwelling): 4 units/acre
 Minimum Front Setback: 20 feet

| | |
|---|---------|
| Minimum Front Setback (porches & entry ways) | 10 feet |
| Minimum Side Setback | 20 feet |
| Minimum Rear Setback | 20 feet |
| Maximum Building Height | 35 feet |

(E) Supplemental Development Standards:

- (1) Land development on land with a slope gradient of 15% or greater shall prepare and implement an erosion control plan, to be approved by the Development Review Board, in accordance with Section 3.4.
- (2) Notwithstanding the dimensional standards set forth in Subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Table 2.4
Sugarbush Village Residential District (SVR)

(A) Purpose. The purpose of the Sugarbush Village Residential District is to encourage the economic viability of existing high density residential and lodging facilities in areas adjacent to the Lincoln Peak ski area that are well served by centralized infrastructure and utilities, and to allow for additional development in a manner that reinforces the function of Sugarbush Village as a compact growth center for the Mad River Valley.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Bed & Breakfast (see Section 4.10)
- (5) Boarding House
- (6) Forestry (see Section 9.2)
- (7) Group Home (see Section 4.7)
- (8) Home Child Care (see Section 4.5)
- (9) Home Occupation (see Section 4.8)
- (10) Single Family Dwelling

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Community Center
- (4) Cultural Facility
- (5) Day Care Facility (see Section 4.5)
- (6) Duplex Dwelling
- (7) Educational Facility (see Section 4.14)
- (8) Gallery/Artist Studio
- (9) Indoor Recreation Facility (as accessory to another permitted or conditional use)
- (10) Inn (see Section 4.10)
- (11) Place of Worship (see Section 4.14)
- (12) Mixed Use (see Section 4.11)
- (13) Multi-Family Dwelling
- (14) Outdoor Recreation Facility
- (15) Personal Service
- (16) Private Club
- (17) Public Facility (closed; see Section 4.14)
- (18) Public Facility (open; see Section 4.14)
- (19) Restaurant
- (20) Ski Lifts
- (21) Ski Services/Facilities
- (22) Wastewater Treatment/Collection Facility

(D) Dimensional Standards The following standards shall apply to all development within the Sugarbush Village Residential District:

| | |
|--|---|
| Minimum Lot Size: | 7,000 square feet (or as permitted under Article 8) |
| Maximum Density (dwellings): | 6 units/acre |
| Maximum TDR Density (dwellings): | 12 units/acre (see Section 3.16) |
| Maximum Density (inn/hotel rooms): | 12 rooms/acre |
| Maximum TDR Density (inn/hotel rooms): | 24 rooms/acre (see Section 3.16) |
| Minimum Front Setback: | 25 feet |
| Minimum Side & Rear Setbacks: | 20 feet |
| Maximum Building Height: | 50 feet |
| Maximum Lot Coverage: | 66% |

Table 2.4 (continued)

(E) Supplemental Development Standards:

- (1) In addition to the procedures and standards set forth in Articles 6 and 7, all land subdivision shall be reviewed in accordance with the standards set forth in Section 8.4.
- (2) Land development on land with a slope gradient of 15% or greater shall prepare and implement an erosion control plan, to be approved by the Development Review Board, in accordance with Section 3.4.
- (3) Notwithstanding the dimensional standards set forth in subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Table 2.5
Vacation Residential District (VR)

(A) Purpose. The purpose of the Vacation Residential District is to allow the development of residential development at moderate densities, and the establishment of limited commercial uses related to the tourism industry, in close proximity to Sugarbush Resort.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Bed & Breakfast (see Section 4.10)
- (5) Boarding House
- (6) Forestry (see Section 9.2)
- (7) Group Home (see Section 4.7)
- (8) Home Child Care (see Section 4.5)
- (9) Home Occupation (see Section 4.8)
- (10) Single Family Dwelling

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Campground
- (4) Community Care Facility
- (5) Cottage Industry (see Section 4.8)
- (6) Day Care Facility (see Section 4.5)
- (7) Duplex Dwelling
- (8) Gallery/Artist Studio
- (9) General Services
- (10) Indoor Recreation (as accessory to another permitted or conditional use)
- (11) Inn (see Section 4.10)
- (12) Lodge
- (13) Mixed Use (see Section 4.11)
- (14) Multi-Family Dwelling [in PRD approved under Section 8.3 only]
- (15) Ski Services/Facilities
- (16) Outdoor Recreation
- (17) Personal Service
- (18) Private Club
- (19) Restaurant
- (20) Ski Lifts
- (21) Telecommunications Facility (see Section 4.17)
- (22) Warehouse/Storage
- (23) Wastewater Treatment/Collection Facility

(D) Dimensional Standards: The following standards shall apply to all development within the Vacation Residential District

| | | | |
|---|--|--------------------------|----------|
| Minimum Lot Size: | 1 acre (or as permitted under Article 8) | Minimum Side Setback: | 25 feet |
| Maximum Density (single-family dwelling): | 1 unit/acre | Minimum Rear Setback: | 25 feet |
| Maximum Density (multi-family dwelling): | 3 units/acre | Minimum Lot Frontage: | 150 feet |
| Maximum Density (affordable housing): | 6 units/acre | Maximum Building Height: | 50 feet |
| Maximum TDR Density (multi-family): | 6 units/acre | Maximum Lot Coverage: | 50% |
| Maximum Density (inn/hotel rooms): | 6 rooms/acre | Minimum Front Setback: | 40 feet |
| Maximum TDR Density (inn/hotel rooms): | 12 rooms/acre | | |

Table 2.5 (continued)

(E) Supplemental Development Standards

- (1) Land development on land with a slope gradient of 15% or greater shall prepare and implement an erosion control plan, to be approved by the Development Review Board, in accordance with Section 3.4.
- (2) Notwithstanding the dimensional standards set forth in subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Table 2.6
Alpine Village Residential District (AVR)

(A) Purpose. The purpose of the Alpine Village Residential District is to maintain the residential character of the Alpine Village development by prohibiting the types of commercial uses that are allowed in the surrounding Rural Residential District while protecting water quality and other environmental features associated with poor soil conditions.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)
- (5) Group Home (see Section 4.7)
- (6) Home Child Care (see Section 4.5)
- (7) Home Occupation (see Section 4.8)
- (8) Single Family Dwelling

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Community Center
- (4) Outdoor Recreation Facility
- (5) Day Care Facility
- (6) Duplex Dwelling

(D) Dimensional Standards: The following standards shall apply to all development within the Alpine Village Residential District.

Minimum Lot Size: 1 acre
 Minimum Lot Frontage: 75 feet
 Maximum Density: 1 unit/acre
 Maximum Lot Coverage: 25%

Minimum Front Setback: 20 feet
 Minimum Side & Rear Setback: 15 feet
 Maximum Building Height: 35 feet

(E) Supplemental Development Standards

- (1) Within the Alpine Village Residential District, an accessory structure may be permitted on a non-contiguous lot to the principal structure, including lots that are bisected by a public or private road or right-of-way, providing:
 - (a) the accessory structure is customary and subordinate and incidental to the principle structure, and in no circumstances is used or occupied as a dwelling; and
 - (b) non-contiguous lots are not greater than 100 feet apart, as measured from the nearest boundaries; and
 - (c) the non-contiguous lots remain in common or affiliated ownership.
- (2) Septic systems shall meet all applicable local and state regulations, including a minimum setback of 100 feet from drilled wells (200 feet if septic system is uphill of well), and 150 feet from springs or shallow wells (500 feet if the septic system is uphill of the spring or shallow well).
- (3) Land development on land with a slope gradient of 15% or greater shall prepare and implement an erosion control plan, to be approved by the Development Review Board, in accordance with Section 3.4.
- (4) Notwithstanding the dimensional standards set forth in Subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Table 2.7
Sugarbush Village Commercial District (SVC)

(A) Purpose. The purpose of the Sugarbush Village Commercial District is to encourage the development of a compact, mixed use growth center at the base of the Lincoln Peak (formerly Sugarbush South) ski area. Such development should accommodate four-season resort activities; should serve as a functional and visual extension of existing development within Sugarbush Village; and should occur in accordance with a comprehensive base area plan that establishes a clear indication of the desired and anticipated pattern of future development.

(B) Permitted Uses

(1) Accessory Use or Structure

(C) Conditional Uses

- (1) Bed & Breakfast (see Section 4.10)
- (2) Boarding House
- (3) Cultural Facility
- (4) Day Care Facility (see Section 4.5)
- (5) Duplex Dwelling
- (6) Gallery/Artist Studio
- (7) General Services
- (8) Hotel (see Section 4.10)
- (9) Indoor Recreation
- (10) Inn (see Section 4.10)
- (11) Mixed Use (see Section 4.11)

(C) Conditional Uses (continued)

- (12) Multi-Family Dwelling
- (13) Office
- (14) Outdoor Recreation Facility
- (15) Personal Service
- (16) Place of Worship (see Section 4.14)
- (17) Private Club
- (18) Public Facility (closed; see Section 4.14)
- (19) Public Facility (open; see Section 4.14)
- (20) Retail
- (21) Restaurant
- (22) Ski Lifts
- (23) Ski Services/Facilities
- (24) Warehouse/Storage
- (25) Wastewater Treatment/Collection Facility

(D) Dimensional Standards: The following standards shall apply to all development within the Sugarbush Village Commercial District.

Minimum Lot Size:

As determined by the Development Review Board in accordance with PUD approval under Section 8.4.

Maximum Density (dwellings):

20 units/acre

Maximum Density (lodging/hotel rooms):

40 rooms/acre

Maximum TDR Density (dwellings):

30 units/acre

Maximum TDR Density (lodging/hotel rooms):

60 rooms/acre

Minimum Setbacks:

N/A

Minimum Lot Frontage:

N/A

Maximum Building Height

50 feet

(E) Supplemental Development Standards - All Uses

- (1) In addition to the procedures and standards set forth in Articles 6 and 7, all land subdivision shall be reviewed in accordance with the standards set forth in Section 8.4.
- (2) Notwithstanding the dimensional standards set forth in Subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Table 2.8
German Flats Commercial District (GFC)

(A) Purpose. The purpose of the German Flats Commercial District is to recognize the existing commercial development in a traditional crossroads setting in close proximity to Sugarbush Resort, while limiting commercial strip development along the German Flats and Sugarbush Assess Roads.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Bed & Breakfast (see Section 4.10)
- (5) Boarding House
- (6) Forestry (see Section 9.2)
- (7) Home Child Care (see Section 4.5)
- (8) Inn (see Section 4.10)
- (9) Office

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Cultural Facility
- (4) Day Care Facility (see Section 4.5)
- (5) Duplex Dwelling
- (6) Gallery/Artist Studio
- (7) Hotel (see Section 4.10)
- (8) Indoor Recreation (as accessory to another permitted or conditional use)
- (9) Lodge
- (10) Mixed Use (see Section 4.11)
- (11) Multi-Family Dwelling
- (12) Outdoor Recreation
- (13) Personal Service
- (14) Private Club
- (15) Retail
- (16) Restaurant
- (17) Wastewater Treatment/Collection Facility

(D) Dimensional Standards: The following standards shall apply to all development within the German Flats Commercial District:

| | |
|--|---------------|
| Minimum Lot Size: | 1 acre |
| Maximum Density (dwellings): | 6 units/acre |
| Maximum Density (lodging/hotel rooms): | 12 rooms/acre |
| Maximum TDR Density (dwellings): | 12 units/acre |
| Maximum TDR Density (lodging/hotel rooms): | 24 rooms/acre |
| Minimum Front Setback: | 50 feet |
| Minimum Side & Rear Setback: | 50 feet |
| Minimum Lot Frontage: | 200 feet |
| Maximum Lot Coverage | 66% |
| Maximum Building Height | 50 feet |

(E) Supplemental Development Standards:

Notwithstanding the dimensional standards set forth in Subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Table 2.9
Access Road Commercial District (ARC)

(A) Purpose. The purpose of the Access Road Commercial District is to encourage the development of commercial amenities for the travelers in a compact setting at the intersection of Route 100 and the Sugarbush Access Road.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)
- (5) Home Child Care (see Section 4.5)
- (6) Home Occupation (see Section 4.8)

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Bed & Breakfast (see Section 4.10)
- (4) Boarding House
- (5) Cottage Industry (see Section 4.8)
- (6) Duplex Dwelling
- (7) Gallery/Artist Studio
- (8) Group Home (see Section 4.7)
- (9) Inn (see Section 4.10)
- (10) Mixed Use (see Section 4.11)
- (11) Multi-Family Dwelling
- (12) Outdoor Recreation
- (13) Place of Worship (see Section 4.14)
- (14) Personal Service
- (15) Private Club
- (16) Office
- (17) Retail
- (18) Restaurant
- (19) Single Family Dwelling

(D) Dimensional Standards: The following standards shall apply to all development within the Access Road Commercial District

| | |
|--------------------------------|---------------|
| Minimum Lot Size: | 30,000 sq. ft |
| Maximum Density (dwellings): | 3 unit/acre |
| Maximum Density (hotel/motel): | 6 rooms/acre |
| Minimum Front Setback: | 25 feet |
| Minimum Side Setback: | 25 feet |
| Minimum Rear Setback | 15 feet |
| Minimum Lot Frontage | 150 feet |
| Maximum Lot Coverage | 60% |
| Maximum Building Height | 35 feet |

(E) Supplemental Development Standards:

Notwithstanding the dimensional standards set forth in Subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Table 2.10
Warren Village Commercial District (WVC)

(A) Purpose. The purpose of the Warren Village Commercial District is to maintain the character and historic settlement pattern of Warren Village, while encouraging a mix of commercial, residential and civic uses within the Village core.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)
- (5) Group Home (see Section 4.7)
- (6) Home Child Care (see Section 4.5)
- (7) Home Occupation (see Section 4.8)
- (8) Single Family Dwelling

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Adaptive Re-use (see Section 4.2)
- (4) Bed & Breakfast (see Section 4.10)
- (5) Boarding House
- (6) Community Center
- (7) Community Care Facility
- (8) Cultural Facility
- (9) Day Care Facility (see Section 4.5)
- (10) Duplex Dwelling
- (11) Gallery/Artist Studio
- (12) Indoor Recreation Facility (as accessory to another permitted or conditional use)
- (13) Inn (see Section 4.10)
- (14) Mixed Use (see Section 4.11)
- (15) Multi-Family Dwelling
- (16) Personal Service
- (17) Place of Worship (see Section 4.14)
- (18) Office
- (19) Public Facility (open; see Section 4.14)
- (20) Retail
- (21) Restaurant (drive-thru prohibited)
- (22) Wastewater Treatment/Collection Facility

(D) Dimensional Standards: The following standards shall apply to all development within the Warren Village Commercial District

| | |
|----------------------------------|----------------|
| Minimum Lot Size: | 10,000 sq. ft. |
| Maximum Density (dwellings): | 4 units/acre |
| Maximum Density (lodging rooms): | 8 units/acre |
| Minimum Front Setback: | 10 feet |
| Minimum Side & Rear Setback: | 10 feet |
| Minimum Lot Frontage: | 75 feet |
| Maximum Lot Coverage: | 66% |
| Maximum Building Height: | 35 feet |

ARTICLE 2, § 2.4 District Objectives & Uses
Table 2.10 Warren Village Commercial (WVC)

(A) Purpose. The purpose of the Warren Village Commercial District is to maintain the character and historic settlement pattern of Warren Village, while encouraging a mix of commercial, residential, and civic uses within the Village core.

| (B) Permitted Uses | (C) Conditional Uses |
|---|--|
| <ul style="list-style-type: none"> (1) Accessory Dwelling [(see Section .1(A)(1)] (2) Accessory Use or Structure (3) Agriculture (see Section 9.2) (4) Forestry (see Section 9.2) (5) Group Home (see Section 4.7) (6) Home Child Care (see Section 4.5) (7) Home Occupation (see Section 4.8) (8) Single Family Dwelling | <ul style="list-style-type: none"> (1) Accessory Dwelling [see Section 4.1(A)(2)] (2) Accessory Use or Structure (to a conditional use) (3) Adaptive Re-use (see Section 4.2) (4) Bed & Breakfast (see Section 4.10) (5) Boarding House (6) Community Center (7) Community Care Facility (8) Cultural Facility (9) Day Care Facility (see Section 4.5) (10) Duplex Dwelling (11) Elderly Housing (12) Gallery/Artist Studio (13) Indoor Recreation Facility (as accessory to another permitted or conditional use) (14) Inn (15) Mixed Use (see Section 4.11) (16) Multi-Family Dwelling (17) Personal Service (18) Place of Worship (see Section 4.14) (19) Office (20) Personal/Group Instruction (21) Public Facility (open; see Section 4.14) (22) PUD (See Article 8, Sec (G) Village Standards) (23) Retail (24) Restaurant (drive-thru prohibited) (25) Wastewater Treatment/Collection Facility |

(D) Dimensional Standards: The following standards shall apply to all development within the Warren Village Commercial District

| | |
|----------------------------------|----------------|
| Minimum Lot Size: | 10,000 sq. ft. |
| Maximum Density (dwellings): | 4 units/acre |
| Maximum Density (lodging rooms): | 8 units/acre |
| Minimum Front Setback: | 10 feet |
| Minimum Side & Rear Setback: | 10 feet |
| Minimum Lot Frontage: | 75 feet |
| Maximum Lot Coverage: | 66% |
| Maximum Building Height: | 35 feet |



Table 2.11
Airport Commercial District (AC)

(A) Purpose. The purpose of the Airport Commercial District is to allow uses necessary for the operation of the Sugarbush Airport, in addition to compatible recreation and commercial activities appropriate for the rural setting.

(B) Permitted Uses

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)

(C) Conditional Uses

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Aircraft Runway & Landing
- (4) Aircraft Storage & Maintenance
- (5) Aircraft Sales, Rental & Instruction
- (6) Airport Control Facility
- (7) Campground
- (8) Commercial Water Extraction
- (9) Day Care Facility
- (10) Indoor Recreation Facility
- (11) Industry (see Section 4.9)
- (12) Mixed Use (see Section 4.11)
- (13) Outdoor Recreation
- (14) Private Club
- (15) Restaurant (accessory to other conditional uses only)
- (16) Warehouse/Storage

(D) Dimensional Standards: The following standards shall apply to all development within the Airport Commercial District

| | |
|---|---|
| Minimum Lot Size/Density: | 12,000 sq. ft./use |
| Minimum Setback from Eastern District Boundary: | 700 feet (from Woods Road South) 300 feet (from two southeast abutting properties) |
| Minimum Front Setback: | 100 feet |
| Minimum Side Setback: | 100 feet |
| Minimum Rear Setback: | 100 feet |
| Minimum Lot Frontage: | 150 feet |
| Maximum Building Height | 35 feet |
| Maximum Lot Coverage | 60% |

(E) Supplemental Development Standards - All Uses

- (1) No single structure may exceed a total of 12,000 square feet of enclosed floor space.
- (2) Driveway accesses (curb-cuts) shall be a minimum of 400 feet apart.
- (3) Notwithstanding the performance standards set forth in Section 3.11, nothing in these regulations shall prevent the normal operation of small general aviation aircraft.

Table 2.12
Bobbin Mill Commercial District (BMC)

(A) Purpose. The purpose of the Bobbin Mill Commercial District is to encourage the continued viability and expansion of an area adjacent to Warren Village historically used for industrial purposes, and to limit industrial uses within that district to sites with convenient access to Route 100.

(B) Permitted Uses:

- (1) Accessory Dwelling [see Section 4.1(A)(1)]
- (2) Accessory Use or Structure
- (3) Agriculture (see Section 9.2)
- (4) Forestry (see Section 9.2)
- (5) Group Home (see Section 4.7)
- (6) Home Child Care (see Section 4.5)
- (7) Home Occupation (see Section 4.8)
- (8) Single Family Dwelling

(C) Conditional Uses (Allowed above elevation of 950' msl only):

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Bed & Breakfast
- (4) Composting Facility
- (5) Community Center
- (6) Cottage Industry
- (7) Cultural Facility
- (8) Day Care Facility (see Section 4.5)
- (9) Duplex Dwelling
- (10) Extraction of Earth Resources (including processing; see Section 4.6)
- (11) Gallery/Artist Studio
- (12) Mixed Use (see Section 4.11)
- (13) Multi-Family Dwelling (in PRD only)

(14) Outdoor Recreation

(15) Personal Service

(16) Wastewater/Treatment Collection Facility

(D) Conditional Uses (Allowed below elevation of 950' msl only):

- (1) Accessory Dwelling [see Section 4.1(A)(2)]
- (2) Accessory Use or Structure (to a conditional use)
- (3) Commercial Water Extraction
- (4) Composting Facility
- (5) Cultural Facility
- (6) Day Care Facility (see Section 4.5)
- (7) Extraction of Earth Resources (including processing; see Section 4.6)
- (8) Industry (see Section 4.9)
- (9) Mixed Use (see Section 4.11)
- (10) Office
- (11) Outdoor Recreation
- (12) Outdoor Storage
- (13) Personal Service
- (14) Private Club
- (15) Public Facility (closed; see Section 4.14)
- (16) Retail
- (17) Restaurant (as accessory to other conditional use only)
- (18) Warehouse
- (19) Wastewater Treatment/Collection Facility

(E) Dimensional Standards: The following standards shall apply to all development within the Bobbin Mill Commercial District

Minimum Lot Size:

30,000 square feet

Maximum Density (single family dwellings):

1 unit/30,000 square feet

Maximum Density (multi-family dwellings):

5 units/acre

Minimum Front Setback from Bobbin Mill Rd. (TH#43):

50 feet

Minimum Front Setback from Lincoln Gap Rd. (TH#3):

100 feet

Minimum Side and Rear Setbacks:

50 feet [see subsection (F)]

Minimum Lot Frontage:

150 feet

Maximum Building Height:

50 feet

Maximum Lot Coverage:

60%

Table 2.12 (continued)

(F) Supplemental Development Standards - All Uses

- (1) Conditional uses listed in subsection (C) must have direct access onto Lincoln Gap Road (Town Highway #3).
- (2) Conditional uses listed in subsection (D) must have direct access onto the Bobbin Mill Road (Town Highway #43) and/or Route 100.
- (3) No building shall exceed 30,000 square feet of total enclosed floor space.
- (4) The maximum overall development for the entire district shall not exceed an overall density 8,000 square feet per acre.
- (5) Above an elevation of 950' msl, the Extraction of Earth Resources and Composting Facility may be used together as a Mixed Use, but not in combination with other uses.
- (6) Notwithstanding the side and rear setbacks set forth in subsection (E), and the river and stream setbacks set forth in Section 3.13, the minimum setbacks in the proximity of the existing mill site is designated as a line circumscribing the corners of the existing foundation nearest to the streambanks, as described in figure 2.1.
- (7) Notwithstanding the dimensional standards set forth in subsection (D), structures in excess of the 35' height requirement, and structures located within the setback area, may be permitted as a conditional use in accordance with the procedures and standards set forth in Article 5 and Section 3.6.

Figure 2.1

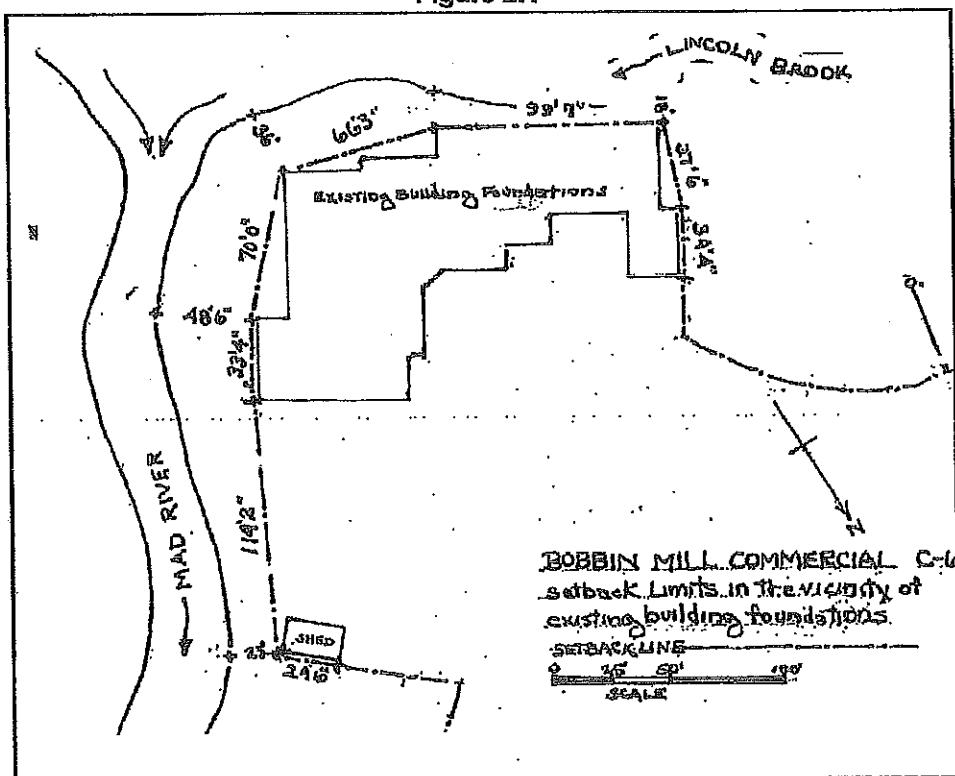


Table 2.13
Meadowland Overlay District (MO)

(A) Purpose. The purpose of the Meadowland Overlay District is to promote the continuation of agriculture, protect historically viable farmland and prime agricultural soils, and preserve Warren's rural character and working landscape in accordance with the Warren Town Plan.

(B) Permitted Uses

- (1) Agriculture (see Section 9.2)
- (2) Forestry (see Section 9.2)

(C) Conditional Uses

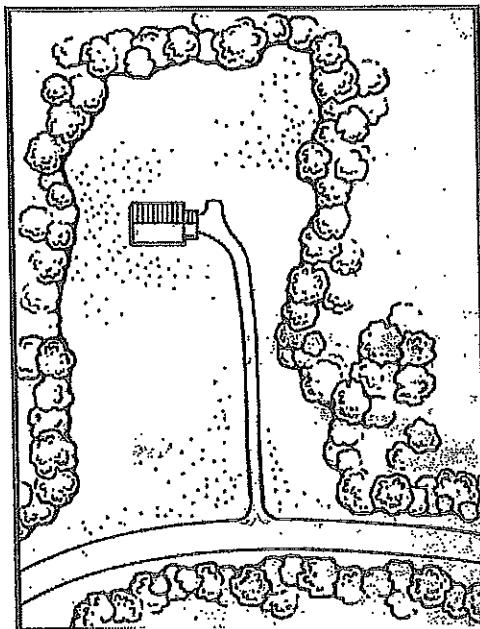
All other permitted or conditional uses listed for the underlying district, unless otherwise specifically excluded under Subsection (E), below.

(D) Dimensional Standards. As set forth for the underlying district.

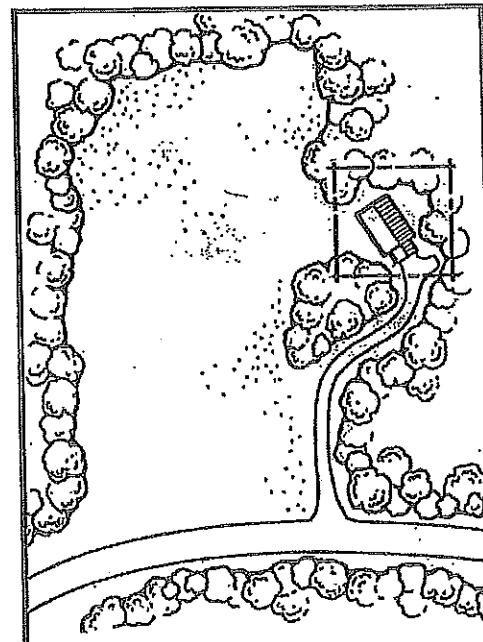
(E) Supplemental Development Standards

- (1) No land development or land use, other than agriculture and forestry, may be issued a zoning permit by the Administrative Officer until the Development Review Board grants conditional use approval in accordance with Article 5. In granting approval, the Board shall find that the development meets the standards set forth in either subsections (a) or (b), below:
 - (a) The lot on which development is proposed contains developable land which is not designated meadowland and that the placement of the proposed use and/or development on the lot:
 - (i) minimizes the disruption of the scenic quality of the site; and
 - (ii) retains the maximum possible meadowland for agricultural use through means such as, but not limited to, clustering under PRD provisions, reduction in allowable density, and/or the donation of development rights; and
 - (iii) utilizes the least productive land and protects primary agricultural soils, and that the development will not conflict with existing agricultural uses in the area.
 - (b) The proposed development is situated entirely on a lot containing no developable land other than meadowland, which lot was created prior to January 1, 1984; that the development will not conflict with existing agricultural uses in the area; and that the placement of the proposed use on the lot:
 - (i) minimizes the disruption of the scenic quality of the site; and,
 - (ii) retains the maximum possible amount of meadowland for agricultural use through means such as, but not limited to, clustering under PRD provisions, and/or the reduction in allowable density and/or sale or donation of development rights; and
 - (iii) utilizes the least productive land and protects primary agricultural soils.
- (2) Management plans, as described under Section 7.4, may be required to maintain open land as a condition of subdivision approval.

Table 2.13 (continued)



In this example, the house and driveway are sited in the middle of the open field which is designated as Meadowland.



In this example, the house and driveway are sited outside of the designated Meadowland.

- (3) Pursuant to Section 3.16, the Meadowland Overlay District is designated as a sending area for the transfer of development rights to designated receiving areas. Development rights may be transferred to designated receiving areas, per the requirements of Section 3.16, at a total density of one unit per every acre of preserved land.

Table 2.14
Flood Hazard Overlay District (FHO)

(A) Purpose: The purpose of the Flood Hazard Overlay District is to promote public health, safety and welfare by preventing or minimizing hazards to life or property due to flooding. It is also the intent to the Town of Warren to regulate development within identified areas of special flood hazard in accordance with state and federal law in order to ensure that the town and private property owners are eligible for federal flood insurance through the National Flood Insurance Program (NFIP) and other available federal disaster recovery and hazard mitigation funds (see also Article 5).

(B) Permitted Uses

- (1) Agriculture (see Section 9.2)
- (2) Forestry (see Section 9.2)
- (3) Outdoor Recreation (no structures)

(C) Conditional Uses

All other permitted or conditional uses listed for the underlying district, unless otherwise specifically exempted under Section 9.2.

(D) Dimensional Standards

As set forth for the underlying district unless otherwise specified under Article 3 and/or Article 4.

(E) Flood Hazard Area Standards:

- (1) Uses permitted within the Flood Hazard Overlay District specifically include agriculture and forestry, unimproved open space, recreational and educational uses, and those uses generally permitted within existing single family dwellings (i.e., day care facilities and group homes as defined, and home occupations). All other uses and structures, including but not limited to new buildings, the cumulative substantial improvement of existing buildings, and any development within a floodway, shall be subject to conditional use review under Section 5.3 (D), as well as all other applicable municipal and state regulations. Projects reviewed under this provision shall only be subject to the standards set forth in Section 5.3(D) unless they are also identified as a conditional use in the underlying district.
- (2) All development and subdivisions in this district shall be reviewed to assure that the potential for flood damage is minimized, public facilities and utilities (e.g., sewer, septic, water, and electrical systems) are constructed to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.
- (3) Mandatory state [§ 4424] and federal [44 CFR 60.3 and 60.6] requirements for continued eligibility in the National Flood Insurance Program – including but not limited to associated structural standards, definitions, administrative and variance requirements – are hereby adopted by reference and shall be applied to all development in this district. Accordingly:
 - (a) Applications for development within the Flood Hazard Overlay District shall be submitted in accordance with the provisions of Section 5.2, and are subject to state and federal agency referral requirements in accordance with Section 9.3.
 - (b) Development in the Flood Hazard Overlay District shall be subject to conditional use review under Article 5, although such review shall be limited to review under the criteria set forth in Subsection 5.3 (D) specific to development within designated flood hazard areas, as well as applicable requirements of the underlying zoning district. Where this overlay imposes more restrictive standards on the construction and use of structures or land, the provisions under this overlay district shall control.
 - (c) Requests for variances for development within the Flood Hazard Overlay District shall be subject to review under Section 9.6, including but not limited to variance criteria under subsection 9.6(B).

specific to variances with designated flood hazard areas.

- (d) Permits, certifications and variance actions for development within the Flood Hazard Overlay District shall be recorded by the Administrative Officer in accordance with Section 9.8.
- (4) Junkyards and storage facilities for floatable materials, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.
- (5) **Warning & Disclaimer of Liability.** These regulations do not imply that lands outside of the Flood Hazard Overlay District or development permitted within this district will be free from flooding or flood damages. These regulations shall not create any liability on the part of the Town of Warren or any town official or employee for any flood damages that result from reliance on these regulations, or any decision lawfully made hereunder.

ARTICLE 2, § 2.4 District Objectives & Uses Table 2.15 Warren Village Historic Residential District (WVR), approved by the Warren Select Board on January 10th, 2012, Effective January 31, 2012

Table 2.15 Warren Village Mixed Use District (VMU)

(A) Purpose. The purpose of the Warren Village Mixed Use District is to strengthen Warren Village's status as a Town center in order to promote its social, governmental, commercial and residential functions in the community, while taking special care to protect the residential character and the quality of life enjoyed by its residents.

| (B) Permitted Uses | (C) Conditional Uses |
|--|--|
| (1) Accessory Dwelling [see Section 4.1(A)(1)] | (1) Accessory Dwelling [see Section 4.1(A)(2)] |
| (2) Accessory Use or Structure | (2) Accessory Use or Structure (to a conditional Use) |
| (3) Agriculture (see Section 9.2) | (3) Adaptive Re-use (see Section 4.2) |
| (4) Forestry (see Section 9.2) | (4) Bed & Breakfast (see Section 4.10) |
| (5) Group Home (see Section 4.7) | (5) Boarding House |
| (6) Home Child Care (see Section 4.5) | (6) Community Center |
| (7) Home Occupation (see Section 4.8) | (7) Care Facility |
| (8) Single Family Dwelling | (8) Cottage Industry |
| (9) Duplex | (9) Cultural Facility |
| | (10) Day Care Facility (see Section 4.5) |
| | (11) Duplex Dwelling |
| | (12) Educational Facility |
| | (13) Elderly Housing |
| | (14) Gallery/Artist Studio |
| | (15) General Services |
| | (16) Indoor Recreation Facility (as accessory to another permitted or conditional use) |
| | (17) Inn (see Section 4.10) |
| | (18) Mixed Use (see Section 4.11) |
| | (19) Multi-Family Dwelling |
| | (20) Personal Service |
| | (21) Place of Worship (see Section 4.14) |
| | (22) Office |
| | (23) Personal/Group Instruction |
| | (24) Public Facility (open; see Section 4.14) |
| | (25) PUD (See Article 8, Section (G) Village Standards <i>not drafted.</i>) |
| | (26) Retail |
| | (27) Restaurant (drive-thru prohibited) |
| | (28) Wastewater Treatment/Collection Facility |

(D) Dimensional Standards: The following standards shall apply to all development within the Warren Village Mixed Use District

| | |
|----------------------------------|---------------|
| Minimum Lot Size: | 1/4 Acre |
| Maximum Density (dwellings): | 4 units/ acre |
| Maximum Density (lodging rooms): | 8 units/acre |
| Minimum Front Setback: | 10 feet |
| Minimum Side Setback: | 10 feet |
| Minimum Rear Setback: | 15 feet |
| Maximum Lot Coverage: | 66% |
| Maximum Building Height: | 35 feet |

(E) Supplemental Development Standards

ARTICLE 2, § 2.4 District Objectives & Uses **Table 2.15 Warren Village Historic Residential District (WVR)**, approved by the Warren Select Board on January 10th, 2012, Effective January 31, 2012

1. Residential component - at least 40% of total enclosed floor space must be dedicated to long term (over 30 days) residential use only.
2. Scale of construction space - The scale of new construction should be consistent with that of surrounding buildings. Specifically, buildings shall not exceed the average façade length or area (height times length) of buildings within 200 feet by more than 50%, except by a conditional use approval. Building orientation, height to width ratio, and placement of doors and window openings should be proportional to those of surrounding buildings where present.
3. Design standards for dwellings - New dwellings shall be designed with compatible materials, scale to existing residential buildings on the same block. Front-loaded garage doors should be located no closer to the street to the dwelling's front facade. Side load side load garages, or detached garages in rear yards, are encouraged.
4. Accessory buildings - Detached accessory dwellings and accessory structures should utilize similar compatible exterior materials as that of the principal structure.

Article 2, Section 2.4
Table 2.14 Flood Hazard Overlay District (FHO)

A. Statutory Authority & Purpose: In accordance with 10 V.S.A. Chapter 32, and 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 Warren, Vermont. The purpose of the Flood Hazard Overlay District is to promote public health, safety and welfare by preventing or minimizing hazards to life or property due to flooding. It is also the intent to the Town of Warren to regulate development within identified areas of special flood hazard in accordance with state and federal law in order to ensure that the town and private property owners are eligible for federal flood insurance through the National Flood Insurance Program (NFIP) and other available federal disaster recovery and hazard mitigation funds (see also Article 5).

B. 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 Warren, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

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 damages. This regulation shall not create liability on the part of the Town of Warren, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

D. Lands to Which these Regulations Apply

(1) Regulated Flood Hazard Areas

These regulations shall apply to 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. The location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.

(2) 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.

Table 2.14 Flood Hazard Overlay District (FHO)

| # | Activity | Hazard Zone | Special Flood Hazard Area | Floodway |
|----|---|-------------|---------------------------|----------|
| | P Permitted | | | |
| | C Conditional Use Review | | | |
| | X Prohibited | | | |
| | A Exempted | | | |
| 1 | New Structures | X | | X |
| 2 | Storage | X | | X |
| 3 | Improvements to Existing Structures | P, C | | C |
| 4 | Small Accessory Structures | P | | X |
| 5 | At Grade Parking | P | | C |
| 6 | Replacement water supply or septic systems | C | | C |
| 8 | Fill as needed to elevate existing structures | C | | C |
| 9 | Fill | X | | X |
| 12 | Grading | C | | C |
| 13 | Road maintenance | A | | A |
| 14 | Road improvements | C | | C |
| 15 | Bridges and culverts | C | | C |
| 16 | Channel management | C | | C |
| 17 | Recreational vehicles | P | | P |
| 18 | Open space, recreation | A | | A |
| 19 | Forestry | A | | A |
| 20 | Agriculture | A | | A |

Table 2.16
Fluvial Erosion Hazard Overlay District
Regulations adopted November 12th, 2013

(A) PURPOSE

The purposes of the Fluvial Erosion Hazard (FEH) Area Overlay District are to: 1) Implement related goals, policies, objectives, and recommendations of the current municipal plan, hazard mitigation plan, and supporting river corridor management plans; 2) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures that result from flood-related erosion; 3) Avoid and minimize the undue adverse effect on public services and facilities, including roads, bridges, culverts, and emergency services, during and after fluvial erosion events; 4) Protect mapped fluvial erosion hazard areas that are highly subject to erosion due to naturally occurring stream channel migration and adjustment; 5) Limit new development within fluvial erosion hazard areas to protect public safety and to minimize property loss and damage due to fluvial erosion; and 6) Allow rivers and streams to maintain or re-establish their natural equilibrium, thereby avoid the need for costly and environmentally degrading stream channelization and bank stabilization measures.

(B) APPLICABILITY

- 1) The Fluvial Erosion Hazard Overlay District is depicted on the most current Fluvial Erosion Hazard (FEH) maps on file at the municipal office. These maps, prepared for the Town of in accordance with state-accepted stream geomorphic assessment and mapping protocols, are hereby adopted by reference and declared to be part of these regulations. If uncertainty exists with respect to the location of a district boundary, the location shall be determined by the Administrative Officer [Zoning Administrator] from the map, in consultation with the Vermont River Management Program.
- 2) New development may be allowed within the FEH District if, based on a review by the River Management Program (RMP) of the Vermont Agency of Natural Resources, it is determined that the proposed development is not located or should not be located within the FEH area due to an error in delineating the FEH boundary. A letter of determination from the RMP shall constitute proof of that adjustment.
- 3) The Fluvial Erosion Hazard (FEH) District shall be superimposed over any other zoning districts. Where there is a conflict between the underlying zoning district and the FEH District, the more restrictive regulation shall apply.

(C) PERMITTED USES

The following uses, if so allowed within the underlying zoning district, are allowed in the FEH Area Overlay District upon meeting the District Development Standards in Section (H) and District Application Requirements in Section (I) and upon receiving the issuance of a zoning permit. The zoning permit shall be issued following receipt of written comments from the State, which will be incorporated under associated conditions of approval or reasons for denial.

- 1) Improvements to an existing structure that cumulatively do not increase the structural footprint by more than 500 square feet, and do not decrease the structure's existing setback distance from the stream channel, as measured horizontally from the nearest point of the structure to the top of bank.
- 2) Accessory structures to an existing principal structure that:
 - a) In total have a combined footprint area of no more than 500 square feet.
 - b) At a minimum, do not decrease the setback distance from the stream channel established by existing structures on the lot.
 - c) Are located within 50 feet of the existing primary building.
- 3) Recreational vehicles.

(D) PROHIBITED USES

The following uses and activities are specifically prohibited within the FEH Area Overlay District:

- 1) All new development, including new structures, dwellings, septic systems, and other infrastructure and utilities, except as specified under Sections (C), (E), and (F).
- 2) Junk or salvage yards.

- 3) The storage of floatable materials, chemicals, fertilizers, pesticides, explosives, flammable liquids, and other toxic or hazardous materials.
- 4) Fill, except as necessary to elevate existing structures above base flood elevation.

(E) CONDITIONAL USES

The following uses, if allowed within the underlying zoning district, are also allowed in the FEH Area Overlay District subject to conditional use review and approval by the Development Review Board prior to the issuance of a zoning permit:

- 1) Fill, only to elevate existing structures above base flood elevation as required within Special Flood Hazard Areas or as otherwise authorized by the State.
- 2) Infrastructure and utility improvements necessary to serve existing structures and uses that do not decrease the structure's existing setback distance from the stream channel, as measured horizontally from the nearest point of the structure to the top of bank.
- 3) At-grade parking for existing structures and uses.
- 4) New or replacement storage tanks for existing structures.
- 5) Grading and excavation.
- 6) Stream crossings and stream channel management activities, as authorized by the State.
- 7) Improvements to existing driveways, roads, bridges and culverts.
- 8) Public facilities which are functionally dependent upon their proximity to water.
- 9) New driveways and access roads.
- 10) Improvements to existing flood and stormwater management facilities, as authorized by the State River Management Program [RMP].
- 11) Outdoor recreation facilities, excluding structures.

(F) EXEMPT ACTIVITIES

The following activities are exempt from the requirements of this overlay district:

- 1) The removal of a structure or building in whole or in part.
- 2) Normal maintenance and repair of existing utilities and infrastructure (e.g., water and wastewater systems, driveways, roads, bridges and culverts, water impounded systems for the primary purpose of snow making and stormwater drainage systems).
- 3) Normal maintenance and repair of existing structures that involve no additions, expansions or relocations.
- 4) Lawns and gardens located outside of any required riparian buffer area, excluding grading, fill, terracing and structures.
- 5) Forestry (silviculture) activities, excluding structures, conducted in accordance with Vermont Department of Forests, Parks and Recreation Accepted Management Practices (AMPs).
- 6) Agricultural activities conducted in accordance with Vermont Agency of Agriculture, Food, and Markets Accepted Agricultural Practices (AAPs); however, no new or expanded farm structures, or manure, fertilizer or pesticide storage structures shall be constructed within the FEH overlay district, in accordance

with Section 4.07 the AAPs. Prior to the construction of any farm structure, written notification, including a sketch of the proposed structure and any required setbacks, must be filed with the municipality.

- 7) Power generation, transmission and telecommunications facilities regulated by the Vermont Public Service Board under 30 V.S.A. §248.

(G) DISTRICT DEVELOPMENT STANDARDS

- 1) All development within this district, unless specifically exempt from regulation under Section (F) above, shall meet the following standards, as applicable to the proposed use or activity:
 - a) Improvements to existing structures shall not decrease the distance between the structure and the stream channel as measured horizontally from the top of bank.
 - b) Fill is allowed within this district only as required to elevate existing structures above base flood elevation, or as otherwise authorized by the State in association with stream crossings, channel management activities, or other allowed activities within this District. Fill shall not decrease the existing distance between the structure and the top of bank.
 - c) New stream crossings by transportation and utility corridors shall be allowed only if it is determined by the Development Review Board that a new crossing is justified for routing, public or emergency vehicle access, and that there are no other viable routes or locations for a crossing outside the FER Overlay District or within an existing utility or road crossing. Stream crossings shall be located and designed in accordance with state guidelines, and to minimize fluvial erosion and flooding hazards both up- and downstream from the crossing area.
 - d) Bridges and culverts shall be located, designed, sized, and regularly inspected and maintained to minimize erosion as well as flooding hazards.
 - e) In this District all new and/or replaced utility lines, including water, sewer, power, telephone, and cable lines, shall be buried.
 - f) Recreational vehicles on the site will be fully licensed and ready for highway use.
- 2) In addition to other requirements for conditional uses under Section (E) of these regulations, the DRB , in consultation with the River Management Program (RMP), must find that conditional uses within this district shall not:
 - a) Increase the susceptibility of the property or other properties to fluvial erosion damage.
 - b) Increase the potential for materials to be swept into the stream channel or onto other land and cause damage from fluvial erosion.

(H) APPLICATION REQUIREMENTS

- 1) In addition to other required application materials and fees, applications for development within the FEH Overlay District shall include the following:
 - a) A project description, including the type and purpose of development, a description of alternatives considered to proposed development, including alternate locations on site, especially outside of the Fluvial Erosion Hazard Area, and why it must be located within, rather than outside of, the FEH Overlay District.
 - b) A general location map showing the location of the proposed development in relation to existing development, the FEH District boundaries, and the nearest public road.
 - c) A site plan of the property, drawn to scale, that shows all water bodies, the district boundaries; pre- and post-development grades and drainage; the location of existing structures, infrastructure, utilities and rights-of-way; and the shortest horizontal distance of the proposed development to the center line (or measured to the top of the nearest bank if not possible to measure to the center line) of any of the mapped stream channels.

- d) A state project review sheet that identifies required state permits and approvals.
 - e) Identification of the horizontal distance from the centerline of the nearest public road to the center line (or top of nearest bank if not possible to measure to the center line) of any stream.
 - f) Other information as deemed necessary to determine project conformance with district requirements. This may include an impact or other assessment of the site, prepared by a qualified professional.
- 2) The Administrative Officer [Zoning Administrator] shall refer complete applications for all development proposed within the FEH Overlay District to the RMP at the Vermont Agency of Natural Resources. No municipal permit or approval shall be issued until comments have been received from the State, or 30 days have elapsed from the date of referral, whichever is sooner.

(I) DECISIONS

Agency comments shall be incorporated as applicable in municipal findings and determinations. The Development Review Board (DRB) may recess the proceedings on any application pending submission of additional information.

(J) CERTIFICATES OF OCCUPANCY

Prior to the issuance of a certificate of occupancy by the Administrative Officer [Zoning Administrator] for development within this district, the applicant shall document that development has been completed as approved by the municipality, and that all applicable municipal and state permits have been obtained.

(K) WARNING AND DISCLAIMER OF LIABILITY

This Overlay District does not imply that land outside of the areas covered by this District will be free from fluvial erosion hazards. This regulation shall not create liability on the part of the Town of Warren, 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.

ARTICLE 3. GENERAL REGULATIONS

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 3.1 Access, Driveway & Frontage Requirements

(A) **Applicability.** In accordance with the Act [§4412(3)], land development may be permitted on lots in existence prior to the effective date of these regulations which do not have frontage on either a maintained State, Class I, II or III public road or public waters, only with the approval of the Development Review Board. Access to a pre-existing lot that lacks necessary frontage shall be approved by the Board subject to conditional use review under Section 5.2, or subdivision review under Article 6 where the subdivision of land is proposed. Access to such a lot shall be provided by means of a permanent easement or right-of-way at least 20 feet wide or a Class IV road. In addition to other review criteria, the Board may consider the intended use of the property, safety, traffic, road and site conditions in granting, conditioning or denying approval. Lots created after the effective date of these regulations are subject to all applicable provisions herein regarding access and frontage.

(B) **Access (Curb Cuts).** Access onto public highways is subject to the approval of the Warren Select Board, and for state highways, the approval of the Vermont Agency of Transportation. As a condition to access approval, compliance with all local ordinances and regulations pertaining to roads and land development is required. Access permits must be obtained prior to the issuance of a zoning permit. In the event approval of the Development Review Board is required for a subdivision under Article 6 or a conditional use under Article 5, the access permit(s) shall be obtained from the Select Board after Development Review Board approval. In addition, the following provisions shall apply to all parcels having road frontage on town highways and Route 100:

- (1) With the exception of accesses (curb-cuts) used solely for agricultural or forestry purposes, no lot in existence as of the effective date of these regulations may be served by more than one access (curb cut). The Development Review Board may approve additional accesses in the event that:
 - (a) the additional access is necessary to ensure vehicular and pedestrian safety; or
 - (b) the strict compliance with this standard would, due to the presence of one or more physical features (e.g. rivers and streams, steep slopes, wetlands), result in a less desirable development or subdivision design than would be possible with the allowance of an additional access; or
 - (c) a traffic management plan is developed in association with a planned residential development or planned unit development approved in accordance with Article 8.
- (2) Applicants for a zoning permit for any parcel where the number of existing accesses exceeds the number allowed under this section must eliminate or combine accesses in order to meet the applicable standard unless otherwise approved by the Development Review Board.
- (3) Subdivision of a parcel after the effective date of these regulations shall not create a right to construct more than one access unless otherwise approved by the Development Review Board in accordance with Subsection (B)(1), above.
- (4) Access shall be limited to an approved width, and shall not extend along the length of road frontage.
- (5) An access shall be located at least 100 feet from the intersection of public road rights-of-way (125 feet from centerline), for all uses except for single and two family dwellings, which shall be

located at least 50 feet from such intersections (75 feet from centerline), unless otherwise approved by the Development Review Board in accordance with conditional use approval under Article 5 or subdivision approval under Article 6.

- (6) Shared access is encouraged, and may be required for development subject to subdivision and/or conditional use approval.
- (C) **Driveways.** Driveways (access drives or roads which serve three or fewer lots) shall meet the following standards:
 - (1) Driveways shall be constructed to town driveway standards (Vermont Agency of Transportation's B-71 Standards for Commercial and Residential Driveways) unless otherwise required under subdivision or conditional use review;
 - (2) Driveways shall have a finished grade of no more than three percent (3 %) within 35 feet of an intersection with the travel-way of a road, and shall intersect with a road at an angle between 70 and 90 degrees.
 - (3) Driveways shall have an average finished grade of no more than 12 % over any 50-foot section. Driveways to be installed on slopes which exceed an average grade of 12 % shall submit an erosion control plan to the Development Review Board for consideration and approval in accordance with Section 3.4.
 - (4) Driveways exceeding 400 feet in length must include, at minimum, one 12' x 50' pull-off area.
- (D) **Frontage.** Frontage requirements for parcels served by private rights-of-way that are a minimum of 50 feet in width shall be the same as the requirements for parcels served by public rights-of-way.

Section 3.2 Conversion or Change of Use

- (A) A conversion or a change in the use of land, existing buildings or other structures is subject to the provisions of these regulations as follows:
 - (1) The proposed use shall be subject to all the requirements of these regulations pertaining to such use, including but not limited to any district, access, and/or parking requirements, as well as any other applicable municipal, state or federal regulations currently in effect.
 - (2) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure is located on a separate conforming lot and complies with all dimensional, setback, parking, subdivision and other requirements applicable to the proposed use and district.
 - (3) A conversion or change of use from one permitted use to another permitted use requires a zoning permit issued by the Administrative Officer under Section 9.3.
 - (4) A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval under Article 5.

- (5) Where there is a conversion or change of use involving increased water use and wastewater generation, including but not limited to the conversion of a seasonal or accessory dwelling to a single family dwelling, a zoning permit shall not be issued by the Administrative Officer until a wastewater disposal permit has been issued by the Warren Sewage Officer.
- (6) Changes or conversions involving nonconforming uses and/or noncomplying structures also are subject to and will be reviewed under Section 3.8.

Section 3.3 Equal Treatment of Housing

- (A) In accordance with the Act [§4412(1)], no provision or application of these regulations shall exclude or have the effect of excluding from the Town of Warren:
 - (1) Housing that meets the needs of the population as specified in the housing chapter of the Warren Town Plan.
 - (2) Mobile homes, modular housing, or other forms of prefabricated housing, except upon the same terms and conditions as conventional housing is excluded. Mobile homes shall be considered single family dwellings, and must meet the zoning requirements for such dwellings, except when located in an approved mobile home park (Section 4.12) or sales establishment, or allowed as a temporary structure (Section 3.15).
 - (3) Mobile home parks as defined by the state (10 V.S.A. Chapter 153). New or expanded mobile home parks are allowed within designated zoning districts, in accordance with the requirements of Section (4.12).
 - (4) Multi-unit or multi-family dwellings. Multi-family dwellings are allowed within designated zoning districts.
 - (5) One accessory dwelling unit as a permitted use, if located within or appurtenant to an owner-occupied single family dwelling in districts where such residences are permitted or conditional uses (Section 4.1).
 - (6) A group home to be operated under state licensing or regulation serving not more than eight (8) persons who have a handicap or disability as defined by the state (9 V.S.A. §4501). Such a home shall be considered by right to constitute a permitted, single family residential use of property, unless located within 1,000 feet of another existing or permitted home.

Section 3.4 Erosion Control & Development on Steep Slopes

(A) **Purpose.** The intent of these regulations is to protect areas of steep slope within the Town of Warren from the adverse effects of site disturbance and development as necessary to:

- prevent landslides, slope failure and soil instability,
- prevent soil erosion, including the loss of topsoil,
- minimize stormwater runoff and prevent flooding,
- control sedimentation and prevent water quality degradation, and
- provide safe, stable building sites.

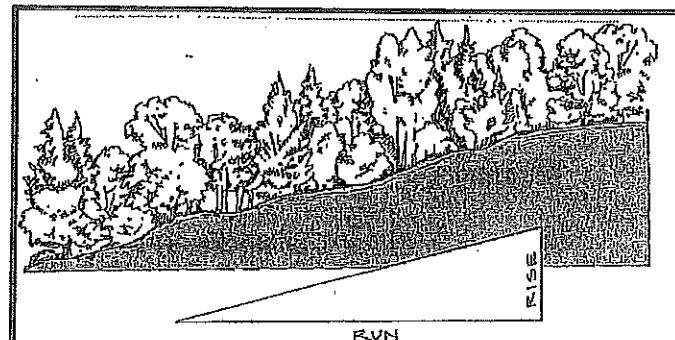
(B) **Applicability.**

- (1) **Steep Slopes (15+%).** Development involving the site disturbance, excavation, filling or regrading of 1000 or more square feet of land with a gradient of 15% or more, and driveways on land that exceeds an average gradient of 12% or more over any 50-foot section, as determined from mapped contour intervals or site inspection, shall be subject to conditional use review and approval by the Development Review Board under Article 5 and the requirements of Subsections (C) and (D) below.
- (2) **Very Steep Slopes (25+%).** No site disturbance or development shall take place on very steep slopes with natural gradients of 25% or more, with the exception of the following, which are subject to conditional use review and approval by the Development Review Board under Article 5, and the requirements of Subsections (C) and (D) below:

- (a) limited site improvements necessary to facilitate development on contiguous land with a slope of less than 25% gradient, and
- (b) the operation, maintenance and expansion of ski lifts and trails associated with an alpine ski facility.

(3) **Exemptions.** The following are specifically exempted from the requirements of this section:

- (a) Hiking, rock climbing and back country skiing trails.
- (b) Agricultural and forestry operations that incorporate accepted management practices established by the state (see Section 9.2).
- (c) Sand, gravel, quarrying and other extraction operations regulated under Section 4.6 of these Regulations.
- (d) Sanitary landfills regulated by the state as public facilities (see Section 4.6).



Slope, or gradient, is measured as the increase in rise over run. In this example, the rise increases (climbs) 15 feet over a distance (run) of 100 feet, which results in a 15% slope.

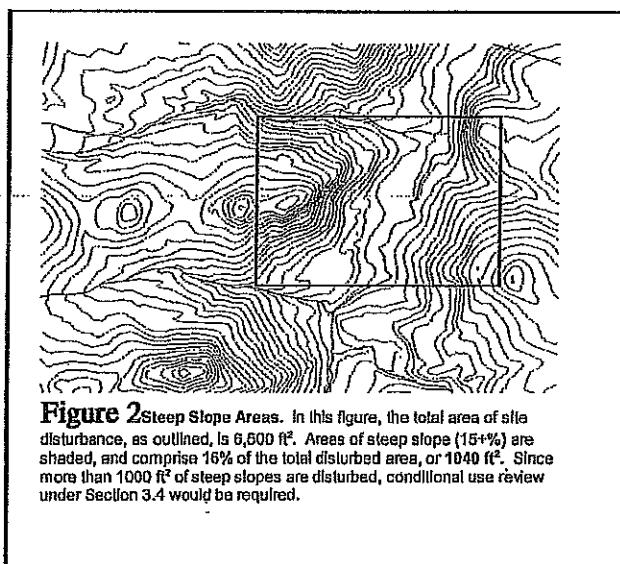


Figure 2 Steep Slope Areas. In this figure, the total area of site disturbance, as outlined, is 6,600 ft². Areas of steep slope (15%) are shaded, and comprise 16% of the total disturbed area, or 1040 ft². Since more than 1000 ft² of steep slopes are disturbed, conditional use review under Section 3.4 would be required.

(C) **Application Requirements.** In addition to application requirements under Section 5.2, conditional use approval for development on steep and very steep slopes shall be contingent upon the submission and Board approval of the following, as prepared by a qualified professional engineer licensed by the state:

- (1) A grading plan drawn at scale which indicates existing and proposed grades with contour lines at five (5) foot intervals within any area of proposed activity, site disturbance or construction, including access routes. The grading plan shall depict slope classes of 0-14.9%, 15-24.9% and 25% or more, based on five (5) foot contours analyzed on a ten foot (10') horizontal interval.
- (2) An erosion prevention and sedimentation control plan prepared in accordance with the Vermont Handbook for Erosion Prevention and Sediment Control and, where applicable, the Vermont Stormwater Management Manual, as most recently amended. The erosion prevention and sediment control plan shall provide detailed information regarding proposed best management practices and measures to be employed during all stages of development, including site preparation, construction and post-construction.

(D) **Review.** The Board may require an independent technical review of grading and erosion prevention and sedimentation control plans by a qualified engineer, in accordance with Section 9.8(D). Based upon information submitted, the Board shall find that:

- (1) Development, including building envelopes or footprints, driveways, parking areas and septic systems, will be sited to avoid areas of steep and very steep slope in order to minimize the need for site clearing, grading, cut, and fill.
- (2) Existing drainage patterns and vegetation will be retained and protected to avoid altering or relocating natural drainage ways, and to avoid increases in the amount of stormwater runoff being discharged into drainage ways as a result of site compaction, the unnecessary removal of vegetative cover, or re-contouring the land surface. Any proposed regrading will blend in with the natural contours and undulations of the land.
- (3) Terracing for building sites will be minimized, and structures will be designed to fit into rather than alter the slope, by employing methods such as reduced footprints, stilt and step-down building designs, and by minimizing grading outside the building footprint.
- (4) Driveways and roads will follow the natural contours of the land, and shall not exceed an average finished grade of 12% over any 50-foot section [see also Section 3.1(C)].
- (5) Disturbed areas will be kept to the minimum necessary to accommodate proposed development, and areas of site disturbance and construction will be phased so that only areas where active construction is taking place are exposed. Temporary soil stabilization measures will be used as necessary to stabilize disturbed areas prior to establishing a final grade. Site stabilization measures, including the establishment of perennial cover and non-vegetative protective measures, shall be installed by October 15th. No site disturbance or construction shall occur between October 15th and May 1st, unless specific measures for winter construction, erosion prevention, and sediment control are approved.
- (6) The topsoil removed from all disturbed areas will be stockpiled and stabilized in a manner that minimizes erosion and sedimentation and allows for replacement elsewhere on the site at the time of final regrading. Topsoil shall not be stockpiled on slopes of greater than ten percent (10%).

- (7) Cut and fill slopes will be rounded off to eliminate any sharp angles at the tops bottoms and sides of regraded slopes, and shall not exceed a slope of one vertical to two horizontal (1:2), except where retaining walls, structural stabilization or other accepted engineering methods are proposed. Structures will be set back from the tops and bottoms of such slopes an adequate distance (generally six feet plus one-half the height of the cut or fill) to ensure structural safety in the event of slope collapse.
- (8) Clean fill shall be used and compacted sufficiently to support proposed structures and uses.
- (9) Rock outcrops will be avoided or, where determined by the Board to be a hazard, will be removed or stabilized. Explosives shall be used only in accordance with accepted practices and applicable state regulations; the Board, as a condition of approval, may require notification of adjoining property owners prior to blasting.
- (10) Proposed temporary and permanent stormwater management and erosion control measures are consistent with best management practices recommended by the state, appropriate to site and soil conditions, and will be adequate to prevent stormwater from entering disturbed areas on-site, to minimize erosion and maximize stormwater retention, infiltration and treatment on-site, and to minimize stormwater runoff and sedimentation from the site.
- (11) Permanent vegetation will be re-established and maintained on undeveloped disturbed slopes in accordance with an approved landscaping plan for the site.
- (E) **Liability.** In the event that alterations in topography and drainage result in damage to neighboring or downstream properties, the applicant shall assume all liability for such damage. The Town of Warren shall be held harmless from any resulting claims for damage resulting from the applicant's actions, whether or not such actions conform to any plan approved by the town.

Section 3.5 Existing Small Lots

(A) Pursuant to the Act [§4412(2)], any lot in individual and separate and non-affiliated ownership from surrounding properties that is legally in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to the minimum lot size requirements of these regulations. Development, however, is prohibited on lots that are less than one-eighth ($\frac{1}{8}$) acre in area or have a minimum width or depth dimension of less than 40 feet. Development of an existing small lot shall be subject to all other applicable requirements of these regulations, including dimensional and setback standards set forth in Article 2 and municipal and state setback standards for the location of in-ground sewage disposal systems.

(B) An existing small lot which is in affiliated or common ownership with one or more contiguous lots as of the effective date of these regulations, or which subsequently comes under affiliated or common ownership with one or more contiguous lots, shall be deemed merged with the contiguous lot(s) for the purposes of these regulations. However, such lots shall not be deemed merged and may be separately conveyed if, in accordance with the Act, all of the following apply:

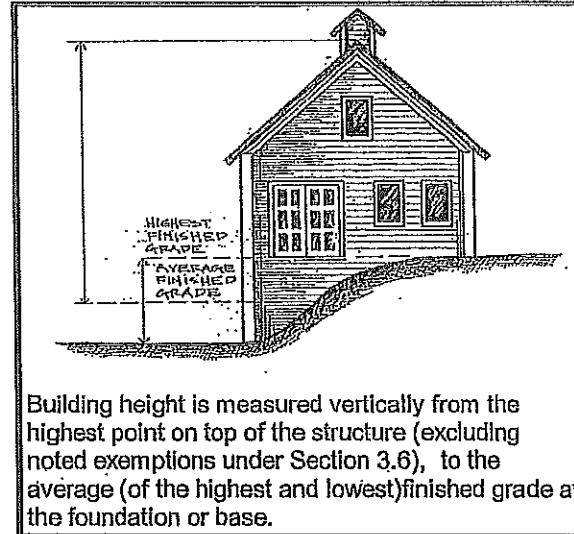
- (1) the lots are conveyed in their pre-existing, nonconforming configuration; and
- (2) on the effective date of this bylaw, each lot had been developed with a water supply and wastewater disposal system; and

- (3) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and
- (4) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined by the state [10 V.S.A. Chapter 64].

Section 3.6 Height & Setback Requirements

(A) Except for the following structures, which are specifically exempted from the height provisions of these regulations, no structure shall exceed district height requirements unless such structure meets the standards set forth in Subsection (B), below.

- (1) Agricultural structures, including barns and silos, in accordance with the Act [§4413];
- (2) Church steeples, spires and belfries;
- (3) Ski facilities, including lift towers;
- (4) Antennas, satellite dishes less than three (3) feet in diameter, wind generators with blades less than 20 feet in diameter, and rooftop solar collectors less than 10 feet high, which are regulated by the Town in accordance with the Act [§4412(6)], as well as chimneys, belvederes and cupolas, flag poles, and weather vanes; any of which are mounted on conforming structures and are less than 50 feet in height from the average finished grade at ground level to the highest point of the structure.
- (5) Telecommunications facilities regulated under Section 4.17, including telecommunications towers.
- (6) Power generation and transmission facilities, including transmission towers, wind towers and solar collectors regulated by the Vermont Public Service Board, in accordance with the Act [§4413] and Section 9.2.



Building height is measured vertically from the highest point on top of the structure (excluding noted exemptions under Section 3.6), to the average (of the highest and lowest)finished grade at the foundation or base.

(B) The Development Review Board may permit structures in excess of district height requirements as a conditional use subject to review under Article 5, and upon condition that:

- (1) the structure does not constitute a hazard to public safety, or to adjoining properties;
- (2) the portion of the structure above the district height requirement shall remain unoccupied except for normal maintenance, unless occupancy is expressly approved by the Development Review Board;
- (3) front, side and rear yard setbacks are sufficient to protect adjoining properties and rights-of-way in the event of structural collapse;
- (4) the structure is not to be used for advertising purposes;
- (5) access to the structure, particularly for climbing, is restricted;
- (6) lighting, if deemed necessary by the Board in accordance with state and federal regulations, shall be restricted to the minimum required for security and safe operation (Section 3.9); and
- (7) all applicable performance standards under Section 3.11 and conditional use standards under Section 5.3 are met.

(C) Notwithstanding the minimum front, side and rear setback requirements for various zoning districts set forth in Article 2, Tables 2.1 through 2.12, the Development Review Board, in accordance with

the Act [§4414(8)] may grant waivers to reduce building setbacks as a conditional use subject to review under Article 5 and the following provisions:

- (1) The Board may allow for a reduction of the front, side and rear setback of up to 30% of the setback distance set forth in Article 2 (e.g., a 40 ft. setback may be reduced by up to 12 ft.), providing the reduction meets all conditional use standards set forth in Article 5.
- (2) Any reduction of setback standards beyond 30% may only be granted in accordance with variance standards under Section 9.6.
- (3) This section does not apply to setbacks from surface waters set forth in Section 3.13.

Section 3.7 Lot & Yard Requirements

(A) Only a single principal use or structure may be located on a single lot, unless permitted within the specific district as a mixed use or otherwise approved by the Development Review Board as part of a PUD or PRD under Article 8, or involving the adaptive reuse of a historic accessory structure (e.g. barn), or an accessory use to a principal use (e.g., a home based business).

(B) An accessory structure or use must conform to all lot setback, coverage and other dimensional requirements for the district in which it is located.

(C) No lot shall be so reduced in area that it cannot conform to area, yard, setback, frontage, coverage and other dimensional requirements as prescribed in these regulations, except as approved by the Development Review Board for PUDs or PRDs under Article 8.

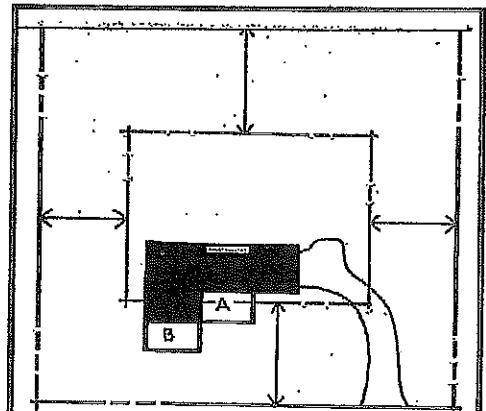
(D) Space required under these regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other principal building.

(E) Any interior (non-frontage) lot which does not have frontage on a public or private road or public waters shall meet minimum setbacks from all property lines equal to the front setback distance for the district in which it is located.

(F) Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front and side yards.

Section 3.8 Nonconforming Structures & Uses

(A) **Nonconforming Structures.** Any pre-existing structure or part thereof which was legally in existence as of the effective date of these regulations and is not in compliance with the provisions of these regulations concerning density, set backs, height, lot size or other dimensions, or which does not meet other applicable requirements of these regulations, shall be deemed a nonconforming structure. In



In this example of a nonconforming structure, a portion of the building exceeds the front setback for the district in which it is located. Extending the building in a manner that does not encroach further into the setback area, as depicted in the addition labeled "A", would not increase the degree of nonconformance. The extension labeled "B", however, represents a further encroachment into the setback which would increase the degree of nonconformance.

accordance with the Act [§4412(7)], nonconforming structures may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:

- (1) may undergo normal repair and maintenance without a permit provided that such action does not increase the degree of nonconformance (see definition of "degree of nonconformance" in Article 10);
- (2) may be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of nonconformance which existed prior to the damage;
- (3) may be structurally enlarged, expanded or moved, upon approval of the Administrative Officer, provided the enlargement, expansion or relocation does not increase the degree of nonconformance;
- (4) may, subject to conditional use review under Article 5, undergo alteration or expansion which would increase the degree of nonconformance solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations which would allow for continued use of the nonconforming structure.

(B) **Nonconforming Uses.** Any use of land or a structure which was legally in existence as of the effective date of these regulations and which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. In accordance with the Act [§4412(7)], nonconforming uses may be continued indefinitely, but shall be subject to the following provisions. A nonconforming use:

- (1) shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of 12 months, regardless of the intent to re-establish such prior use except with the approval of the Development Review Board, subject to conditional use review under Article 5;
- (2) shall not be re-established or continued following abandonment or discontinuance resulting from structural damage from any cause, unless the nonconforming use is carried on uninterrupted in the undamaged part of the structure, or the use is reinstated within one year of such damage, or if reasonable effort is being made to reinstate the use to the satisfaction of the Development Review Board.
- (3) shall not be changed to another nonconforming use without the approval of the Development Review Board in accordance with Article 5, and then only to a use which, in the opinion of the Board, is of the same or a more restricted nature; and/or
- (4) shall not be moved, enlarged, or increased by any means whatsoever, except with the approval of the Development Review Board subject to conditional use review under Article 5. In no case shall a nonconforming use be moved to a different lot within the district in which it is located.

Section 3.9 Outdoor Lighting

(A) **Purpose.** The Town's rural character is enhanced by an ability to clearly view and enjoy the night sky. While some outdoor lighting may be necessary for safety and security, inappropriate or poorly designed or installed lighting can create unsafe conditions and nuisances for adjoining property owners, cause sky glow which obstructs night views of the sky, and result in the unnecessary use of electric power.

(B) **General Standards.** To ensure appropriate lighting while minimizing its undesirable effects, the following general standards apply to all outdoor lighting in the Town of Warren, with the exception of temporary holiday lighting which is exempt:

- (1) All outdoor lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood in which it is located.
- (2) Permanent outdoor lighting fixtures shall not direct light upward or onto adjacent properties, roads, or public waters; shall minimize glare; and shall not result in excessive lighting levels which are uncharacteristic of a rural area. Lighting fixtures shall be cast downward and/or designed to minimize glare. Such fixtures shall include recessed, shielded or cutoff fixtures, and/or low luminance lamps (e.g., maximum of 75 watts or 1,000 lumens).
- (3) Outdoor lighting fixtures are to include timers, dimmers, and/or sensors to reduce energy consumption and eliminate unneeded lighting.

(C) **Conditional Use Lighting Standards.** For lighting installations associated with uses subject to conditional use review under Article 5, the Development Review Board also may require the following:

- (1) Information regarding exterior lighting fixtures, including fixture type, mounting location and height, illumination levels and distribution, and color, to be submitted as part of the conditional use application. A lighting plan, prepared by a qualified engineer or lighting expert, may be required as appropriate for larger projects.
- (2) The burial of electrical service to outdoor lighting fixtures.
- (3) The use of street or security lighting only if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Board, shall be shielded and aimed so that illumination is directed only on to the designated area and not cast on other areas.
- (4) Outdoor fixtures shall only be illuminated during the hours of operation for non-residential uses unless specifically approved by the Development Review Board in accordance with Article 5.

(D) The Board may modify or waive the requirements of this Section under conditional use review under Article 5, or on appeal under Section 9.5, if it finds that in so doing it will not jeopardize the stated intent under Subsection (A), or that such a modification or waiver is required to meet an overriding public purpose.

Section 3.10 Parking, Loading & Service Area Requirements

(A) **Parking.** For every structure or use erected, established, altered, extended or changed, associated off-street parking spaces shall be provided on the same lot, or off-site on a lot(s) under the same ownership or under permanent easement, as set forth below:

- (1) All required parking spaces shall have a minimum width of 9 feet, a minimum length of 22 feet, unobstructed access and maneuvering room, a gravel or paved surface sufficient to permit year-round use, and shall not exceed a maximum of 8% gradient.
- (2) A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in Table 3.1. With the approval of the Development

Review Board, the minimum number of parking spaces may be located off-site, providing such spaces are:

- (a) dedicated to the exclusive use of the applicant through a deeded easement or similar agreement; and,
 - (b) are located within 300 linear feet of the property; and
 - (c) a parking management plan is prepared in accordance with Subsection (A)(8) below
- (3) With the exception of parking associated with single and two family dwellings, parking areas shall not be located in the front yard area as defined by the district setback distance. The parking of motor vehicles is allowed within side or rear yard areas unless otherwise specifically prohibited, under other provisions of these regulations, or as otherwise required under conditional use review.
- (4) Non-residential parking areas are to be located to the side or rear of buildings, unless otherwise approved by the Development Review Board under conditional use review.
- (5) In addition to the requirements listed in Table 3.1, all multi-family, public, commercial and industrial developments must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal (ADA) requirements, and at least one bike rack for use by employees and/or the general public.
- (6) All off-street parking areas in excess of 8 parking spaces shall provide landscaped areas which at minimum are equal to a least 10% of the total parking area, unless otherwise approved by the Development Review Board under site plan or conditional use review. Landscaped areas shall be integrated into the parking lot design, and be regularly maintained.
- (7) For development subject to conditional use review, shared parking and/or landscaping, screening, lighting, snow removal, pedestrian or transit facilities may be required as a condition of approval.
- (8) The Development Review Board may require the preparation and implementation of a parking management plan, to include designated employee parking requirements, directional signs, and other management strategies to ensure the most efficient use of available parking. The Development Review Board may, as a requirement of conditional use review in accordance with Article 5, require the submission of a parking management plan prepared by a licensed engineer or other qualified professional.
- (9) For development subject to conditional use review, shared parking and/or landscaping, screening, lighting, snow removal, pedestrian or transit facilities may be required as a condition of approval.

Table 3.1 Minimum Off-Street Parking Requirements

| Use | Parking Spaces |
|--|--|
| Bed and Breakfast | 2 per dwelling unit, and 1 per lodging room |
| Boarding House | 2 per building and 1 per boarder |
| Care Facilities (6 or more residents) | 1 per 4 beds, and 1 per employee for the largest shift |
| Clubs | 1 per 4 members |
| Commercial/Retail Establishments | 1 per 250 sq. ft. of gross floor area accessible to the public |
| Gas or Motor Vehicle Service Station | 5 per service bay |
| Home Day Care | 2 per dwelling unit, and 1 per additional employee |
| Home Occupation/Cottage Industry | 2 per dwelling unit, and 1 per additional employee |
| Industry | 1.25 per employee, for the largest shift |
| Lodging (hotel, motel, inn, lodge) | 1 per lodging unit, and 1 per employee for the largest shift |
| Medical Clinics/Offices | 6 per doctor or other primary professional care giver |
| Mixed/Multiple Use | total required per each individual use |
| Outdoor Recreation | 1 space per every 3 patrons at capacity |
| Personal Services | 1 per employee, and one per customer service station |
| Professional, Government, Business Offices | 1 per 300 sq. ft. of gross floor area |
| Public assembly (places of worship, auditoriums, etc.) | 1 per 4 seats or 200 sq. ft. of gross floor area, whichever is greater |
| Residential/Accessory dwelling | 1 per dwelling unit |
| Residential/ Multi-Family | 3 per every 2 dwelling units |
| Residential/Single or Two Family | 2 per dwelling unit |
| Restaurants/Eating Establishments | 1 per 4 seats, and 1 per employee for the largest shift |
| School, Child or Day Care (6 or more children) | 3 spaces per 10 children enrolled at the facility |
| Storage, warehouses, other non-public uses | 1 per 1,000 sq. ft. of gross floor area, and 1 per employee |
| Unspecified | As determined by the Development Review Board under conditional use review, in accordance with ITE standards |

(B) Loading and Service Areas. Where a proposed development will require the frequent or regular loading or unloading of goods, sufficient on-site service areas shall be provided. Service areas also may be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as may be necessitated by the proposed use, type of vehicle and frequency of deliveries. All loading and service areas shall be clearly marked, and located in such a manner so that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road, driveway, access or

traveled roadway. The Development Review Board may, as a requirement of conditional use review in accordance with Article 5, limit the hours in which loading and deliveries may take place.

(C) **Waivers.** The Development Review Board, subject to conditional use review under Article 5, may waive on-site parking, loading and/or service area requirements based on the Board's determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate:

- (1) green areas are to be set aside and maintained as open space for future conversion to parking, loading and/or services areas in the event that the spaces initially permitted are subsequently deemed inadequate by the Board to meet demonstrated need;
- (2) adequate shared parking, loading, and/or services areas for use by two or more businesses exist on the same or contiguous lots, under common ownership or a long-term lease;
- (3) adequate off-site public parking exists within reasonable walking distance of the establishment and/or the applicant contributes a parking replacement fee administered by the Town for the purpose of constructing and maintaining public parking facilities;
- (4) the proposal is for the development of affordable or elderly housing as defined herein; or
- (5) parking structures are designed to avoid land intensive, single-level parking.

Section 3.11 Performance Standards

(A) In accordance with the Act [§4414(5)], the following performance standards must be met and maintained for all uses in all districts, except for agriculture, forestry, and the operation of small general aviation aircraft, as measured at the property line. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns. No use, under normal conditions, shall cause, create or result in:

- (1) **regularly occurring noise** in excess of 70 decibels, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
- (2) **clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;
- (3) **smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;
- (4) **releases of heat, cold, moisture, mist, fog or condensation** which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;
- (5) **any electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare (except from telecommunications

- facilities which are specifically licensed and regulated through the Federal Communications Commission).
- (6) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare (Section 3.9);
- (7) **liquid or solid waste or refuse** in excess of available capacities for proper disposal which cannot be disposed of by available existing methods without undue burden to municipal or public disposal facilities; which pollute surface or ground waters; or which is otherwise detrimental to public health, safety and welfare; or
- (8) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties; or which results in a significantly increased burden on municipal facilities and services.
- (B) Agricultural operations shall at minimum observe accepted agricultural practices (AAPs) as defined and administered by the Vermont Agency of Agriculture (Section 9.2).
- (C) Forestry operations shall at minimum observe accepted silvicultural practices as defined and administered by the Vermont Department of Forests, Parks and Recreation (see Section 9.2). Such practices include Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont. In accordance with the Act [§4413(3)], any forest management practices imposed under these regulations that result in a change in the forest management plan for a parcel enrolled in the state's use value appraisal program (under 32 V.S.A. Chapter 124) must:
- (1) be silviculturally sound, as determined by the Commissioner of Forests, Parks and Recreation,
 - (2) protect specific natural, conservation, aesthetic or wildlife features in designated zoning districts; and
 - (3) be compatible with use value appraisal program eligibility requirements (32 V.S.A. §3755).

Section 3.12 Sign Requirements

(A) **Applicability.** A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign, except for signs which are specifically exempted from these provisions, or specifically prohibited as listed under Table 3.2.

Table 3.2 Exempt and Prohibited Signs

(A) **Exempt Signs.** No zoning permit shall be required for the following types of signs, which are exempt from these regulations:

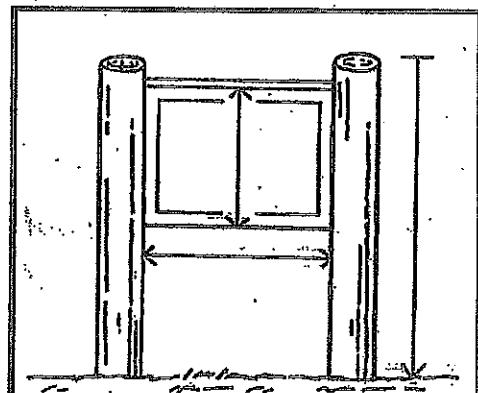
- (1) Signs erected by the state or town on public roads.
- (2) Non-advertising signs placed for directional, safety or public service purposes which do not exceed 4 square feet in area.
- (3) One sign offering real estate for sale, not to exceed 4 square feet and placed in accordance with subsection 3.12 (B)(11).
- (4) One residential sign per dwelling unit identifying the occupant, not to exceed 2 square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
- (5) Signs relating to trespassing and hunting, each not to exceed 2 square feet in area.
- (6) Temporary auction, lawn, or garage sale, not to exceed 2 in number and 6 square feet in total area, which shall be removed immediately following the event or sale.
- (7) Temporary election signs to be posted and removed in accordance with state law.
- (8) Temporary signs or banners advertising public or community events, to be displayed in designated locations on town property with the prior permission of the Select Board, which shall be removed immediately following the event.
- (9) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one per establishment, 16 square feet in total area, or 6 feet in height above ground level.
- (10) Unlit signs associated with farm operations, not to exceed one per establishment or 16 square feet in area.
- (11) Unlit wall-mounted or freestanding signs advertising a home occupation, home based business or home day care facility, not to exceed one per residential dwelling or 4 square feet in area.
- (12) On-premise historic or landmark signs, not to exceed one in number or 6 square feet in area.
- (13) Wall murals intended solely for artistic, non-advertising purposes.
- (14) Window signs which do not exceed 30 percent of the window pane area.
- (15) One temporary construction sign, not to exceed 16 square feet in total area or 10 feet in height, providing such sign is promptly removed immediately following completion of construction.
- (16) One advertising flag or banner per business, during open hours of operation, not to exceed 3' x 5' in size (including "open" or "sale" signs). Flags that are decorative or patriotic in nature are exempt.

(B) **Prohibited Signs.** The following signs are prohibited in all districts:

- (1) Signs which impair highway safety.
- (2) Signs which are internally illuminated, animated, flashing, oscillating, revolving or made of reflective material, unless necessary for public safety or welfare.
- (3) Signs painted on or attached to rock outcrops, trees, or similar natural features.
- (4) Signs which extend above the eave of a building roof.
- (5) Permanent signs which project over public rights-of-way or property lines.
- (6) Signs identifying businesses or uses which are no longer in existence.
- (7) Signs located on motor vehicles which are used primarily as a support or foundation. Excluding registered motor vehicles.

(B) **General Standards.** All signs, other than those specified under Subsection (A), shall require a zoning permit issued by the Administrative Officer in accordance with the following requirements pertaining to all signs:

- (1) No outdoor advertising signs shall be permitted in any district except for the purposes of identifying an existing, on-premise use in those districts where such uses are permitted.
- (2) There shall be only one sign per principal business or service, unless otherwise approved by the Development Review Board in accordance with Section 4.11 for mixed uses.
- (3) No sign shall exceed more than 16 square feet per face.
- (4) No sign in the Forest Reserve or Rural Residential Districts shall exceed 4 square feet per face.
- (5) No sign, including mounted or freestanding supporting structures, shall exceed 16 feet in height, or the height of the nearest building on the premises, whichever is less.
- (6) No sign shall be closer than 15 feet to the nearest part of the traveled portion of any road, nor closer than 50 feet to any road intersection.
- (7) Signs shall be illuminated so as not to produce undue glare, hazards, or distractions. A constant, shielded light source may be used for indirect lighting, provided that the light fixture is mounted on the top or side of the sign, is directed directly onto the sign surface, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads. Internally illuminated signs are expressly prohibited.
- (8) Signs shall not be constructed to include fluorescent colors or reflective materials, and shall not include blinking lights or moving parts.
- (9) No sign shall be illuminated during hours when the premises is not occupied or open for business, or after 10:30 P.M. unless placed on a motion sensitive sensor. Bed & Breakfasts, Inns and Hotels and other lodging facilities may be considered open for business 24 hours a day.
- (10) Signs advertising real estate for sale shall be limited to one sign per parcel, not to exceed 4 square feet, which shall be located on the premises offered for sale, shall be placed outside of the road right-of-way, shall not be affixed with signs depicting that the property has been "sold" or is "under contract", and shall be removed from the premises within 5 business days of conveyance of the property.
- (11) No sign shall contain pennants, or similar attention gathering devices, nor may it contain or support any device capable of emitting noise.
- (12) All signs shall be maintained in a secure and safe condition. Nothing in these regulations shall prevent normal sign maintenance and repair, including the replacement of broken parts. If the Administrative Officer is of the opinion that a sign is not secure, safe, or in a good state of repair, a written warning and/or notice of violation under Section 9.7 may be issued with a request that any defect in the sign immediately is corrected.



The height of signs are measured from the top of the supporting structure; width is measured from the interior edge of the supporting structure.

(13) Nonconforming signs may remain in use until such time as they are damaged beyond 50 percent of their replacement value. Nonconforming signs may not be expanded, or the message altered to advertise a different owner, management or brand, unless such altered sign is brought into conformance with these standards.

(C) **Measurement.** The area of measurement of any sign shall be the total area of the sign face to the outer edge, excluding any supporting frames or panels. Signs consisting of freestanding characters shall include any intervening spaces (the entire message area) in the calculation of total sign area. The height of the sign shall be measured to the highest point of the supporting structure.

Section 3.13 Surface Water Protection

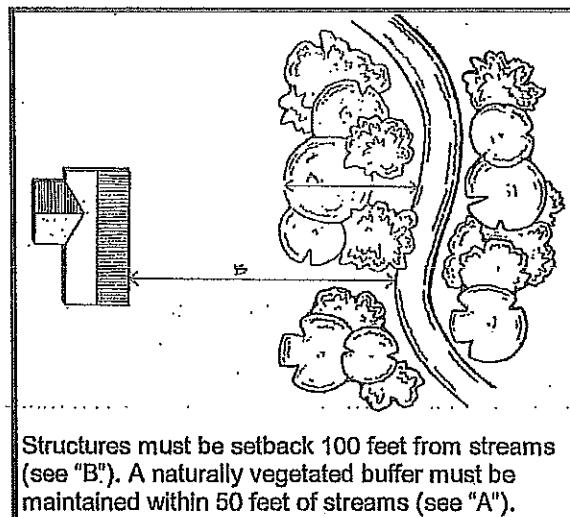
(A) To prevent soil erosion, protect wildlife habitat and maintain water quality, a vegetated buffer strip shall be maintained for a minimum of 50 feet from all lakes or ponds with a surface area greater than one acre, wetlands, streams and rivers. The 50 feet buffer strip shall be measured from the top of the streambank. No development, excavation, landfill or grading shall occur within the buffer strip, and vegetation shall be left in an undisturbed state, with the exception of clearing and associated site development necessary to accommodate the following:

- (1) Road, driveway and utility crossings.
- (2) Streambank stabilization and restoration projects, in accordance with all applicable state and federal regulations.
- (3) Unpaved bicycle and pedestrian paths and trails.
- (4) Public recreation facilities and improved river/lake accesses (e.g., beaches, boat launches, fishing accesses).

(B) No building or structure is allowed within 100 feet of any stream or river without conditional use approval by the Development Review Board in accordance with Article 5. In addition to the conditional use criteria, the Board shall find that the proposed building or structure will not have an undue adverse effect upon:

- (1) the ability of the stream to carry floodwaters (see Section 5.3(D));
- (2) the water quality of the stream due to potential erosion and runoff; and
- (3) the natural beauty of the stream, and is in keeping with the historic settlement pattern of the area.

(C) No building or structure is allowed within 100 feet of any lake or pond with a surface area greater than 20 acres, including Blueberry Lake.



- (D) The expansion or enlargement of any structure in existence prior to the effective date of these regulations and not in compliance with Subsections (B) or (C) may be permitted with the approval of the Development Review Board in accordance with Article 5.
- (E) The impoundment of any water course is subject to the provisions of Section 4.13.
- (F) For development subject to conditional use review, minimum required setback and/or undisturbed buffer strip distances may be increased as appropriate based on site, slope or soil conditions and the nature of the proposed use.

Section 3.14 Storage of Flammable Commodities

(A) The storage of any highly flammable or hazardous liquid or gas in tanks above ground with unit capacity greater than 1,000 gallons shall be prohibited, unless such tanks up to and including 10,000 gallon capacity are placed not less than 80 feet from all property lines, and unless all such tanks of more than 10,000 gallon capacity are placed not less than 200 feet from all property lines.

(B) All tanks (containing flammable liquids) located above-ground and having a capacity greater than 1,050 gallons shall be properly retained with dikes having a capacity not less than 1.5 times the capacity of the tanks surrounded.

Section 3.15 Temporary Uses & Structures

(A) A temporary permit may be issued by the Administrative Officer for nonconforming uses, excluding residential dwellings, which are incidental to a construction project, for a period not exceeding 1 year, conditional upon written agreement by the owner to remove the structure and/or discontinue the use upon expiration of the permit.

(B) Any trailer used for storage or other accessory use for a period exceeding 30 days shall be considered a structure subject to all of the terms and conditions of these regulations.

(C) The use of temporary structures, including campers, recreational vehicles, tents and yurts, for dwelling purposes shall meet the requirements for Campers and Temporary Dwellings under Section 4.3.

(D) The use of temporary structures associated with a special event open to the general public (e.g. cultural performance, sporting event, community function) approved by the Warren Select Board pursuant to the Warren Special Events Ordinance, or associated with a special event operated as an accessory to another use permitted in accordance with these regulations; or associated with a one-time private function (e.g. wedding, family reunion), does not require a zoning permit provided the temporary structures are removed within 14 days of construction or as otherwise permitted by the Select Board in accordance with the special events ordinance or Development Review Board in accordance with Article 5.

Section 3.16 Transfers of Development Rights

(A) **Purpose.** To encourage the preservation of farmland and the Town's rural character, and to encourage concentrated development in designated growth centers, the transfer of development rights from designated sending areas to designated receiving areas is allowed in accordance with the Act [§4423] and the provisions of this section.

(B) **Sending Areas.** Development rights may be transferred from lands which are located within both the Meadowland Overlay (MO) and Rural Residential (RR) Districts pursuant to Article 2, as designated in Article 2, which for the purposes of these regulations shall be considered a sending area.

(C) **Receiving Areas.** Development rights transferred from a parcel(s) in a designated sending area may be used to increase allowable densities on a parcel(s) within the Sugarbush Village Residential (SVR), Vacation Residential (VR), Sugarbush Village Commercial (SVC) and the German Flats Commercial (GFC) Districts, as designated in Article 2, which for the purposes of these regulations shall be designated as a receiving area(s).

(D) **Densities.** Maximum densities shall be as established in Article 2 under dimensional standards for the respective districts. Density shall be transferred in one acre increments, with each acre being equal to one dwelling unit or two lodging units of density beyond the maximum density for the district within which the receiving area parcel is located, with the total density not to exceed the TDR density for that district. Any sending parcel(s) which retains a portion of the total allowable development rights shall retain a minimum of one acre of density.

(E) **Administration.** The removal of density from a parcel within a designated sending area, and the transfer of density to a parcel(s) within a designated receiving area, shall be administered in accordance with the following:

- (1) The removal of development rights from a parcel within a sending zone (sending parcel) shall be accomplished through a conservation easement, of a form and content approved by the Development Review Board, to be recorded in the Warren Land Records. Such easement shall specify that the protected portions of the parcel are to be used only for open space, agriculture, forestry and outdoor recreation purposes, and may not be used in a manner that involves the placement of structures or sewage treatment facilities. In addition, the easement shall be accompanied by a recordable plat which clearly depicts:
 - (a) the boundaries of the sending area parcel; and
 - (b) the boundaries of the portion of the parcel to be restricted by the conservation easement; and
 - (c) the total, unallocated density available under current zoning regulations prior to the transfer, and shall specify the total reduction of density resulting from the transfer, in tabular format.
- (2) The transfer of development rights to a parcel within a receiving zone (receiving parcel) shall be accomplished through a written agreement, approved by the Development Review Board concurrently with conditional use approval pursuant to Article 5 or Planned Residential Development or Planned Unit Development approval pursuant to Article 8. Said written agreement shall be of a form and content approved by the Board, and shall be recorded in the Warren Land Records. Such agreement shall specify the total density being transferred to the receiving area parcel and shall include a deed reference to the density reduction easement from which the TDR density originated.
- (3) Upon the removal of development rights from a sending parcel, and prior to the transfer to a receiving parcel, development rights may be held in a "TDR Density Bank," to be administered by the Development Review Board. The TDR Density Bank will allow for the removal of development rights from a sending parcel(s) by private, nonprofit conservation organizations, the Town of Warren, or any other interested party, without the immediate transfer of TDR density to a receiving parcel(s). It will further permit the removal of TDR density from a single sending parcel and the incremental transfer of that TDR density to multiple receiving parcels over an extended

period of time. Such TDR Density Bank shall consist of an easement, approved by the Development Review Board and recorded in the Warren Land Records, which shall provide a current record of total development rights removed from sending parcels, together with a current record of TDR density transferred to one or more receiving parcels, and a current record of all unallocated TDR density still available for transfer to parcels within a designated receiving area. Concurrent with any transfer of TDR density, the TDR Density Bank shall be updated by the Development Review Board. Said update shall occur at a regularly scheduled meeting of the Development Review Board, shall require a positive vote of the Board, and shall involve revising the easement and recording the revised easement in the Warren Land Record.

ARTICLE 4. SPECIFIC USE STANDARDS

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 4.1 Accessory Dwelling

(A) There shall be only one principal dwelling per single family residential lot, however an accessory dwelling that is located within, attached to, or on the same lot as a single family dwelling (i.e. not a duplex or multi-family dwelling) shall be allowed for use as a guest house, rental apartment or housing for family members or domestic help, subject to the following provisions, in accordance with the Act [§ 4412(1)(E)].

- (1) One accessory dwelling to a single family dwelling may be allowed as a permitted use, subject to administrative review for compliance with the following provisions and the issuance of a zoning permit:
 - (a) The accessory dwelling shall meet all applicable setback, coverage and other dimensional requirements for the district in which it is located; or, for an existing nonconforming structure, the accessory dwelling shall in no way increase the degree of noncompliance under Section 3.8.
 - (b) It shall be demonstrated to the satisfaction of the Development Review Board that adequate water supply, septic system, and off-street parking capacity exist to accommodate residents of the accessory dwelling.
- (2) Conditional use review and approval under Article 5 shall be required prior to the issuance of a zoning permit for any accessory dwelling for which one or more of the following apply:
 - (a) The accessory dwelling is to be located within a new accessory structure.
 - (b) The accessory dwelling will result in an increase in the height or floor area of the existing single family dwelling.
 - (c) The accessory dwelling will result in an increase in parking area dimensions.

(B) The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single family residence and shall be retained in common ownership. An accessory dwelling may only be subdivided and/or converted for sale or use as a single or duplex dwelling if it meets all current local and state regulations applying to such dwellings, including all density, dimensional and other requirements for the district in which it is located. A separate zoning permit shall be required prior to sale and/or conversion.

Section 4.2 Adaptive Reuse

(A) The purpose of this category of use is to enable the continued viability of certain historic buildings in the Town of Warren which have outlived their original function (e.g., including barns and school houses) whether or not such buildings are noncomplying structures, by permitting additional uses within the current dimensions of such structures, subject to conditional use review under Article 5 and the provisions of this Section.

(B) Structures which shall be considered appropriate for adaptive reuse include any structure, excluding buildings designed and used as single family dwellings, which:

- (1) has historical or architectural significance to the town, as determined by listing on the Vermont Historic Sites and Structures Survey, or determined to have become eligible for listing on the

Vermont Historic Sites and Structures Survey since the time of its most recent publication, or determined by listing on the National Register of Historic Places, including designated contributing structures within a historic district listed on the National Register of Historic Places;

- (2) is no less than 50 years old; and
- (3) has a minimum floor area of 800 square feet.

(C) Structures determined to be appropriate for adaptive reuse may be put to one of the following uses in any zoning district subject to conditional use approval under Article 5:

- (1) any use permitted within the district in which the structure is located;
 - (2) single or multi-family dwelling, if the associated lot area is at least one acre and the total number of units does not exceed one (1) unit per every 20,000 square feet of lot area or the maximum density for the district within which the structure is located, whichever is less;
 - (3) professional/business office;
 - (4) enclosed storage facility;
 - (5) enterprises whose principal use is the processing and/or sale of agricultural or forest products (e.g., farm produce stores, food cooperatives, woodworking and furniture shops);
 - (6) uses associated with local arts, crafts and culture (e.g., museum, craft shop, gallery, antique shop, cultural center);
 - (7) other use as determined by the Development Review Board to meet the intent of this Section and conditional use criteria under Article 5.
- (D) It also shall be demonstrated to the satisfaction of the Development Review Board that:
- (1) adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed use; and
 - (2) exterior renovations are compatible with the original architectural design of the structure, and they conform to guidelines set forth in the most recent edition of The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings [36 CFR 67].

Section 4.3 Campers & Temporary Shelters

(A) It shall be unlawful for any person to park a camper (travel trailer, recreation vehicle) or other temporary shelter (e.g., tent, tipi, yurt), except in an approved campground, an approved sales lot, or on a residential or undeveloped lot, subject to the following provisions.

(B) One camper or other temporary shelter may be parked on a residential lot (lot in which a dwelling is the principal use) provided that:

- (1) it is not located within required setbacks for the district in which it is located; and
 - (2) it is not occupied for dwelling purposes for more than 30 days within any one year period; and
 - (3) is not hooked up to a water system, septic system or other utilities, except in accordance with Subsection (D), below.
- (C) One (1) camper or other temporary shelter may be parked on an undeveloped lot provided that:
- (1) it is located on a lot not less than 1 acre in area and is not located within required setbacks for the district in which it is located; and
 - (2) it is not occupied for dwelling purposes for more than 30 days within any one year period; and
 - (3) is not hooked up to a water system, septic system or other utilities except in accordance with Subsection (D), below; and
 - (4) the parking and/or occupancy of campers or temporary structures on undeveloped lots is expressly prohibited within the Alpine Village Residential District, as designated in Article 2, unless permitted as a single family dwelling in accordance with district standards.
- (D) A camper or temporary structure may be occupied for greater than 30 days on a residential lot if permitted as an accessory dwelling in accordance with Section 4.1; and may be occupied for greater than 30 days on an undeveloped lot if permitted as a single family dwelling in accordance with district standards.
- (E) Any sewage generated by a camper or other temporary shelter shall be disposed of in accordance with all applicable local, state and federal regulations.

Section 4.4 Campground

(A) A new or expanded travel trailer, recreational vehicle, or primitive campground may be permitted in designated zoning districts subject to conditional use review under Article 5 and the following additional provisions:

- (1) The parcel of land for a campground shall be no less than five (5) acres in area, with at least 20% of the total campground area set aside for conservation, recreation and open space.
- (2) All campgrounds shall meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 50 feet in width along property boundaries, and 100 feet in width along public rights-of-way and waters, shall be maintained. Buffer areas shall not be included in the calculation of open space under Subsection (A)(1). No building, camp site, parking or service area shall be located in buffer areas. The Development Review Board may reduce or eliminate buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining property owners can be maintained.
- (3) Landscaping and/or fencing along property boundaries shall be required as appropriate for screening, security, and privacy.

- (4) Campgrounds shall provide lavatory, shower, and toilet facilities sufficient to serve all camp sites. Wastewater disposal systems must be designed and installed in accordance with applicable municipal and state regulations.
 - (5) A campground shall provide sufficient access and parking for each camp site. Each camp site shall be at least 2,000 square feet in area.
 - (6) Outdoor fires shall comply with the performance standards set forth in Section 3.11.
 - (7) Adequate provision for the safe, sanitary disposal of trash shall be provided on site.
- (B) For substantially undeveloped, primitive camping areas (e.g., tenting areas) located on public or private lands, the Development Review Board may waive any or all of the requirements under Subsection (A) if it is demonstrated to the Board's satisfaction that access, total lot area, camp site area, and setback distances are sufficient to:
- (1) support the proposed level of use, and
 - (2) avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 4.5 Day Care Facility [Home Child Care, Day Care]

(A) Home Child Care. In accordance with the Act [§ 4412(5)], a family child care home or facility, operated by the owner or resident of a single family dwelling who is licensed or registered by the state for child care, that serves no more than 10 children on site at the same time shall be considered by right to constitute a permitted single family residential use of the property. Such uses shall require a permit issued by the Administrative Officer in accordance with Section 9.3.

(B) Day Care. Nonresidential day care facilities, and those facilities operated from a dwelling which serve more than ten children on site at the same time, may be permitted in designated zoning districts as a conditional use subject to review under Article 5.

Section 4.6 Extraction of Soil, Sand & Gravel

(A) The extraction or removal of topsoil, sand, or gravel or other similar material for commercial purposes, except where incidental to any development lawfully undertaken in accordance with these regulations, may be permitted in designated districts subject to conditional use review under Article 5, and findings that the proposed operation shall not:

- (1) cause any hazard to public health and safety, or
- (2) adversely affect neighboring properties, property values or public facilities and services, surface water and groundwater supplies, or natural, cultural, historic or scenic features.

(B) In granting approval, the Development Review Board may consider and impose conditions with regard to the following factors as it deems relevant:

- (1) depth of excavation or quarrying;
- (2) slopes created by removal;
- (3) effects on surface drainage on and off-site;
- (4) storage of equipment and stockpiling of materials on-site;

- (5) hours of operation for blasting, trucking, and processing operations;
- (6) effects on adjacent properties due to noise, dust, or vibration;
- (7) effects on traffic and road conditions, including potential physical damage to public highways;
- (8) creation of nuisances or safety hazards;
- (9) temporary and permanent erosion control;
- (10) effect on ground and surface water quality, and drinking water supplies;
- (11) effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
- (12) effect on agricultural land; and
- (13) public safety and general welfare.

(C) The application for a conditional use permit under Section 5.2 also shall include erosion control and site reclamation plans showing:

- (1) existing grades, drainage and depth to water table;
- (2) the extent and magnitude of the proposed operation including proposed phasing; and
- (3) finished grades at the conclusion of the operation.

(D) In accordance with the Act [§4464] a performance bond, escrow account, or other surety acceptable to the Select Board shall be required to ensure reclamation of the land upon completion of the excavation, to include any regrading, reseeding, reforestation or other reclamation activities that may be required.

(E) The processing of earth materials (e.g. gravel, sand, topsoil) extracted off-site, including crushing, storage and distribution, is only permitted within designated zoning districts as a defined use or as an accessory to another defined use (e.g. town highway facility), and is subject to Development Review Board approval as a conditional use in accordance with this Section and Article 5.

Section 4.7 Group Home

(A) In accordance with the Act [§4412(1)(G)], a state licensed or registered residential care home or group home, serving not more than eight (8) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a single family residential use of property, except that no home shall be so considered if it locates within 1,000 feet of another such home.

(B) Other residential care facilities, including group homes serving more than eight (8) persons or community care facilities, may be allowed in designated districts subject to conditional use review under Article 5 and related standards.

Section 4.8 Home Based Businesses [Home Occupation, Cottage Industry]

(A) **Home Occupations.** In accordance with the Act [§ 4412(4)] no provision of these regulations shall prevent a person from using a minor portion of a dwelling for the conduct of an occupation which is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. A permit application shall be submitted to the Administrative Officer for a determination as to whether the proposed use is a home occupation as defined by these regulations. Home occupations, as distinguished from cottage industries under Subsection (B), are permitted as an accessory use in all districts where residential uses are permitted in accordance with the following provisions:

- (1) The home occupation shall be conducted by residents of the dwelling.

- (2) The home occupation shall be carried on within a minor portion of the dwelling or a minor portion of accessory building such as a garage or barn. In no case shall the home occupation occupy greater than an area equal to 40% of the floor area of the primary dwelling.
 - (3) Exterior displays of goods and wares; or the exterior storage of materials not customarily associated with a residential use, or other exterior indications of the home occupation, including alterations to the residential character of the principal or accessory structures shall not be permitted. One unlit exterior sign is permitted in accordance with Section 3.12.
 - (4) No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use in the neighborhood. Parking shall be provided on-site in accordance with Section 3.10.
 - (5) Home occupations shall conform to all performance standards under Section 3.11.
 - (6) Retail sales are not permitted as part of a home occupation, with the exception of the sale of goods and/or crafts created on the premises in which retail sales are incidental to the home occupation.
 - (7) The zoning permit shall clearly state that the use is limited to a home occupation, approved in accordance with the above provisions, which is accessory to the principal residential use and shall be retained in common ownership and management. Any proposed expansion of the home occupation beyond that permitted will require a separate zoning permit for a cottage industry under this section, or other use as appropriate.
- (B) **Cottage Industry.** Cottage industries (as distinguished from Home Occupations) may be permitted in designated zoning districts subject to conditional use review in accordance with Article 5 and the following provisions:
- (1) The owner and operator of the cottage industry shall reside on the lot.
 - (2) The cottage industry shall be carried on within the principal dwelling and/or accessory structure(s) providing the use of such space does not change the character of the property or neighborhood.
 - (3) The business shall not necessitate any change in the outward appearance of the dwelling unit or accessory structures on the lot.
 - (4) The residents of the dwelling unit, and no more than six (6) nonresident employees may be employed on-site at any one time.
 - (5) The business shall not generate traffic, including but not limited to delivery truck traffic, in excess of volumes that are characteristic of the neighborhood.
 - (6) Adequate off-street parking shall be provided for all residents, employees and customers in accordance with Section 3.10.
 - (7) Adequate provision for water supply and wastewater disposal shall be provided.

- (8) Cottage industries shall conform to all performance standards under Section 3.11. There shall be no storage of hazardous waste or materials; fuel storage shall be limited to that needed for heating.
- (9) The business shall be visually compatible with neighboring lots and uses; landscaping and screening may be required as appropriate. In addition, any outdoor storage of materials, including building or construction materials, unregistered vehicles or heavy equipment, firewood or lumber, must be completely screened year-round from the road and from neighboring properties.
- (10) On-site wholesale and/or retail sales shall be limited to products produced on the premises.
- (11) No cottage industry shall operate at a scale or density that would diminish the residential character of the neighborhood.
- (12) The permit for a cottage industry shall clearly state that the industry is a home-based business which is accessory to the principal residential use, and shall be retained in common ownership and management. A cottage industry may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations pertaining to such use, including density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

**TABLE 4.1 COMPARISON OF STANDARDS
FOR HOME OCCUPATIONS AND COTTAGE INDUSTRIES**

| | HOME OCCUPATION | COTTAGE INDUSTRY |
|---------------------------------|------------------------|------------------------------------|
| Secondary to residential use | Yes | Yes |
| Within principal dwelling | Yes | Yes |
| Within accessory structures | Yes | Yes |
| Maximum Square Footage | Up to 40% of Dwelling | No Limit |
| Outdoor storage of materials | No | Yes |
| Employees (FTEs) | Residents Only | 6 Additional |
| Parking Spaces | 2/Dwelling | 2/Dwelling, 1/Employee, 1/Customer |
| Lighting, Performance Standards | Yes | Yes (w/ screening) |
| Landscaping/Screening | No | May be Required |
| Signs | One, 4 sq.ft. | One, 4 sq.ft. |
| Conditional Use Review | No | Yes |

Section 4.9 Industry

- (A) Industry (as distinguished from cottage industries under Section 4.8) may be permitted in designated zoning districts subject to conditional use review in accordance with Article 5, and the following provisions:

- (1) Total floor area shall be as defined in district standards under Article 2.
- (2) Overall building height shall not exceed 35 feet; however the height of individual attached structures may exceed 35 feet, subject to review under Section 3.6.
- (3) Specific attention to landscaping and fencing may be required along property boundaries as appropriate for screening, safety and security.
- (4) Industrial uses shall comply with all performance standards under Section 3.11; additional conditions may be imposed as appropriate to protect public health, safety, and welfare, municipal facilities and services, and other public investments.

Section 4.10 Lodging Facilities [Bed & Breakfast, Inn, Hotel]

(A) Three categories of lodging facilities, as defined in Article 10, may be permitted in designated zoning districts, and may be subject to conditional use review in accordance with Article 5. The standards for Bed & Breakfasts, Inns and Hotels are summarized in Table 4.2.

| TABLE 4.2 LODGING FACILITIES COMPARISON | | | |
|---|--------------------|---|--------------------|
| | Bed & Breakfasts | Inns | Hotels |
| Number of guest rooms | up to 5 | up to 15 | Greater than 15 |
| Owner/operator must reside on premise | Yes | No | No |
| Off-street parking required | Yes (Section 3.12) | Yes (Section 3.12) | Yes (Section 3.12) |
| On site dining for guests | Breakfast only | Yes | Yes |
| On site dining for non-guests | No | Only if restaurant is allowed in the applicable district. | Yes |
| Exterior appearance must maintain residential character | Yes | Yes | No |

Section 4.11 Mixed Uses

(A) In designated districts, more than one use may be permitted within a single building or on a single lot subject to conditional use review in accordance with Article 5 and the following provisions:

- (1) Each of the proposed uses is otherwise allowed as a permitted or conditional use in the district in which the mixed use is proposed.
- (2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.
- (3) The mixed use meets all applicable general provisions contained in Article 3, including parking requirements under Section 3.10 based on the cumulative parking demand for the various proposed uses.

Section 4.12 Mobile Home Park

(A) Mobile home parks may be permitted in designated districts subject to conditional use review in accordance with Article 5 and the following provisions:

- (1) Proposed parks shall comply with all applicable state and local laws, ordinances and regulations relating to water supply and waste disposal, including the requirements of 10 V.S.A. Chapter 153.
- (2) The parcel of land for a mobile home park shall be no less than five (5) acres in area.
- (3) All mobile home parks shall have individual lots sites for units, adequate driveways, and sufficient parking and open or recreational space.
- (4) Each mobile home lot shall be at least 12,000 square feet in area, and shall have an average width of at least 60 feet and an average depth of at least 120 feet and shall have planted thereon at least four (4) trees of native species of at least one (1) inch diameter at chest height.
- (5) All roads within a mobile home park shall comply with town road standards, and adequate walkways shall be provided.
- (6) Parking shall be provided in accordance with Section 3.10.
- (7) A minimum of 20% of the total land area in any mobile home park shall be set aside for common recreational use.
- (8) All mobile home parks shall meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 50 feet in width along property boundaries, and 100 feet in width along public rights-of-way and waters, shall be maintained. Buffer areas shall not be included in the calculation of recreation land under Subsection (A)(8). No building, mobile home, parking or service area shall be located in buffer areas. The Development Review Board may reduce or eliminate buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining property owners can be maintained.
- (9) The Development Review Board may authorize the reduction in the minimum lot size for each mobile home by 5% for each of the following amenities, for a total reduction of up to 30%:
 - (a) central recreation building of sufficient size to accommodate an adequate number of the occupants of the park simultaneously;
 - (b) recreation facilities of sufficient size to accommodate an adequate number of the occupants of the park simultaneously;
 - (c) central laundry and drying facilities;
 - (d) underground utilities, including fuel storage;
 - (e) exceptional landscape design; and
 - (f) common open space preservation beyond the minimum requirements of Subsection (8) above.

(B) Nonconforming Parks. In accordance with the Act [§4412(1),(7)], if an existing mobile home park is determined to be a nonconformity under these regulations, the determination shall apply to the mobile home park in its entirety (the entire parcel), and not to individual mobile home lots or sites within the mobile home park. An individual mobile home lot that is vacated shall not be considered a

discontinuance or abandonment of a nonconformity. These regulations shall not have the effect of prohibiting the replacement of mobile homes on existing lots.

Section 4.13 Ponds

(A) The creation of ponds and other impoundments may be permitted as an accessory use upon application and receipt of a zoning permit in accordance with Section 9.3. In issuing a zoning permit, the Administrative Officer shall find that:

- (1) Any pond that will impound, or be capable of impounding, in excess of 500,000 cubic feet of water has received a permit from the Vermont Department of Environmental Conservation in accordance with 10 VSA Chapter 43.
- (2) Any pond involving the alteration of a stream has received a stream alteration permit from the Vermont Department of Environmental Conservation in accordance with 10 VSA Chapter 41.
- (3) In addition to the application materials set forth in Section 9.3, an applicant for any pond involving the impoundment of water through the creation of an embankment, berm or other structure that exceeds the natural grade of the site, and with a surface area of greater than 10,000 square feet of area or greater shall submit certification that the pond was designed by a qualified professional.

Section 4.14 Public Facilities

(A) In accordance with the Act [§ 4413(a)], any of the following uses that are subject to conditional use review pursuant to Article 5, may be regulated through conditions of approval only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening:

- (1) State or community owned and operated institutions and facilities (see "Public Facilities – open and closed" in Article 10).
- (2) Public and private schools and other educational institutions certified by the Vermont Department of Education (see "Educational Facility" in Article 10).
- (3) Churches and other places of worship, convents and parish houses (see "Place of Worship" in Article 10).
- (4) Public and private hospitals (may be located within one mile of Route 100 only).
- (5) Regional solid waste management facilities certified by the State [10 V.S.A., Chapter 159] (may be located within one mile of Route 100 only).
- (6) Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a] (may be located within one mile of Route 100 only).

(B) In accordance with the Act [§4413(b)], public utility power generation plants and transmission facilities regulated by the Vermont Public Service Board under 30 V.S.A. §248 are exempt from review under these regulations. This includes wind generators and solar collectors that are "net metered" or connected to the power grid.

Section 4.15 Salvage Yard

- (A) Salvage yards may be permitted within designated zoning districts subject to conditional use review pursuant to Article 5 and in accordance with the following provisions:
- (1) A minimum of three (3) contiguous acres shall be required for new salvage yards. No salvage yard shall exceed five (5) acres in total area or extent.
 - (2) Salvage yards shall be set back at least 100 feet from all property lines, road rights-of-way, surface waters, and wetlands. Required setbacks may be increased as appropriate based on specific site conditions, and to protect water quality and neighboring properties.
 - (3) Salvage yards shall be screened year-round from public view and from adjoining residential properties. Additional landscaping, fencing or other forms of screening may be required as appropriate.
 - (4) Salvage yards shall be secured as necessary to protect public health, safety, and welfare, and neighboring properties.
 - (5) Exterior lighting shall be the minimum required for security and safe operation.
 - (6) The on-site storage of materials shall not adversely affect surface, ground or drinking water supplies, or other identified natural, cultural, or scenic features on-site, or in the vicinity of the yard.
 - (7) Conditions and limitations may be imposed with regard to traffic generated, hours of operation, and the on-site storage of hazardous materials in order to protect neighboring properties, public infrastructure including roads, and the character of the area in which the yard is located.
 - (8) All materials shall be removed from the site within 12 months of the cessation or abandonment of operations; and the site shall be restored to a safe, usable condition. Site restoration, including the clean-up and disposal of hazardous materials, shall be subject to all applicable state and federal regulations. A site restoration plan may be required as a condition of approval.

Section 4.16 Special Events

- (A) Special events (e.g, weddings and receptions; concerts, festivals, fairs and other cultural events; conferences, trade and antique shows) are permitted as a principal or accessory use of any parcel providing that such use occurs for no more than five (5) days within any calendar year. Churches and other religious institutions, funeral homes, schools, and municipal properties are specifically exempted from this definition. Any single event involving greater than 250 participants shall be approved by the Board of Selectmen in accordance with the Warren Special Events Ordinance.
- (B) The use of any parcel for hosting special events for more than five (5) days within any calendar year may be permitted as an accessory use to another principal use with the approval of the Development Review Board in accordance with Article 5. In granting approval, the Development Review Board shall determine that adequate provision has been made for temporary wastewater disposal, solid waste disposal, and noise, traffic and crowd control as appropriate. The Board may

impose conditions regarding the number of participants, hours of operation, and other limitations related to scale and intensity as deemed appropriate.

Section 4.17 Telecommunications Facilities

(A) New or expanded telecommunication facilities, including but not limited to towers and accessory structures, may be permitted in designated zoning districts subject to conditional use review under Article 5 and the following provisions:

- (1) A proposal for a new tower shall not be permitted unless it is determined by the Development Review Board that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building or structure.
- (2) New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.
- (3) All towers, including antennae, shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.
- (4) No wireless telecommunication site shall be located within 500 feet of an existing residence.
- (5) Towers shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Development Review Board:
 - (a) if tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
 - (b) to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.
- (6) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located in such a manner that it poses a potential threat to public health or safety.
- (7) Towers shall be enclosed by security fencing at least 6 feet in height, and shall be equipped with appropriate anti-climbing devices.
- (8) New towers shall be sited and designed to minimize their visibility. No tower shall be located on an exposed ridge line or hill top. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.

- (9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required for a particular tower by the Federal Aviation Administration or other federal or state authority.
- (10) The use of any portion of a tower for signs other than warning or equipment information signs is strictly prohibited.
- (11) Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate based on site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.
- (12) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Select Board may be required to ensure tower removal and site reclamation.
- (13) No tower may be located in the Forest Reserve District east of Route 100.

(B) In addition to the application requirements set forth in Section 5.2, applications for new towers shall also include the following:

- (1) A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones;
- (2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.
- (3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- (4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration;
- (5) Any additional information needed to determine compliance with the provisions of these regulations.

(C) Notwithstanding the requirements of Subsection (A), wireless telecommunications equipment to be mounted on existing towers, utility poles, ski lifts, or other structures may be permitted by the Administrative Officer without conditional use or site plan review provided that:

- (1) no changes are made to the height or appearance of such structure except as required for mounting;

- (2) the height of the antenna as mounted does not exceed maximum height requirements under Section 3.6;
 - (3) no panel antenna shall exceed 72 inches in height or 24 inches in width;
 - (4) no dish antenna shall exceed 3 feet in diameter; and
 - (5) any accompanying equipment shall be screened from view.
- (D) The following are specifically exempted from the provisions of this Section:
- (1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.
 - (2) All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

ARTICLE 4. SPECIFIC USE STANDARDS

Approved April 13th, 2010

Section 4.18 Telecommunications Facilities

- (A) New or expanded telecommunication facilities, including but not limited to towers, antennas, equipment and accessory structures, may be permitted in designated zoning districts subject to conditional use review under Article 5 and the following provisions:
 - (1) A proposal for a new tower shall not be permitted unless it is determined by the Development Review Board that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building, or structure.
 - (2) New towers shall be designed to accommodate the co-location of both the applicant's antennas and comparable antennas for one or more additional users, depending on tower height. Towers shall be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.
 - (3) All towers, including antennae, shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.
 - (4) No wireless telecommunication site shall be located within 500 feet of an existing residence.
 - (5) Towers shall be set back from all property lines and public rights-of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Development Review Board:
 - i) if tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality; or
 - ii) to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.
 - (6) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located in such a manner that it poses a potential threat to public health or safety.
 - (7) Towers shall be enclosed by security fencing at least 6 feet in height, and shall be equipped with appropriate anti-climbing devices.
 - (8) New towers shall be sited and designed to minimize their visibility. No tower shall be located on an exposed ridge line or hill top. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the

ARTICLE 4. SPECIFIC USE STANDARDS, 4.18 Telecommunications Facilities

- use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.
- (9) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required for a particular tower by the Federal Aviation Administration or other federal or state authority.
- (10) The use of any portion of a tower for signs other than warning or equipment information signs is strictly prohibited.
- (11) Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate based on site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.
- (12) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease which requires the applicant to remove the tower and associated facilities shall be submitted at the time of application. A bond or other form of surety acceptable to the Select Board may be required to ensure tower removal and site reclamation.
- (13) No tower may be located in the Forest Reserve District east of Route 100.
- (B) In addition to the application requirements set forth in Section 5.2, applications for new towers shall also include the following:
- (1) A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones.
- (2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available.
- (3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- (4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration.

- (5) Any additional information needed to determine compliance with the provisions of these regulations.
- (C) **Co-Located and Temporary Facilities:** Notwithstanding the requirements of Subsection (A), wireless telecommunications antennas to be mounted on existing towers, utility poles, ski lifts, or other structures, or temporary wireless facilities may be permitted by the Zoning Administrator without conditional use or site plan review in accordance with the following:
- (1) For antennas to be mounted on an existing structure:
- i) No changes shall be made to the appearance of such structure except as required for mounting;
 - ii) The height of the antenna as mounted shall not extend the total height of the structure by more than 10 feet (except as allowed under conditions of approval for existing towers);
 - iii) No panel antenna shall exceed 72 inches in height or 24 inches in width;
 - iv) No dish antenna shall exceed 3 feet in diameter; and
 - v) Any accompanying equipment shall be screened from view.
- (2) For temporary wireless telecommunications facilities:
- i) The temporary facility shall only be permitted for the duration of the intended use or event, and shall not be permitted for a period in excess of 1 year, as specified in the zoning permit.
 - ii) The temporary facility shall be removed immediately upon the expiration of the permit;
 - iii) The height of the facility shall not exceed 50 feet from grade (temporary facilities greater than 50 feet in height shall require approval as a conditional use).
 - iv) The facility complies with all other applicable provisions of these regulations.
- (D) **de Minimis Review.** Upon request of the applicant, the Zoning Administrator may review an application for a telecommunications facility and upon determining that the application will impose no or de minimis impact upon any criteria established in these regulations shall approve the application. An application that includes any of the following shall not be determined to have a de minimis impact:
- (1) New road or tower construction;
 - (2) Increase in the height of a structure; or

ARTICLE 4. SPECIFIC USE STANDARDS, 4.18 Telecommunications Facilities

- (3) Increase in the visibility of telecommunications facilities as viewed from public vantage points.
- (E) The following are specifically exempted from the provisions of this Section:
 - (1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.
 - (2) All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

Article 5. Development Review

As Amended & Adopted by the Warren Select Board August 24, 2010

Section 5.1 Applicability

(A) Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Administrative Officer until the Development Review Board grants such approval in accordance with the Act [§§4414(3),4460], and the following standards and procedures.

(B) The Administrative Officer may issue an administrative amendment for development that has received conditional use approval by the Development Review Board only in accordance with the Act [§4464(c)] and Section 9.8(F) of these regulations.

Section 5.2 Conditional Use Review Process

(A) **Sequence of Review.** Subdivision review and approval, where required, generally shall precede conditional use review however, in accordance with the Act [§4462], conditional use review may occur concurrently with final subdivision review under Article 6 if all application and procedural requirements pertaining to each respective review process are met. For the development of a parcel that has received prior subdivision approval, the Development Review Board shall incorporate all conditions of subdivision approval applicable to that lot under conditional use review. In the event that a condition of conditional use approval is inconsistent with a condition of subdivision approval, the more restrictive condition shall apply. An amendment to an approved subdivision shall be required by the Board only as necessary to ensure consistency.

(B) **Application.** An applicant for conditional use approval shall submit one (1) original and five (5) complete copies of a site development plan (site plan map copies may be 8.5" x 11" or 11" x 17" reductions, providing they are to scale), to include the information described in Table 5.1, and any applicable fees, to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board. A potential applicant may request an informal meeting before the Development Review Board.

Table 5.1 Conditional Use Application Requirements

Required Application Information:

- | |
|---|
| (1) Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different than the owner(s) of record; name and address of the person or firm preparing the application and related plans; date of the application and related plans; proof of notification of all owners of adjoining lands in accordance with Section 9.8. |
| (2) A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following: (a) north arrow and scale; (b) legal property boundaries for the property; (c) existing and proposed features, to include topography (5-foot contours), land use, existing vegetation, natural and critical habitat areas, floodplains and wetlands; designated Meadowland and other zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, and utilities; (d) traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity. |

| |
|---|
| (3) Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries. |
| (4) Proposed landscaping and screening plan, to include planting details (size, location and species). |
| (5) Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns). |
| (6) |
| Description of proposed water supply and wastewater disposal, and the location of existing water supplies located on the site which serves other parcels. |
| (7) Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials. |
| (8) Proposed lighting plan, including the design and location of all exterior lighting. |
| (9) Phasing schedule for completion of all proposed development and site improvements. |
| (10) Estimate of traffic to be generated by the project and the impact of such traffic on area roads. |
| The Development Review Board may require additional information depending upon the scope and location of the proposed conditional use, including but not limited to the following: |
| (11) Photographs of the site |
| (12) Forest management, tree removal and vegetation management plans |
| (13) Erosion prevention and sediment control and stormwater management plans as required under Sections 3.4 and 7.5 |
| (14) Base Flood elevations and floodway limits for development within the Flood Hazard Overlay District |
| (15) Visual impact analysis |
| (16) Community service impact assessments (analysis of fiscal costs and benefits to the town) |
| (17) Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements) |
| (18) Open space management plan |
| (19) Site reclamation plan (for proposed projects involving extraction) |
| (20) Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures) |
| (21) Other information or studies necessary for the Board to conduct a comprehensive review |

(C) **Waivers.** The application shall not be considered complete until all of the application materials listed on Table 5.1 have been submitted. The Development Review Board may waive one or more of the listed items in the event they determine the item(s) to be unnecessary for the comprehensive review of the

application. Such waiver shall be issued, in writing, at the time that the application is accepted and deemed complete by the Board. All development in the Flood Hazard Overlay District requires a permit.

(D) **Referral & Notification Requirements.** In addition to public hearing notice requirements for conditional use review, in accordance with the Act [§4424], the following shall also apply for development applications within the Flood Hazard Overlay District:

- (1) Prior to the issuance of conditional use approval or a zoning permit, a copy of the application and supporting information shall be forwarded by the Administrative Officer to the State National Flood Plain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section. An approval or permit may be issued only following the receipt of comments from the state, or the expiration of 30 days from the date the application was mailed to the state, whichever is sooner.
 - (2) Adjacent municipalities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation and River Management Section shall be notified at least 30 days prior to the issuance of any approval or permit for the alteration or relocation of a watercourse. Copies of the notification shall also be sent to the Administrator of the Federal Insurance Administration.
- (C) **Review Procedure.** In accordance with the Act [§4464], upon receipt of a complete application the Development Review Board shall schedule a public hearing, to be warned and held in accordance with Section 9.8, at the next available scheduled meeting. The Board may recess the convened hearing to require the submission of additional information from the applicant, or to allow for the submission of information from other parties. The Board shall act to approve, approve with conditions, or disapprove an application for conditional use review, within 45 days of the date of hearing adjournment; and shall issue a written decision in accordance with Section 9.8(E), to include findings, any conditions deemed necessary to ensure compliance with the standards set forth below, and provisions for appeal. Failure to act within the 45-day period shall be deemed approval, effective the 46th day.

Section 5.3 Conditional Use Review Standards

(A) **General Standards.** Pursuant to the Act [§ 4414(3)], conditional use approval shall be granted by the Development Review Board only upon finding that the proposed development shall not result in an undue adverse effect on any of the following:

- (1) **The capacity of existing or planned community facilities or services.** The Board shall consider the demand for community services and facilities that will result from the proposed development and determine whether that demand will exceed the capacity of existing facilities or services (e.g., school capacity, emergency services, or recreation facilities). In making such a determination, the Board will consider any capital program or budget in effect at the time of application. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on community facilities and services; or the applicant may be required to contribute funds, facilities and/or physical improvements toward the provision of new or expanded facilities to mitigate the impacts of the proposed development.
- (2) **Character of the neighborhood or area affected,** as defined by the purpose or purposes of the zoning district in which the project is located, and specifically stated policies and standards in the Warren Town Plan. The Board shall consider the design, location, scale and intensity of the proposed development and/or use, relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use; and shall consider the proposed development's compatibility

ARTICLE 5. DEVELOPMENT REVIEW

AMENDED & ADOPTED AUGUST 24, 2010

with the purpose and character of the affected zoning district as defined in Article 2 of these regulations, the Warren Town Plan, and the testimony of affected property owners and other "interested persons" as defined herein. Proposed activities that would adversely affect the character of the neighborhood, area or district shall not be approved unless the adverse impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use.

- (3) **Traffic on roads and highways in the vicinity.** The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections (e.g., a reduction in existing level of service below "C" for the design hour), unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.
- (4) **Bylaws and ordinances then in effect.** Proposed conditional uses must conform to all municipal bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the Warren Town Plan and compliance with conditions of prior permits or approvals, including subdivision approval.
- (5) **The utilization of renewable energy resources.** The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by diminishing the future availability of such resources or by eliminating nearby property owners' access to such resources.

(B) **Specific Standards.** In addition to the general standards set forth above, the Development Review Board may impose specific conditions or require project modifications to ensure the following:

- (1) **Building Design.** The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed with regard to siting, density, setbacks, height, massing, materials and/or orientation, to ensure compatibility.
- (2) **Traffic Circulation & Access.** The number and size of curb cuts shall meet the standards set forth in Section 3.1. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one public road, the Board may require provision for shared access between adjoining properties or may limit access to the property to a side street or secondary road. Requirements for shared access shall be made either at the time of conditional use approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties.
- (3) **Bicycle & Pedestrian Access.** Pedestrian circulation within the site, and access through the site to adjacent properties and along public roads, may be required. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities. Bicycle racks shall be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

- (4) **Parking & Service Areas.** Parking and service areas will be provided in accordance with the requirements of Section 3.10. Nonresidential parking and service areas shall be located to the side or rear of buildings, unless otherwise approved by the Board due to existing site limitations. Driveway connections to parking areas on adjacent properties, or provision for future connection to adjacent properties, shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 3.10. Requirements for shared parking shall be made either at the time of conditional use approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties.
- (5) **Outdoor Storage & Display.** The Development Review Board may limit or prohibit outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and may require appropriate screening.
- (6) **Landscaping & Screening.** Proposed landscaping and screening (which should include a mix of shade and street trees, shrubs, planting beds and ground covers) shall be designed to:
- (a) preserve and incorporate existing vegetation and enhance unique landscape features;
 - (b) be suited to existing site conditions and be integrated with adjacent properties;
 - (c) screen parking areas from view;
 - (d) establish a consistent streetscape and the planting of street trees, especially in village centers and along Route 100, the Sugarbush Access Road and German Flats Road, and,
 - (e) not obstruct scenic views or road visibility.

A three-year landscaping maintenance plan and/or a bond or other surety to ensure installation and maintenance may be required as appropriate and incorporated as a condition to approval.

- (7) **Protection of Natural Resources.** Proposed development shall not have an undue adverse effect or impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, and/or flood plains identified in the Warren Town Plan or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and fragile features:
- (a) the establishment of buffer areas;
 - (b) permanent protection through conservation easements or other deed restrictions in accordance with Section 7.4;
 - (c) the designation of building envelopes to ensure that activities incidental to the operation of the conditional use, including clearing and yard area, do not adversely impact identified resources; and/or
 - (d) the preparation and implementation of management plans for protected resources and associated buffer areas.
- (8) **Erosion Control.** Erosion, sedimentation and stormwater will be managed as applicable, in accordance with Sections 3.4 and 7.5.
- (9) **Surface Water Protection.** Streams, rivers, ponds and wetlands shall be protected in accordance with Section 3.13.

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(10) **Lighting.** Lighting shall meet the standards set forth in Section 3.9.

(11) **Performance Standards.** All conditional uses shall meet the standards set forth in Section 3.11.

(C) **District Standards.** In addition to the standards set forth above, the following standards shall apply to all applications for conditional use review within the appropriate district.

- (1) **Lincoln Peak Growth Center:** Conditional uses within the Sugarbush Village Commercial (SVC), Sugarbush Village Residential (SVR) and German Flats Commercial (GFC) Districts shall only be approved within an approved Planned Unit Development in accordance with the standards set forth in Section 8.4. The Board may waive this requirement in instances involving:
- (a) the construction of temporary small structures (less than 1,500 square feet) which are not placed on a permanent foundation; or
 - (b) alterations to existing buildings and facilities that would not impact the overall settlement pattern or character of the district, or would increase the floor space of an existing building by 1,500 square feet or greater; or
 - (c) construction or alteration of on-mountain ski facilities, including lifts, snowmaking equipment and maintenance facilities associated with the operation of an alpine ski resort.

A determination to waive the standards set forth in Section 8.4 shall not exempt a proposed project from compliance with the standards set forth in Subsection (A) and (B), above. Other conditional uses located within an approved PUD shall be reviewed in accordance with the standards set forth in Subsections (A) and (B), above, and in accordance with a phasing schedule and other conditions of the prior PUD approval.

- (2) **Warren Village.** Within the Warren Village Commercial (WVC) and Warren Village Historic Residential (WVR) Districts, development shall reinforce a traditional, compact village development pattern characterized by pedestrian scale and orientation, traditional densities and setbacks, a mix of uses, well defined streetscapes, sidewalks to facilitate pedestrian circulation, and a well-defined edge to the built environment. While building design is not required to reflect any one architectural style or era, the following standards apply to new and expanded structures:

- (a) Buildings should front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front facade should include a main entry-way, pedestrian access and appropriate front yard landscaping. The Board may impose a maximum setback to achieve a consistent streetscape; drive-through lanes and drive-up windows are specifically prohibited.
- (b) Building design should be compatible with historic buildings identified as "contributing structures" on the Warren Village Historic District nomination to the National Register of Historic Places. Buildings are not required to reflect a specific architectural style or era, although building design shall reflect the following:
 - (i) the exterior design of buildings, including the arrangement, orientation, texture and materials, shall be compatible and harmonious with surrounding contributing structures; and,
 - (ii) the scale and massing of buildings, including height, width, street frontage, roof type and facade openings, shall be compatible and harmonious with surrounding contributing structures. Buildings serving special civic, social or cultural functions, including places of worship, may be designed to serve as prominent focal points within the Village.

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- (3) Meadowland Overlay District Within the Meadowland Overlay (MO) District, development shall conform to the standards set forth in Article 2, Table 2.13.
- (4) Forest Reserve District Within the Forest Reserve (FR) District, development shall conform to the standards set forth in Article 2, Table 2.1.

D. Flood Hazard Overlay District – Development Review

(1). Permit

A permit is required from the Administrative Officer 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 Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section D and E. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

(2). 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 meeting the Development Standards in Section E, require only an administrative permit from the ZA:

- a) Non-substantial improvements;
- b) Accessory structures;
- c) Development related to on-site septic or water supply systems;
- d) Building utilities;
- e) At-grade parking for existing buildings; and,
- f) Recreational vehicles.

(3) Prohibited Development in Special Flood Hazard Area

- a) New residential or non-residential structures (including the placement of manufactured homes);
- b) Storage or junk yards;
- c) New fill except as necessary to elevate structures above the base flood elevation;
- d) Accessory structures in the floodway;
- e) Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
- f) All development not exempted, permitted, or conditionally permitted.

(4) Conditional Use Review

Conditional use review and approval by the DRB, is required prior to the issuance of a permit by the ZA for proposed development within the following:

- (a) Substantial improvement, elevation, relocation, or flood proofing of existing structures;
- (b) New or replacement storage tanks for existing structures;
- (c) Improvements to existing structures in the floodway;
- (d) Grading, excavation; or the creation of a pond;
- (e) Improvements to existing roads;
- (f) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
- (g) Public utilities;

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(5). Exempted Activities

The following are exempt from regulation under this bylaw:

- (a) The removal of a building or other structure in whole or in part;
- (b) Maintenance of existing roads and storm water drainage;
- (c) Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
- (d) 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 ZA in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

(6). Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6 4, after a public hearing noticed as described in Section VIII. Because variances granted within SFHAs can create an increased risk to life and property, variances from flood elevation or other requirements in the flood ordinance should be rare. Variances shall not be issued within SFHAs if any increase in flood levels during the base flood discharge would result. Any such variances should be based only on a structure-by-structure review, and must be made with reference to and be consistent with the guidelines set out in 44 CFR 60.6(a).

(7). Nonconforming Structures and Uses

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

- (a) The proposed development is in compliance with all the Development Standards in Section E of this bylaw;
- (b) 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;
- (c) Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
- (d) 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.

E. Flood Hazard Overlay District -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.

(1) Special Flood Hazard Area

- (a) *All development* shall be:
 - i. Reasonably safe from flooding;
 - ii. Designed, operated, maintained, modified, and adequately anchored to prevent

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- flotation, collapse, release, or lateral movement of the structure;
 - iii. Constructed with materials resistant to flood damage;
 - iv. Constructed by methods and practices that minimizes flood damage;
 - v. 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;
 - vi. Adequately drained to reduce exposure to flood hazards;
 - vii. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - viii. 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.
- (b) In Zones 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 6 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.
- (c) *Structures to be substantially improved* in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot 7 above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
- (d) *Non-residential structures to be substantially improved* shall:
 - i. Meet the standards in E(1) (c); or,
 - ii. 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.
- (e) *Fully enclosed areas below grade* on all sides (including below grade crawlspaces and basements) are prohibited.
- (f) *Fully enclosed areas that are above grade*, below the lowest floor, below BFE and subject to flooding, shall
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - ii. 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.

- (g) *Recreational vehicles* must be fully licensed and ready for highway use;
- (h) A *small accessory structure* of 500 square feet or less 9 that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in E(1)(f)(ii) (above).
- (i) *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (j) *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.
- (k) *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.
- (l) *The flood carrying and sediment transport capacity* 11 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;
- (m) *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 where applicable.
- (n) *Subdivisions and Planned Unit Developments* must be accessible by dry land access outside the special flood hazard area.
- (o) *Existing buildings, including manufactured homes, to be 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.

(2) **Floodway Areas**

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

F. Flood Hazard overlay District - Administration

(1). Application Submission Requirements

(a) Applications for development shall include:

i. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, 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;

ii. 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 ZA and attached to the permit before work can begin;

(2) Referrals

(a) Upon receipt of a complete application for a substantial improvement or new construction the ZA 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 15. 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.

(b) 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. The Board should consider comments from the NFIP Coordinator at ANR.

(3). Records

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

- (a) All permits issued in areas covered by this bylaw;
- (b) Elevation Certificates 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 or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
- (c) All flood proofing and other certifications required under this regulation; and,
- (d) All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

(4). Certificate of Occupancy

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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 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 ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy can not be issued, notice will be sent to the owner and copied to the lender.

ARTICLE 6. SUBDIVISION REVIEW

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 6.1 Applicability

(A) In accordance with the Act [§4418], whenever any subdivision of land is proposed that is not specifically exempted from these provisions under Subsection (B), subdivision approval by the Development Review Board is required prior to undertaking:

- any construction, building development, grading, land clearing (excluding forestry, or agricultural or surveying activities) associated with the subdivision of land; or
- any sale, conveyance or lease of any subdivided portion of a property; or
- the issuance of any permit for any land development involving land to be subdivided; or
- the filing of a subdivision plat with the Town Clerk.

Subdivision of Land: the division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease, or development. The term "subdivision" includes re-subdivision involving the adjustment of boundaries between two or more

Such approval shall be granted in accordance with the procedures outlined in Table 6.1 and as provided below.

(B) **Exemptions.** The following are specifically exempted from subdivision review under this Article:

- (1) Parcels leased for agricultural purposes, and no new roads are created for uses other than accepted agricultural practices.
- (2) The conveyance of rights-of way or easements that do not result in the subdivision of land.
- (3) Boundary or lot line adjustments between parcels that do not increase the degree of nonconformance of an existing lot, do not result in the creation of new or nonconforming lots under these regulations, do not substantially alter an approved subdivision plat or conditions of subdivision approval, and do not result in the creation of a major subdivision. Boundary adjustments shall be surveyed by a licensed surveyor, issued an administrative approval by the Administrative Officer, and recorded in the town land records under Section 6.5 and 9.8(H).

(C) **Minor and Major Subdivisions.** For the purposes of these regulations, subdivisions shall be classified by the Development Review Board, following an initial meeting with the subdivider, as minor or major subdivisions in accordance with the following:

- (1) **Minor Subdivisions** shall include amendments to an approved subdivision plan, including boundary or lot line adjustments, that will not substantially change the nature of any previous subdivision or conditions of approval; or any subdivision containing two (2) or more but less than six (6) lots, which does not otherwise qualify as a major subdivision.
- (2) **Major subdivisions** shall include any subdivision containing six (6) or more lots or requiring any new (public or private) road greater than 800 feet in length; amendments to an approved major subdivision which substantially changes the nature of any previous subdivision or conditions of approval; or any planned unit or planned residential development that meets the definition of a subdivision.

(D) **Coordination with Planned Unit or Planned Residential Development Review.** Subdivision applications for Planned Unit or Planned Residential Developments (PUDs and PRDs) that meet the

definition of subdivision under Article 10 shall be reviewed as major subdivisions under this Article. Conditional use review under Article 5 may occur concurrently with final subdivision review if all application and procedural requirements pertaining to each respective review process are met.

Table 6.1 Subdivision Review At A Glance

| Sketch Plan [all subdivisions] | |
|--|---|
| 1. Submission of sketch plan | Applicant; at least 15 days prior to a regularly scheduled Development Review Board meeting |
| 2. Development Review Board meeting | Applicant attendance required |
| 3. Classification of subdivision as minor or major; written sketch plan approval | Development Review Board; within 30 days of determining that the sketch plan is complete |
| Minor Subdivision [residential < 6 lots] | |
| 1. Submission of final subdivision plan, including any waiver requests, proposed plat and supporting documentation | Applicant; within 6 months of the date of sketch plan approval |
| 2. Development Review Board public hearing | Development Review Board; within 30 days of receipt of the final subdivision plan |
| 3. Subdivision/plat approval | Development Review Board; within 45 days of the hearing adjournment date |
| 4. Final plat recording in the town land records | Applicant; within 180 days of the date of subdivision approval |
| 5. Submission of as-built drawings | Applicant; upon completion |
| Major Subdivision [other than minor] | |
| 1. Submission of preliminary subdivision plan including any waiver requests, supporting documentation | Applicant; within 6 months of the date of sketch plan approval |
| 2. Development Review Board public hearing | Development Review Board; within 30 days of receipt of the preliminary subdivision plan |
| 3. Preliminary subdivision/plat approval | Development Review Board; within 45 days of the hearing adjournment date |
| 4. Submission of final subdivision plan, including supporting documentation | Applicant; within 6 months of the date of preliminary plan approval |
| 5. Final Development Review Board public hearing | Development Review Board; within 30 days of receipt of the final subdivision plan |
| 6. Final subdivision/plat approval | Development Review Board; within 45 days of the hearing adjournment date. |
| 7. Final plat recording in the town land records | Applicant; within 180 days of the date of final subdivision and plat approval |
| 8. Submission of as-built drawings | Applicant; upon completion |

PUDs and PRDs shall meet the standards set forth in Article 8, as well as subdivision standards

included in Article 7, unless otherwise waived by the Development Review Board.

(E) **Waiver Authority.** In accordance with the Act [§4418((2)(A)] , the Development Review Board may waive or vary one or more application requirements specified in Table 6.2, or subdivision standards under Article 7, if the Board determines that the requirement:

- (1) is not requisite in the interest of public health, safety, and general welfare;
- (2) is inappropriate due to the inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision; and
- (3) will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations, the Warren Town Plan and/or other municipal bylaws and ordinances in effect.

The request for a waiver shall be submitted in writing by the subdivider with the sketch plan submitted under Section 6.2. It shall be the responsibility of the subdivider to provide sufficient information to allow the Board to justify the waiver or variance. In granting waivers, the Board may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or varied. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

Section 6.2 Sketch Plan Review [applying to all applications for subdivision]

(A) **Application Requirements.** The applicant shall submit to the Administrative Officer, at least 15 days prior to a regularly scheduled Development Review Board meeting, a subdivision application and associated fee. The application shall include, with the required fee, 1 original and 5 copies of a subdivision application, and 1 original and 5 copies of the proposed sketch plan that include the information for sketch plan applications specified in Table 6.2. Copies of the proposed sketch plan shall be 11" X 17" or smaller.

(B) **Initial Meeting.** The applicant and/or an authorized representative shall attend an initial meeting with the Development Review Board, to be held at a regularly scheduled meeting of the Board, to discuss the subdivision application and proposed sketch plan. At this meeting the Development Review Board may request any additional information as needed to act on the sketch plan.

(C) **Action on Sketch Plan** Within 30 days of finding that a sketch plan application is complete, the Development Review Board, based on the information provided, shall issue in writing:

- (1) a determination of whether the subdivision is a minor subdivision to be reviewed under Section 6.4, or major subdivision to be reviewed under Sections 6.3 and 6.4;
- (2) the granting or denial of requested waiver provisions;
- (3) a preliminary determination of whether or not the proposed subdivision plan generally conforms to applicable subdivision review standards under Article 7, or would be in conflict with the Warren Town Plan and other municipal regulations currently in effect;
- (4) recommendations for proposed changes in subsequent submissions, including any requests for additional studies or supporting documentation.

(D) **Effect of Sketch Plan Determinations.** Development Review Board determinations and associated recommendations shall remain in effect for six (6) months from the date of issuance, unless otherwise

approved or extended in the written determinations issued by the Development Review Board. Within 6 months of the determination by the Development Review Board, the applicant may apply to the Development Review Board for preliminary plan review for a major subdivision under Section 6.3 or final plan and plat approval for a minor subdivision under Section 6.4.

(E) **Boundary Adjustments.** Applications for boundary adjustments which are determined by the Administrative Officer to not result in the creation of a non-conforming lot, or the significant increase of the development density of one or more lots, may be exempted from sketch plan review requirements and proceed immediately from initial application to final plat approval.

Section 6.3 Preliminary Plan Review [applying only to major subdivisions]

(A) **Application Requirements.** Within six (6) months of the date of action on a sketch plan by the Development Review Board, the applicant shall submit an application and associated fees for preliminary plan and plat approval to include, unless otherwise specified or waived by the Development Review Board under Section 6.2(C), one (1) original and five (5) copies (sketch plan copies may be 8.5" x 11" or 11" x17" reductions) of the information required for preliminary plan review as specified in Table 6.2.

(B) **Public Hearing.** Within 30 days of deeming that the preliminary plan application is complete, the Development Review Board shall hold a public hearing on the preliminary plan, warned in accordance with Section 9.8(C).

(C) **Preliminary Plan Approval.** Within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with modifications, or disapprove the preliminary plan and associated plat based on a determination of whether or not the preliminary plan conforms to applicable subdivision review standards under Article 7, or would be in conflict with the Warren Town Plan and other municipal regulations in effect. The Development Review Board may also require, as a condition of approval, the submission of proposed changes or modifications resulting from further study. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision issued in accordance with Section 9.8(E). The approval of a preliminary plan shall be effective for a period of six (6) months from the date of written notice of approval, unless otherwise approved or extended by the Development Review Board in the written decision.

(D) **Phasing.** At the time that the Development Review Board grants preliminary plan approval it may require the plat to be divided into two or more phases to ensure project conformity with the Warren Town Plan and Capital Budget and Program currently in effect. Conditions may be imposed upon the filing of application for final plat approval for each phase as the Board deems necessary to ensure the orderly development of the plat and to avoid overburdening town facilities and services.

(E) **Effect of Preliminary Plan Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan and plat. Subsequent to the approval of the preliminary plan, the Development Review Board may require the submission of all applicable approvals of municipal officials and/or agencies having jurisdiction over the project (e.g., Select Board, Health Officer), and such state and federal agencies as may be required by law. Upon receipt of evidence of approval of the preliminary plan by said agencies, if required, and the expiration of all relevant appeal periods, the applicant may apply to the Development Review Board for final plan approval under Section 6.4.

Section 6.4 Final Plan Approval

(A) **Application Requirements.** Within six (6) months of the date of sketch plan approval for minor subdivisions, or preliminary plan approval for major subdivisions, unless otherwise waived by the Development Review Board, the subdivider shall submit an application for final subdivision plan approval, including plat approval. If the subdivider fails to do so, s/he will be required to resubmit for minor subdivisions a new sketch plan, or for major subdivisions a new preliminary plan, for approval subject to any new zoning and subdivision regulations. The application for final subdivision plan and plat approval shall include associated fees and, unless otherwise specified or waived by the Development Review Board under Section 6.3(C), one (1) original and five (5) copies (plat copies may be 8.5" x 11" or 11" x17" reductions) of the information for final plan and plat review specified under Table 6.2.

(B) **Public Hearing.** In accordance with the Act [§§4463, 4464], within 30 days of the date that the Development Review Board deems that a final plan application is complete, the Board shall hold a public hearing on the final plan and associated plat, warned and held in accordance with Section 9.8. Copies of the hearing notice shall also be sent, at least 15 days prior to the hearing date, to the clerk of an adjacent municipality in the case of a plat located within 500 feet of a municipal boundary.

(C) **Final Plan Approval.** In accordance with the Act [S4464(B)], within 45 days of the date of adjournment of the public hearing, the Development Review Board shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether or not the plan and associated plat conform to subdivision review standards under Article 7, or would be in conflict with the Warren Town Plan and other municipal regulations in effect. Failure to act within such 45 day period shall be deemed approval, effective the 46th day, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapproval shall be set forth in a written notice of decision issued in accordance with Section 9.8(E). The decision shall be sent by certified mail to the applicant within the 45-day period. Copies of the decision shall also be sent to every person or body appearing and having been heard at the hearing, and filed with the Administrative Officer and the Town Clerk as part of the public records of the municipality.

(D) **Effect of Final Plan Approval.** The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance of any legal interest by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Select Board, in accordance with state statute. Each approval for a final plan may contain a time limit within which all improvements necessary for the subsequent development of the subdivided lots (e.g., roads, utilities) shall be completed, not to exceed 3 years unless otherwise required or extended by the Development Review Board.

Table 6.2 Subdivision Application Requirements

| (A) Application Information | | Sketch Plan | Preliminary Plan | Final Plan |
|--|--|-----------------------|-------------------------|-----------------------|
| Application Form [number of copies] | | 1 original & 5 copies | 1 original & 5 copies | 1 original & 5 copies |
| Application Fee | | ✓ | ✓ | ✓ |
| Name of project, if any | | ✓ | ✓ | ✓ |
| Name, address of applicant (landowner and/or subdivider) | | ✓ | ✓ | ✓ |
| Written description of proposed development plans, including number and size of lots; general timing of development | | ✓ | ✓ | ✓ |
| Waiver request, in writing [optional] | | ✓ | ✓ | |
| Names, addresses of all adjoining property owners* | | ✓ | | |
| Evidence of written notification to adjoiners of intent to subdivide; to include copies of any waiver request* | | ✓ | | |
| (B) Plan/Plat Mapping Requirements | | Sketch | Draft Plat | Final Plat |
| Materials | | Paper | Paper | Mylar |
| Date | | ✓ | ✓ | ✓ |
| Preparer Information, Certifications | | ✓ | ✓ | ✓ |
| Scale (minimum 1 inch = 200 feet) | | ✓ | ✓ | ✓ |
| North Arrow, Legend | | ✓ | ✓ | ✓ |
| Project boundaries and property lines | | Drawn | Drawn | Surveyed |
| Existing and proposed lot lines, dimensions | | Drawn | Drawn | Surveyed |
| Adjoining land uses, roads and drainage | | ✓ | ✓ | ✓ |
| Zoning district designations and boundaries | | ✓ | ✓ | ✓ |
| Location of all Primary Conservation Resources, to include wetlands, flood hazard area, slopes with a gradient of 25% or greater; designated Meadowland; and surface waters and associated buffer areas. | | ✓ | ✓ | ✓ |
| Location of all Secondary Conservation Resources, to include critical wildlife habitat; slopes between 15% and 25%; scenic features identified in the Warren Town Plan; historic sites and features, including stone walls; and prominent knolls and ridgelines. | | ✓ | ✓ | ✓ |
| Existing and proposed elevations, contour lines* | | | 5' interval | 5' interval |
| Base Flood Elevations (in FHO) – if more than 50 lots or 5 acres | | | ✓ | ✓ |
| Existing and proposed roads, paths, parking areas, associated rights-of-way or easements | | Drawn | Surveyed | Surveyed |
| Proposed building envelopes | | ✓ | ✓ | ✓ |
| Proposed utilities, water and wastewater systems and associated rights-of-way or easements* | | ✓ | ✓ | ✓ |

Table 6.2 Subdivision Application Requirements (cont.)

| (B) Plan/Plat Mapping Requirements (continued) | Sketch | Draft Plat | Final Plat |
|--|--------------------|--|---|
| Road profiles; road, intersection and parking area geometry and construction schematics* | | ✓ | ✓ |
| Proposed landscaping and screening* | | ✓ | ✓ |
| Proposed conservation buffer and/or easement areas* | | ✓ | ✓ |
| Monument locations* | | | ✓ |
| (C) Supporting Information & Documentation | Sketch Plan | Preliminary Plan | Final Plan |
| Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties | ✓ | ✓ | ✓ |
| Statement of compliance with the Warren Town Plan and applicable local regulations | ✓ | ✓ | ✓ |
| Engineering reports (water and wastewater systems) | | ✓ | ✓ |
| Existing and proposed traffic generation rates, volumes* | | Estimated | Documented |
| Off-site easements (e.g., for water, wastewater, access)* | Description | Draft | Final |
| Proposed phasing schedule* | Description | Draft | Final |
| Proposed covenants and/or deed restrictions* | Description | Draft | Final |
| Proposed homeowner or tenant association or agreements* | Description | Draft | Final |
| Proposed performance bond or surety* | | Description | Final |
| (D) As may be required by the Development Review Board | | | |
| Erosion prevention and sediment control and stormwater management plans as required under Sections 3.4 and 7.5. | | As required under sketch plan approval | As required under sketch plan or preliminary approval |
| Grading plan (showing proposed areas of cut and fill) | | | |
| Open space management plan | | | |
| Site reclamation plan (for subdivisions involving extraction) | | | |
| Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements) | | | |
| Fiscal impact analysis (analysis of fiscal costs and benefits to the Town) | | | |
| Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures) | | | |
| Other | | | |

* Upon written request may be waived by the Development Review Board.

Section 6.5 Plat Recording Requirements

(A) In accordance with the Act [§4463(b)], within 180 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file four (4) copies of the final subdivision plat, including one (1) mylar copy and three (3) paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 180 day period shall expire. The Zoning Administrator may, however, grant one 90-day extension for plat filing in the event the applicant documents that other required local and/or state permits are still pending.

- (1) As of January 1, 2008, the applicant shall also file one copy of any final subdivision plat and "as-built" plans prepared by an engineer or land surveyor licensed by the state in an electronic format that is compatible with the Town of Warren's digital parcel mapping system and consistent with the Digital Plat Filing Standards of the town.

(B) Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

(C) For any subdivision which requires the construction of roads or other public improvements by the applicant, the authorized members of the Board may require the subdivider to post a performance bond or comparable surety to ensure completion of the improvements in accordance with approved specifications.

(D) The municipality shall meet all recording requirements for final subdivision plan approvals as specified for municipal land use permits under Section 9.8(G).

Section 6.6 Certificate of Compliance

(A) If specifically required by the Development Review Board as a condition of final subdivision plan approval, prior to any development of an approved subdivision plan that requires application for a zoning permit the subdivider shall submit a Certificate of Compliance in accordance with Section 9.4.

Section 6.7 Revisions to an Approved Plat

(A) No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless:

- (1) an administrative amendment is issued by the Administrative Officer, in accordance with the Act [§4464(c)] and Section 9.8(F), or ,
- (2) the proposed revisions are resubmitted to the Development Review Board as a minor subdivision and the Board approves such revisions after public hearing.

(B) All amendments or revisions to an approved subdivision plat, including administrative amendments, shall be recorded in accordance with Section 6.5. In the event that such subdivision plan revisions are recorded without complying with the requirements of Section 6.5, the revisions shall be considered null and void.

ARTICLE 7. SUBDIVISION STANDARDS

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 7.1 Application of Standards

(A) The Development Review Board shall evaluate any minor or major subdivision of land as defined in Section 6.1 in accordance with the standards set forth in this Article. Where these standards conflict with other provisions of these regulations, the more stringent shall apply.

(B) Pursuant to the Act [§4418((2)(A)] and Section 6.1(E), the Board may waive or vary subdivision review standards, subject to appropriate conditions. Any request for a waiver shall be submitted in writing by the applicant at the time of application. In granting such waivers, the Board shall require such conditions that will, in its judgement, substantially secure the objectives of any waived or varied requirements.

(C) The Board may require the subdivider to submit additional information to determine conformance with the following standards. The Board may also, in light of findings based on these standards, require the modification or phasing of a proposed subdivision, or measures to avoid or mitigate any adverse impacts.

(D) The Board may require from the subdivider for the benefit of the town a performance bond in an amount sufficient to cover the full cost of constructing any public improvements that the Board may require in approving the project under these standards. Such performance bond shall be submitted prior to final plan approval under Section 6.5(C).

Section 7.2 General Standards

(A) **Character of the Land.** All land to be subdivided shall be, in the judgement of the Development Review Board, of such a character that it can be used for intended purpose(s), as stated in the application, without danger to public health or safety, the environment, neighboring properties, or the character of the area or district in which it is located.

(B) **Conformance with the Warren Town Plan & Other Regulations.** Subdivisions of land shall be in conformance with all applicable requirements of these regulations, the Warren Town Plan as most recently adopted, the municipal capital budget and program and all other municipal bylaws and ordinances currently in effect.

(C) **Compatibility with Existing Settlement Patterns.** Subdivisions shall be designed and laid out to achieve the purpose and desired settlement pattern of the district in which they are located. To the extent feasible, new subdivisions of land shall:

- (1) maintain and extend desired settlement patterns, including lot area and configuration, road layout, and building locations, for the neighborhood or district in which they are located;
- (2) maintain contiguous tracts of open land, including conservation areas as defined under Section 7.4, with adjoining parcels;
- (3) connect to, and extend where appropriate, existing road, path, utility and open space corridors; and,

- (4) within the Warren Village Historic Residential and Warren Village Commercial Districts, all proposed subdivisions shall conform to the standards set forth in Section 8.3(E).

(D) Density & Lot Lay-out. Density, lot size and layout shall conform to zoning district standards, and general standards pertaining to frontage, lot and yard requirements (Section 3.7), unless modified or waived by the Development Review Board under planned residential and planned unit development provisions, in accordance with Article 8. In addition:

- (1) Lower densities of development may be required by the Board based on site limitations.
- (2) Lot layout shall be appropriate for the intended use, and reflect the purpose of the district in which the lots are located.
- (3) Corner lots shall have sufficient width to permit a front yard setback from each road.
- (4) Side lot lines shall be generally at right angles to straight roads, or radial to curved roads.
- (5) Lots with irregular shapes (curves, jogs, dog-legs, etc.) shall not be created unless warranted by conditions of topography, the location of natural features, or existing roads.
- (6) Boundary adjustments involving one or more non-conforming lots may be permitted providing the boundary adjustment does not increase the degree of non-conformance.

(E) Establishment of Building Envelopes. All lots shall have a designated building envelope. Such building envelope shall be designated to identify and limit the location of principal and accessory structures, parking areas, and associated site development (excluding road and utility rights-of-way or easements) on one or more portions of a lot. The size and shape of the building envelope shall at minimum be determined by district setback requirements, unless otherwise specified in these regulations. The Development Review Board may require the identification of specific building footprints if, in their judgement, such information is required to meet the standards set forth in these regulations.

(F) Landscaping & Screening. The preservation, planting and/or maintenance of trees, hedges, ground cover and other vegetation in one or more areas of land to be subdivided, may be required by the Development Review Board in the following instances:

- (1) to provide an undisturbed, vegetated buffer between developed and undeveloped portions of a subdivision to protect water quality and/or other natural features in accordance with Section 7.3;
- (2) to provide for stormwater infiltration and management;
- (3) to provide screening of development to increase privacy, reduce noise and glare, or to otherwise soften and/or lessen its visual impacts;
- (4) to establish and maintain street trees along public or private roads to create a canopy effect and/or maintain a pedestrian scale where the board deems appropriate;
- (5) to preserve existing specimen trees, tree lines, hedgerows, and wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat; and/or

- (6) to establish buffers or barriers between incompatible land uses.

Nothing in these regulations shall prohibit a property owner from performing normal maintenance on approved landscaping to maintain its intended effect and purpose.

(G) **Energy Conservation.** Energy efficient site design and layout shall be encouraged in the review of a proposed subdivision. In order to promote energy conservation, to the extent that is economically and environmentally feasible:

- (1) building locations shall maximize solar access (e.g., through southern orientation);
- (2) landscaping shall be effectively incorporated to provide wind barriers and to reduce heat loss or gain as appropriate;
- (3) the siting of lots and buildings shall minimize the length of road and utility corridors required; and
- (4) supporting infrastructure for alternative modes of transportation (e.g., interconnected bicycle and pedestrian paths, transit stops) will be incorporated into subdivision design as appropriate.

(H) **Disclosure of Subsequent Development Plans.** Whenever a subdivider submits a proposal for development on a minor portion of a parcel, the applicant shall provide a general indication of the intended use of the remaining portion of the land in accordance with the following requirements.

- (1) Such indication shall include at minimum a written description of the proposed type and intensity of use, access, and schedule for the development of the remainder of the parcel.
- (2) For major subdivisions, including but not limited to phased and/or planned unit developments, a master plan for the entire parcel may be required in accordance with Section 8.4, which identifies designated primary and secondary conservation areas and other common land and open space; proposed development areas; the general location of proposed infrastructure, including road, utility and green space corridors; and an estimate of the type, density, and timing of future development.
- (3) Within the Forest Reserve District (Table 2.1), the submission of a subdivision plan shall be required for forest management activities which include pre-development site preparation work for more than one building site, as defined under Table 2.1 (E)(1). In accordance with district requirements, when a landowner fails to submit a pre-development plan, the Board may limit development to the non-impacted portion of the parcel, and direct the manner in which the site shall be restored or revegetated prior to development.

Section 7.3 Protection of Primary & Secondary Conservation Areas

(A) **Design Process.** All major subdivisions as defined under Section 6.1, and minor subdivisions as required by the Development Review Board under sketch plan approval (Section 6.2) that include primary or secondary conservation areas as defined herein, shall be designed in accordance with the design process summarized in Table 7.1. Steps shall be followed in the sequence presented. This process is intended to ensure compliance with the Warren Town Plan, and that maximum consideration is given to the identification and protection of primary and secondary conservation areas in association with the subdivision of land and siting of structures and associated infrastructure.

(B) **Primary Conservation Areas.** Subdivision boundaries, lot layouts, the location of roads, driveways and infrastructure, and building envelopes shall be located and configured to avoid any adverse impact to primary conservation areas. For the purposes of these regulations, primary conservation areas shall include all lands within the flood hazard and meadowland overlay districts (see Tables 2.13, 2.14), slopes with a gradient of 25% or greater (see Section 3.4), and wetlands, surface waters and associated buffers (see Section 3.13). Methods for avoiding adverse impacts include but may not be limited to the following:

- (1) Building envelopes shall be located and configured to exclude these areas. No lot may be created within the Meadowland Overlay District which does not include a designated building envelope located outside of the overlay district.
- (2) Lot lines, infrastructure and road, driveway and utility corridors shall be located to avoid the parcelization, fragmentation, isolation or destruction of primary conservation areas.
- (3) Roads, driveways and utility corridors shall be shared where practical. Where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, roads, driveways and utility corridors shall follow these to minimize the fragmentation of primary conservation areas, and associated visual impacts.
- (4) Primary conservation areas are to be included as designated open space under Section 7.4. Management plans, conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

(C) **Secondary Conservation Areas.** Subdivision boundaries, lot layout and building envelopes shall be located and configured to avoid to the extent feasible any adverse impacts to secondary conservation areas. For the purposes of these regulations, secondary conservation areas shall include critical wildlife habitat and corridors; groundwater source protection areas; slopes from 15% to 25%; designated archaeological and historic sites; and ridgelines and knolls which are visible from public vantage points. Methods for avoiding such adverse impacts include but may not be limited to the following:

- (1) Building envelopes, to the extent feasible, shall be located to exclude secondary conservation areas. In the event that no other land is practical for development, building envelopes and subsequent development shall be designed to minimize encroachments into these areas, and/or any associated adverse impacts. Buffers, management plans, or other appropriate mitigation measures may be required to ensure the long-term conservation of these areas.
- (2) Lot lines, infrastructure, and road, driveway and utility corridors shall be located to avoid, to the extent feasible, the parcelization, fragmentation, isolation or destruction of secondary conservation areas.
- (3) Roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these to minimize the fragmentation of secondary conservation areas and associated visual impacts.
- (4) Secondary conservation areas are to be included as designated open space under Section 7.4; conservation easements, limitations on further subdivision, or comparable site protection mechanisms may be required.

Section 7.4 Open Space & Common Land

(A) **Intent.** Subdivisions shall be designed to preserve open space areas and common land for parks, recreation, greenways, viewshed and historic site protection and/or to preserve primary and secondary conservation areas as defined under Section 7.3.

(B) **Preservation of Open Space.** Provision shall be made for the preservation of open space. The location, size and shape of lands set aside to be preserved for open space shall be approved by the Development Review Board, in accordance with the following:

- (1) Designated open space may include the portion of a single lot outside of the building envelope which is characterized by one or more of the above referenced features and/or may encompass the contiguous boundaries of the above referenced feature located on multiple lots.
- (2) The location, shape, size and character of the open space shall be suitable for its context and intended use. Open space that includes primary or secondary conservation areas shall be identified pursuant to the conservation subdivision design process described in Table 7.1. Planned residential and planned unit developments must also meet open space requirements under Section 8.5.
- (3) Provisions shall be made to enable open space designated for agriculture and forestry to be used for these purposes. Management plans for farm land, forests, wildlife habitat, shorelands and buffers may be required by the Development Review Board as appropriate to ensure their long-term protection and management.
- (4) Areas preserved for agricultural and forestry use should be of a size that retains their eligibility for available tax abatement programs.
- (5) Open space land shall be located so as to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.
- (6) Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Development Review Board, that they will in no way disrupt or detract from the values for which the open space is to be protected. Stormwater management practices or facilities that require, incorporate or establish open space areas may be counted as open space.

Table 7.1 Subdivision Design Process to protect Conservation Areas**To be followed in order:**

Step 1. Identify Conservation Areas. The subdivider shall delineate the boundaries of all primary and secondary conservation areas defined in Section 7.3. Based on the delineation of these features, goals and policies set forth in the Warren Town Plan, and any guidance provided by the Development Review Board during sketch plan review, a conservation plan shall be developed to ensure the preservation of these features to the fullest extent feasible. The plan shall clearly define the location and area of designated conservation areas and the method of protection in accordance with Section 7.4.

Step 2. Identify Potential Development Areas. Potential development areas should be identified to exclude designated conservation areas. Development areas shall be selected to avoid any adverse impact to primary conservation areas, and to minimize to the extent feasible, adverse impacts to secondary conservation areas. Maximum development density shall be determined based on the density requirements for the zoning district in which the subdivision is located. Subdividers should refer to planned residential or planned unit development provisions under Article 8 to allow for increased densities of development outside of designated conservation areas.

Step 3. Identify Building Sites & Envelopes. Building footprints for principal structures, and building envelopes (to include the area for accessory structures and/or parking), shall be identified and laid out in accordance with Sections 7.2 and 7.3, and any other applicable requirements of these regulations.

Step 4. Layout Roads, Driveways & Utilities. Roads, driveways, and utilities shall be laid out in accordance with Section 7.3 and other applicable requirements of these regulations.

Step 5. Identify Proposed Lot Boundaries. Lot boundary lines shall be laid out to avoid the fragmentation of designated conservation areas, and to encompass building sites and envelopes, in accordance with Section 7.3 and any other applicable requirements of these regulations.

(C) Creation of Common Land. Land held in common for the preservation and maintenance of open space; the maintenance and protection of shared facilities, such as community wastewater systems, community water supplies, recreation or community facilities, or recreation, including road and trails rights-of-way, may be held under separate ownership from contiguous parcels and shall be subject to the legal requirements set forth below.

(D) Legal Requirements. The Development Review Board may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Board (see Appendix A), to the Town of Warren, a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent land owners.

Section 7.5 Stormwater Management & Erosion Control

(A) The Development Review Board may require such temporary and permanent stormwater

management and erosion control measures as may be necessary to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed subdivision. Factors to be considered in determining the types of controls necessary shall include pre-development site and runoff conditions, vegetation and ground cover, slope and drainage patterns (including steep and very steep slopes regulated under Section 3.4), soil types (i.e., hydric soils), the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.

(B) The Development Review Board may require the preparation and implementation of stormwater management and/or erosion prevention and sedimentation control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, shall not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, in accordance with the 'Vermont Stormwater Management Manual and the Vermont Handbook for Erosion Prevention and Sedimentation Control' as most recently amended, and include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.

(C) Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, natural contours, ground cover, and soils. For effective stormwater management, subdivision and/or site design and layout shall:

- (1) be designed to avoid areas of steep and very steep slope, in accordance with Section 3.4 (steep slopes) and Section 7.3 (Protection of Primary and Secondary Conservation Areas);
- (2) minimize lot frontage and setback distances, building envelope and footprint areas, in accordance with district standards and other applicable requirements;
- (3) minimize the length, width and paved area of roads, driveways and parking areas, in accordance with applicable road and parking standards;
- (4) minimize the impervious area connected directly to stormwater conveyance systems (e.g., by draining such areas over stable, vegetated pervious areas);
- (5) incorporate landscaped areas to absorb stormwater runoff from adjoining impervious surfaces (e.g., yard areas, filter strips, parking and cul-de-sac islands);
- (6) incorporate shared driveways and parking areas;
- (7) avoid or minimize the use of curbing and gutters;
- (8) maximize the use of pervious materials (e.g., for paths, spillover parking, residential driveways);
- (9) maintain natural vegetative cover and designated wetland, riparian and shoreland buffers;
- (10) use vegetated, open channels within road rights-of-way to convey and treat stormwater, where density, topography, soils, and slopes permit; and
- (11) incorporate naturally occurring ponding and drainage areas.

(D) Best management and treatment practices as defined by the Vermont Agency of Natural Resources

in the 'Vermont Handbook for Erosion Prevention and Sedimentation Control or the Vermont Stormwater Management Manual, as most recently amended' shall be used to:

- (1) minimize stormwater runoff;
- (2) maximize on-site infiltration;
- (3) encourage natural filtration functions;
- (4) incorporate and/or simulate natural drainage systems; and
- (5) minimize the discharge of pollutants to ground and surface waters.

Best management practices may consist of one or more structural and/or nonstructural techniques, including but not limited to vegetated buffers and filter strips, grassed or lined swales, retention basins, recharge trenches, constructed wetlands, and bioretention and filtration facilities, but should be appropriate for site conditions and the intended pattern and density of development.

(E) Control of stormwater runoff flows from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the subdivision so that it does not exceed the pre-development peak discharge rate from the site for a 2-year, 24 hour event. Additional control of treated stormwater (e.g., for 10- or 25-year or 100-year, 24 hour storm events) may be required if site specific considerations warrant the attenuation of larger storm events.

(F) Stormwater facilities, including detention ponds, culverts and ditches, shall be designed to accommodate potential run-off from the entire upstream drainage area at full development, as well as runoff resulting from the proposed subdivision, and should at minimum accommodate a 25-year, 24-hour storm event.

(G) The designation of on-site snow storage areas may be required as part of subdivision design. These areas shall not be located within wetland or surface water buffer areas, and shall be contained in such a manner that runoff is managed through a detention or infiltration facility or other best management practice that removes pollutants. An off-site storage area may be approved if an appropriate site is available and secured for long-term use.

(H) The Development Review Board may request determination of the effect of the subdivision on existing downstream drainage capacity and facilities outside of the area of the subdivision. Where the Board anticipates that increased runoff incident to the development may overload the capacity of the downstream system or facility, it may require the subdivider to delay construction until adequate capacity exists, or to contribute to capacity improvements to prevent such an overload. Any required construction may be on- or off-site.

(I) If a subdivision will result in changes in flow type, flow channel, increased stormwater discharge or flooding in areas not owned or controlled by the applicant, the applicant must secure easements for all areas of flow or flooding on affected properties. Easements must extend up to, but need not include, the channel of any river or stream accepting flow from the subdivision. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.

(J) All areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Natural Resource Conservation Service or other appropriate regulatory body. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Development Review Board. The Board also may require the phasing of construction to reduce the amount of land disturbed at any one time, and

may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

Section 7.6 Community Services and Facilities

(A) Municipal Facilities and Services. The proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for public services. The Development Review Board will consider whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development, and whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide municipal, governmental, or educational services and facilities. A fiscal impact analysis and/or the phasing of development in accordance with a duly adopted capital budget and program may be required as appropriate, the cost of which is to be borne by the applicant.

(B) Fire Protection Facilities. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board. Where practicable, or where required by the Board, fire hydrants, dry hydrants, or ponds shall be installed by the subdivider. The applicant shall submit documentation from the Warren Fire Department as to the adequacy of emergency access and fire protection facilities. For all driveways serving one or more dwelling units in a subdivision, the following minimum emergency access standards shall be required:

- (1) one 12' x 50' turnout for every 400 feet; and
- (2) a turn around area with a "Y" or "T" configuration or a cul-de-sac with an inside turn radius of not less than 30 feet.

(C) Parks & Playgrounds. The Development Review Board may require the dedication of up to 15% of the plat area for a park, playground, trail or pathway or other recreation purposes for use by the occupants of the subdivided parcels. All such land shall be of a reasonable character for park or other recreational uses, and included as designated open space under Section 7.4.

Section 7.7 Roads & Pedestrian Access

(A) Applicability of Road Standards. The standards contained herein shall apply to all proposed public roads and to private roads serving four or more lots. In addition, these standards may be applied to private roads serving three or fewer lots when the Development Review Board determines such standards are necessary to provide suitable access to, or accommodate, anticipated future subdivision. Acceptance of private roads by the town is subject to the approval of the Warren Select Board pursuant to state law for the laying out of public rights-of-way. Construction of roads to these standards in no way ensures such acceptance.

(B) Road Design. All roads serving proposed subdivisions shall be designed in accordance with the Warren Road Ordinance adopted and administered by the Select Board, and shall generally conform to the dimensional and geometric design standards for local roads and streets contained within the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October, 1997, or as most recently amended. Minimum design standards include the following:

- (1) Rights-of-way for all roads shall be a minimum of 50 feet in width.

- (2) To ensure adequate safety and service, the width of travel lanes and shoulders shall be based on average daily traffic (ADT) and design (anticipated posted) speeds. The design standards for rural roads are included in Table 7.2. The standards set forth in Table 7.2 shall be considered the maximum standards, although the Development Review Board may modify such standards in situations in which such modification is warranted to ensure pedestrian and vehicular safety, and when the strict application of the standards would adversely impact the scenic character and/or natural resources or features located on the site.
- (3) Lower design and posted speeds may be considered to avoid and/or minimize impacts to historic, architectural, scenic, natural or other resources; to avoid excess costs of construction; or to better comply with the Warren Town Plan.

| Table 7.2 Lane and Shoulder Widths for Rural Roads | | | | | | | |
|--|-----------------------------|-------|--------|---------|--------------|---------------|-------|
| Design Volume (ADT) | 0-25 | 25-50 | 50-100 | 100-400 | 400- 1500 | 1500- 2000 | 2000+ |
| Design Speed (mph) | Width of Lane/Shoulder (ft) | | | | | | |
| 25 | 7/0 | 8/0 | 9/0 | 9/2 | 9/2 | 10/3 | 11/3 |
| 30 | 7/0 | 8/0 | 9/0 | 9/2 | 9/2 | 10/3 | 11/3 |
| 35 | 7/0 | 8/0 | 9/0 | 9/2 | 9/2 | 10/3 | 11/3 |
| 40 | 7/0 | 8/0 | 9/2 | 9/2 | 9/2 | 10/3 | 11/3 |
| 45 | --- | --- | 9/2 | 9/2 | 9/2 | 10/3 | 11/3 |
| 50 | --- | --- | 9/2 | 9/2 | 10/2 | 10/3 | 11/3 |

Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.

- (4) Wider travel lanes and/or shoulders may be required as appropriate to road function (i.e., for on-street parking, collector and arterial roads), or to safely accommodate shared use by bicycles.
- (5) Permanent dead end roads and cul-de-sacs shall be discouraged unless deemed necessary by the Board due to physical site limitations or safety considerations. No dead end road shall be permitted without a suitable turn around at its terminus. "T" or "Y" configurations suitable to topography are preferred, but a cul-de-sac with a radius of not less than 30 feet may also be considered as appropriate.
- (6) Roads shall logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads. Road grades should be consistent with local terrain. Maximum road grade shall not, for any 50 feet section, exceed an average grade of 12%.
- (7) Roads shall, to the extent feasible be designed and laid out to:
 - (a) to avoid adverse impacts to natural, historic, cultural and scenic resources;
 - (b) to be consistent with existing road patterns in village and other settlement areas;
 - (c) to maximize connectivity within the subdivision and to adjoining parcels and road networks;
 - (d) to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence

- lines,
- (e) to avoid fragmentation of meadow land and other designated conservation areas under Section 7.3.
- (8) Techniques for the preservation of scenic road corridors and streetscapes should be employed for the construction and maintenance of roads within designated scenic or village areas, including but not limited to the selection of visually compatible materials, the preservation of existing features, and the management of vegetation within the road corridor.
- (C) **Road Construction Standards.** Road construction, including specifications relating to the crown, grade, sub-base and surfacing, shall conform to the Vermont Agency of Transportation's Standard A-76, as most recently amended.
- (D) **Intersections.** In addition to access requirements under Section 3.1, a new or relocated road shall be located so that:
- (1) Minimum corner and sight stopping distances are provided in relation to design speed and road type, in accordance with the standards set forth in the Vermont Agency of Transportation's Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, dated October 1997, or as most recently amended. Minimum stopping and corner sight distances of rural local roads are provided in Table 7.3.

| Table 7.3 Minimum Stopping & Corner Site Distances for Rural Roads | | |
|--|---|--|
| Design Speed (mph) | Stopping Sight Distance (ft) ^a | Corner Site Distance (ft) ^b |
| 25 | 150 | 275 |
| 30 | 200 | 330 |
| 35 | 225 | 385 |
| 40 | 275 | 440 |
| 45 | 325 | 495 |
| 50 | 400 | 605 |

^a Wet pavement;
^b Corner site distance is measured from a point on the intersecting road or driveway, at least 15 feet from the edge of the traveled way on the main road.

Source: Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets, October 1997.

- (2) It is directly opposite an existing road or driveway to form a four-way intersection wherever feasible. Intersections creating centerline offsets of less than 125 feet shall not be permitted, except for driveways serving single and two-family dwellings, which shall have a centerline offset of at least 75 feet.
- (3) It intersects the existing road at an angle that is as close to 90 degrees as possible.
- (4) The intersection grade does not exceed 3% for a distance of 35 feet from the edge of the travel lane.

(5) No structure or planting is situated to impair corner visibility.

(E) **Drainage & Stormwater.** A stormwater drainage system shall be provided which is designed to control and accommodate stormwater collected on all proposed roads and/or parking areas in accordance with Section 7.5 of these regulations. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the Vermont Better Backroads Manual, as most recently amended.

(F) **Coordination with Adjoining Properties.** The arrangement of roads in the subdivision shall provide for the continuation of roads of adjoining subdivisions and for proper projection of roads through adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and construction or extension, presently or when later required of needed utilities and public services. Where, in the opinion of the Development Review Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.

(G) **Access Permits.** In accordance with statute and Section 3.1, all road access shall be subject to the approval of the Vermont Agency of Transportation in the case of state highways and the Warren Select Board in the case of town roads. Access to all lots created by subdivision of any such parcel and to all buildings or other land development located thereon shall be only from such permitted access road or driveway.

(H) **Access Management.** In addition to access requirements under Section 3.1, to better manage traffic flow and safety, avoid congestion and frequent turning movements, preserve the carrying capacity of important travel corridors, and to avoid strip development, the following access management standards shall apply to all subdivisions:

- (1) Shared driveways and/or internal development roads providing access to multiple lots are encouraged and may be required to limit the number of access points onto public highways in accordance with Section 3.1.
- (2) If a subdivision has frontage on primary and secondary roads, access shall be from the secondary road unless the Board determines that topographic or traffic safety conditions make such an access impracticable.
- (3) Where extensions of new roads could provide future access to adjoining parcels, a right-of-way shall be provided.
- (4) The creation of reserved strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

(I) **Traffic & Road Capacity.** Traffic to be generated by the proposed subdivision shall not result in unreasonable traffic congestion or exceed the capacity of roads and intersections in the vicinity of the subdivision. The Board may request the preparation of a traffic impact study to identify impacts and mitigation measures necessary to ensure road safety and efficiency, the cost of which is to be borne by the applicant. The implementation of mitigation measures, including required road improvements necessitated by the subdivision, shall be the responsibility of the applicant as follows:

- (1) Where an existing access road is inadequate or unsafe, the Development Review Board may require the subdivider to upgrade the access road to the extent necessary to serve additional traffic

- resulting from the subdivision and to conform to these standards.
- (2) In situations where a development may require the realignment, widening or an increase in the capacity of an existing road, or where the Warren Town Plan or capital program indicates that such improvements may be required in the future, the subdivider may be required to reserve land for such improvements.
- (3) In the case of subdivisions requiring construction of new roads, any existing road that provides either frontage to new lots or access to new roads shall meet these standards.
- (4) Where a subdivision requires expenditures by the Town to improve existing road(s) to conform to these standards, the Development Review Board may disapprove such subdivision until the Select Board certifies that funds for the improvements have been ensured. The subdivider may be required to contribute to any or all of the expenses involved with road improvements necessitated by the project.
- (J) **Road Names & Signs.** Roads shall be named in accordance with the Warren Road Naming Ordinance, and shall have specific historic, cultural or geographical relevance. Said names shall be identified on signs designed and located in accordance with the Town policy, and shall be clearly depicted on the final plat. Road name signs shall be installed by the applicant.
- (K) **Driveways.** Driveways serving three or fewer lots shall meet the standards set forth in Section 3.1(C). In addition:
- (1) Driveways should be laid out to follow existing linear features, such as utility corridors, tree lines, hedgerows and fence lines; to avoid the fragmentation of meadowland and other designated conservation areas under Section 7.3, and to avoid adverse impacts to natural, cultural and scenic features.
- (2) The use of common or shared driveways is encouraged and may be required in order to minimize the number of access points in accordance with Subsection (H).
- (L) **Modification of Road Standards.** In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, the Board may modify the strict application of one or more of these standards providing the applicant can demonstrate that the proposed road is accessible by emergency response vehicles, does not pose any threat to the safety of motorists or pedestrians, will not result in unreasonable maintenance requirements for landowners, and is designed in a manner that is consistent with other applicable standards of these regulations.
- (M) **Parking & Transit Stops.** Parking areas shall be included within designated building envelope areas, in accordance with the requirements of Section 3.10. For major subdivisions located on existing or proposed public transit routes, sheltered transit stops, which may include centrally located park and ride areas and bike racks to serve the development, will be incorporated in subdivision design. Major residential subdivisions shall also incorporate one or more sheltered school bus stops as appropriate.
- (N) **Pedestrian Access.** The Development Review Board may require pedestrian rights-of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses or public facilities.

- (1) The Board may require, in order to facilitate pedestrian access from a subdivision to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the plat.
- (2) Unless specifically waived by the Board, sidewalks shall be required along internal streets of major subdivisions, major arteries within or bordering the subdivision, and to connect to existing sidewalks on adjoining properties.

(O) Legal Requirements.

- (1) Every subdivision plat shall show all proposed road and pedestrian rights-of-way, as required under these regulations, regardless of whether the proposed right-of-way is intended to be accepted by the Town. In the event that the right-of-way is not intended for acceptance by the Town, the mechanism by which the right-of-way is to be maintained, owned and/or conveyed shall be clearly documented.
- (2) Documentation and assurance shall be provided that all proposed roads and rights-of-way will be adequately maintained either by the subdivider, a homeowners' association or through other legal mechanisms. Such documentation shall be in a form approved by the Board and filed in the Warren Land Records.

Section 7.8 Water Supply & Wastewater Disposal

(A) **Water Supply.** Water supply systems shall be designed and built to meet all applicable state and municipal requirements. There shall be no adverse impact on existing water supplies from the proposed water supply for the subdivision. The Development Review Board may require evidence that adequate water supply is available through an existing or proposed system prior to granting final approval. The Board may require as a condition of approval, or as a condition of issuing zoning permits, that the subdivider provide the results of water samples tested by the Vermont Health Department.

(B) **Wastewater Disposal Capacity.** The applicant shall demonstrate that soil conditions on-site are adequate to accommodate the installation of a wastewater disposal system designed in accordance with municipal requirements, and are of sufficient capacity for the intended density and types of use; or that an alternative, off-site disposal location, secured through an easement or other form of legal conveyance, is similarly suitable and available. Subdivisions involving an existing structure shall provide documentation that any existing sewage disposal system serving existing structures or uses is adequate to meet the intended use of the site without adverse impact to public health, safety or water supplies, and that either a suitable replacement area able to accommodate a new system in accordance with these regulations is available in the event that the existing system fails, or that adequate capacity is available and committed in a community system or commercial sewage treatment facility.

(C) **Individual Systems.** Individual water and wastewater systems shall meet all municipal regulations for design, installation and maintenance.

(D) **Connection to Existing System.** Where connection to an existing water or wastewater system is proposed, the subdivider shall provide evidence as to the adequacy of the system to meet the needs of the proposed development. The subdivider will be required to provide such pumping and other facilities as may be necessary. The Board also may require that the subdivider provide, or to have installed, at his expense, larger lines, pumping, storage and other facilities outside of the subdivision,

if required specifically to meet the requirements of the proposed development.

(E) **Community Systems.** Proposed development may be serviced by private, community water and/or wastewater systems which shall be designed and installed in accordance with all applicable municipal and state regulations and standards.

(F) **Waivers.** In the event that the subdivider is proposing the creation of a lot(s) not requiring water or wastewater systems, the Board may waive all provisions of these regulations pertaining to water and wastewater disposal, providing that the plan recorded with the Town Clerk clearly indicates that the intended use of the lot(s) will not require water or wastewater disposal systems, and the subdivider submits an affidavit to the Board stating his/her intent which will be incorporated as a condition of subdivision approval.

Section 7.9 Utilities

(A) **Location.** All utilities systems, existing and proposed, throughout the subdivision shall be shown on the final plat, and be located as follows:

- (1) All utility systems, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable, shall be located underground throughout the subdivision, unless deemed unreasonable and prohibitively expensive by the Development Review Board (e.g., burial would require extensive blasting and ledge removal for most of length of the utility extension.)
- (2) The subdivider shall coordinate subdivision design with the utility companies to insure adequate and suitable areas for under or above ground installation, both for the proposed subdivision, and areas adjacent to the subdivision.
- (3) Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, the fragmentation of meadowland and other designated conservation areas under Section 7.3, and any adverse impacts to natural, cultural or scenic resources, and to public health.

(B) **Easements.** Easements of sufficient width shall be provided so as to serve both the proposed subdivision and existing and anticipate development outside the subdivision. Such easements shall be shown on the final plat.

Section 7.10 Signs

(A) Signs will be regulated in accordance with Section 3.12, however, the Development Review Board may place more restrictive conditions regarding the size, height, number and location of signs than those specified under Section 3.12 or by state regulations in order to maintain the visual character of the area and ensure the safety and efficiency of pedestrian and vehicular circulation.

ARTICLE 8. PLANNED UNIT DEVELOPMENT

As amended & Proposed for Planning Commission Public Meeting on September 24th, 2012 and approved by the Select Board on October 23rd, 2012 and Effective November 13th, 2012

Section 8.1 Purpose

(A) The purposes of planned unit development are to:

- (1) Increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities in a cost effective manner;
- (2) Cluster development to avoid the fragmentation of productive forest, farmland and wildlife habitat, conserve energy and enhance Warren's rural character as described in the Warren Town Plan;
- (3) Accommodate new development in a manner that maintains the Town's historic settlement patterns, and protects significant natural, cultural and scenic features, as described in the Warren Town Plan;
- (4) Provide opportunities for a diversity of housing types, and promote affordable housing in appropriate locations;
- (5) Allow for compact, village-scale mixed-use development within growth centers designated in the Warren Town Plan;
- (6) Encourage creative design and layout of development and an efficient use of land; and
- (7) Carry out the purposes of the Warren Town Plan, as set forth in the plan's goals and policies.

(B) To achieve the objectives set forth in this section, the Development Review Board may modify applicable area and dimensional requirements required elsewhere in these regulations simultaneously with the approval of a subdivision plan and associated plat. Such modifications shall be made in accordance with the following provisions.

Section 8.2 Coordination with Other Review Processes

(A) Applications for PUDs shall be reviewed simultaneously with applications for major subdivision review in accordance with the requirements and procedures set forth in Article 6.

(B) Approval granted by the Development Review Board under this section for a PUD that involves the development of one or more conditional uses shall not exempt the proposed development from conditional use review in accordance with Article 5 unless the Board specifically grants conditional use review at the time of PUD approval. For PUD applications that are also subject to conditional use review, conditional use review may occur concurrently with final subdivision review in accordance with 6.1(D).

(C) At the time of PUD approval, the Development Review Board shall include in its decision a finding that the PUD conforms with the Warren Town Plan, and clear indication of all approved modifications of development standards, which may include conditions related to the location, scale, density, intensity and/or overall design of future development within the PUD.

Section 8.3 Planned Unit Developments (PUDs)

ARTICLE 8. PLANNED UNIT DEVELOPMENT,

As amended & Proposed for PLANNING COMMISSION Public Meeting on September 24th, 2012 and approved by the Select Board on October 23rd, 2012 and Effective November 13th, 2012

(A) **Applicability.** Planned Unit Development (PUD) provisions may be applied to any land development in the Town of Warren at the request of the applicant. Any change to an approved PUD shall require an amendment to the prior approval in accordance with this section.

(B) **Multiple Districts, Lots and/or Owners.**

(1) Where a district boundary line divides a parcel, the development of a single PUD shall be allowed with a total density based on the combined allowable density of each district. The provisions of Section 2.2(C) of these regulations shall not be used to increase the combined development potential of parcels located in more than one zoning district.

(2) The DRB may approve PUDs involving two or more contiguous or noncontiguous parcels, whether in common or separate ownership, with the total density based on the combined allowable density of all parcels. Development may be located in accordance with the standards set forth in Section 8.5.

(3) Development shall not be relocated from land in a district with a higher maximum density to land in a district with a lower maximum density unless the DRB agrees that such a transfer is in conformance with the purposes of these regulations and the Warren Town Plan.

(C) **Application Requirements.** Applications for PUDs shall be submitted simultaneously with applications for major subdivision review in accordance with the requirements set forth in Article 6. In addition to the application materials specified in Table 6.2, applications for PUDs shall include the following:

(1) 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; and

(2) A brief summary of the project and how it meets the standards set forth in this section.

(3) Additional information required by the Development Review Board to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth in Article 5, Article 7 and below.

(4) For projects that include affordable housing, as defined under Section 10.2, associated management plans and legal agreements that ensure the long-term affordability of such units for a minimum of 25 years or longer.

(D) **Density.** The overall density of the project shall not exceed the number of units permitted, in the Development Review Board's judgment, if the land were subdivided into lots in

Determining Density When a Single Parcel is Located in Two Zoning Districts

Where a district boundary line divides a parcel, the development of a single PUD is allowed with a total density based on the combined allowable density of each district. For example, a 27 acre parcel in which 25 acres is located in the Forest Reserve District and 2 acres is located in the Rural Residential District has a maximum allowable density of 3 dwelling units, based upon a formula of: 25 acres = 1 dwellings (FR density) + 2 acres = 2 dwellings (RR density).

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accordance with the standards for the district(s) in which the land is situated, except where specifically permitted in these regulations and as permitted below. Bonuses may be combined, but no project shall be granted more than a 100% increase in overall density.

(1) **Density Bonus for Protection of Open Space.** The DRB may approve an increase in density in accordance with the table below for PUDs in any district in exchange for the applicant setting land aside as open space.

| % Set Aside | Density Bonus |
|-------------|---------------|
| 60% | 25% |
| 65% | 30% |
| 70% | 35% |
| 75% | 40% |
| 80% | 45% |
| 85% | 50% |

(2) **Density Bonus for Affordable or Special Needs Housing.** The DRB may approve a density bonus of up to 50% for the development if the excess units are dedicated to providing housing for elderly residents, people with disabilities, and/or households with low to moderate incomes (as defined in Article 10). The units shall be dedicated to such a purpose through legally binding means for a period of not less than 25 years.

(3) **Density Bonus for Mixed-Use Village or Hamlet Development.** The DRB may approve a density bonus of up to 25% of the permitted overall density for projects that include a mix of uses and that comply with the standards set forth in subsection (E), (F) or (G).

(E) General Standards. In addition to the subdivision standards set forth in Article 7, PUDs shall meet the following:

(1) The PUD shall reflect an effective and unified treatment of the development possibilities of the project site, and the development plan shall make appropriate provision for preservation of primary and secondary conservation areas, as defined in Article 7.

(2) The PUD shall be consistent with the goals and policies of the Warren Town Plan and all applicable subdivision standards set forth in Article 7.

(3) The PUD shall be designed to maximize vehicular and pedestrian integration with adjacent uses and parcels. Driveway and road connections to adjacent parcels should, to the extent practical, be incorporated into the project design. Pedestrian facilities shall be laid out to serve as an interconnected network of sidewalks, pathways and trails, as appropriate to site conditions and location. Provision for safe and efficient transit access may also be required.

(4) 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.

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(5) 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.

(6) 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 in accordance with Sections 7.4 and 8.4.

(7) 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 in accordance with Section 7.2 (I). At a minimum, such indication shall include the information described in subsections 7.2 (H)(1) and (2).

(8) All proposals shall demonstrate the extent to which they protect and utilize renewable energy resources through such means as developing south facing slopes in lot layout and enabling solar access to all future buildings.

(F) **Rural Standards.** In addition to the general standards set forth under Subsection (C), PUDs in rural districts (Forest Reserve, Rural Residential and Meadowland Overlay) shall be designed to blend new development into the historic, agricultural and forest landscape and maintain important natural, scenic and cultural resources as described in the Warren Town Plan. All PUDs in rural districts shall protect not less than 50% of the total project area as open space. PUDs in rural districts shall be designed in accordance with the standards of subsection (1), (2) or (3) below:

(1) **Crossroad Hamlet.** Proposed PUDs may be designed in a manner that replicates a traditional crossroads hamlet, characterized by a concentration of residential buildings and one or two prominent cultural, community or civic structures, located at a road intersection, and bounded by farmland or forest. To replicate such a pattern, crossroad hamlets shall be designed to include:

(a) A contiguous grouping of dwellings, and associated accessory cultural or community buildings, and one or more common areas (e.g. village green or park), located within a compact area not to exceed 15 acres (excluding designated open space);

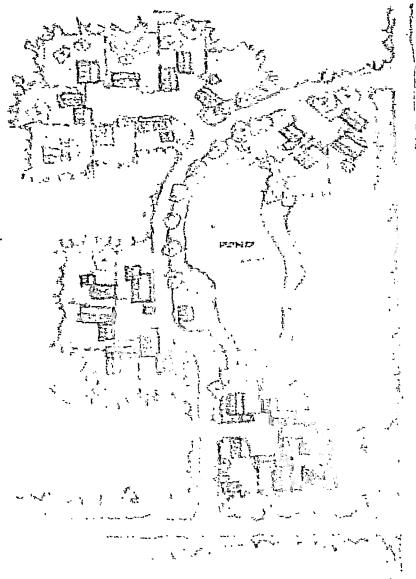
(b) Lots configured to front upon road(s) and/or a common green, and so that buildings are oriented toward the road, one another and/or the common green; and

(c) A well-defined edge between the hamlet and surrounding open space.

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(2) **Farmstead Cluster.** Proposed PUDs may be designed in a manner that replicates a traditional Vermont farmstead, characterized by a variety of building scales reminiscent of traditional Vermont farmsteads, which visual character is typified by the appearance of a principal dwelling a



housing is encouraged;

(b) Buildings set near the road that relate to one another and/or a small common area;

(c) A defined edge between the cluster and surrounding open space;

(d) No fewer than three (3) nor more than nine (9) dwelling units shall be located within a single farmstead cluster; multiple farmstead clusters may be placed on a single parcel provided they are separated by adequate open space and a minimum distance of 1,200 linear feet.

and a mix of agricultural buildings (e.g. barns, outbuildings) located within a compact area surrounded by open farmland. To replicate such a pattern, farmstead clusters shall be designed to include:

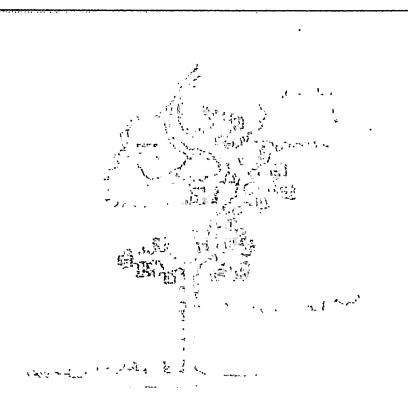
(a) A contiguous grouping of dwellings located within a compact area not to exceed five (5) acres (excluding open space) -the inclusion of multi-family and affordable

A crossroads PUD, such as the one depicted in this example, allows for the concentration of development to maintain traditional development patterns while avoiding impacts on important resource lands.

(3) **Uplands Enclave.** Proposed PUDs may be designed in a manner that is characterized by concentrated, clustered lots and buildings to allow the remaining land to be used for common open space, recreation, productive farm or forest land, and/or preservation of environmentally sensitive features. Such a PUD shall consist of one or more clusters of compact development surrounded by undeveloped open space that comprises at least 50 percent of the gross parcel area. No fewer than three (3) or more than nine (9) principal buildings shall be located within a single conservation cluster. Multiple clusters may be placed on a single parcel provided they are separated by a minimum distance of twelve hundred (1,200) linear feet. At a minimum, conservation clusters shall be designed in accordance with the following:

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- (a) All lots and/or development envelopes and buildings shall be grouped into one or more contiguous groups of clustered buildings, each located within a compact area not to exceed 10 acres (excluding open space, and reserved common area).
- (b) There shall be a defined edge between each cluster and the surrounding open space.
- (c) Buildings in each cluster shall relate to one another and/or a small common area or common structure(s). Building envelopes should be established so that buildings front upon and are oriented towards interior roads, common areas, or common buildings.
- (d) Roads and driveways shall be laid out in a manner that reflects the rural character and settlement pattern of the district, which is characterized by narrow travel lanes, uncurbed streets, and trees within road rights-of-way.
- (e) Adequate provision for walking paths and trails interconnecting the development's residences and other private buildings, common areas/building and open space shall be included in the design of the PUD which:
 - (i) Minimize site disturbance and visual impact.
 - (ii) Maximize protection of natural resources.
 - (iii) Provide for enjoyment of the surrounding natural environment.
 - (iv) Facilitate pedestrian access to destinations such as interconnecting public trails, school bus/transit stops, and common areas/buildings. Paths and trails should not necessarily follow roadways within the PUD.
- (f) The following areas or structures may be located within designated open space areas and shall be counted toward the overall open space percentage required:
 - (i) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - (ii) Buildings or structures that are accessory to the use of the open space.
 - (iii) Shared septic systems and shared potable water systems.
- (g) PUDs to be located on open agricultural land should be designed to preserve working land by locating house sites along the edges of fields, pastures and woodlots. Roads, drives and property lines are encouraged to follow existing site features such as walls, fence lines and hedgerows. Homes should be located to provide an adequate buffer between agricultural and non-agricultural uses.
- (h) PUDs to be located in forested areas shall be designed to maintain the

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appearance of an unbroken forested canopy and to blend new development into the landscape as viewed from off-site, to protect natural resources and wildlife habitat, and to provide for the sustainable, ongoing management of forest resources to the greatest extent feasible by:

- (i) Maintaining a forested buffer between buildings;
- (ii) Minimizing lot coverage and building footprints;
- (iii) Avoiding long driveways or large parking areas;
- (iv) Clearing only as much vegetation at the edge of the road as necessary to create a driveway entrance with adequate sight distance and proper drainage control;
- (v) Retaining existing or planting additional woody vegetation in undisturbed, naturalistic groupings, rather than singly as specimen trees, within cleared areas;
- (vi) Using native vegetation;
- (vii) Minimizing lawn area; and
- (viii) Selectively cutting small trees and the lower branches of large trees, rather than removing mature trees, to create narrow view corridors between trees and beneath tree canopies.

(G) **Village Standards.** In addition to the general standards set forth under Subsection (C), PUDs within or adjacent to existing or designated village areas shall be designed so that the layout and configuration of the lots and placement of buildings are consistent with the area's historic or planned pattern and scale of development. At a minimum, PUDs located within or adjacent to village areas shall be designed in the following manner:

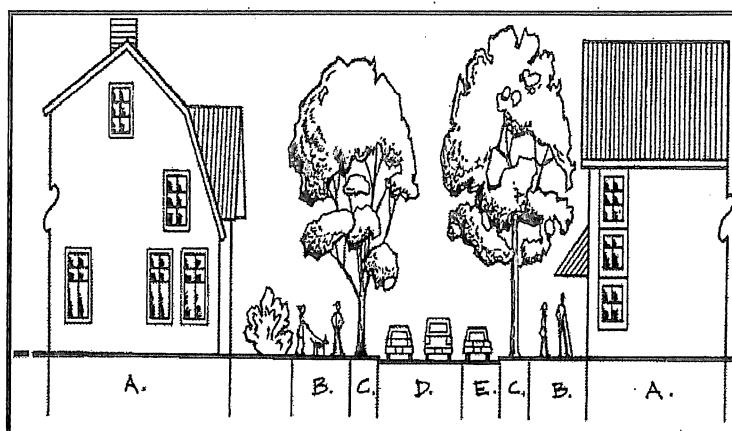
- (1) PUDs shall reinforce a compact development pattern characterized by:
 - (a) Pedestrian scale and orientation;
 - (b) Functional and visual integration with neighboring properties;
 - (c) A mix of uses;
 - (d) Well defined streetscapes and an interconnected network of streets;
 - (e) The integration of private and public space; and
 - (f) Sidewalks and pathways to facilitate pedestrian circulation.

ARTICLE 8. PLANNED UNIT DEVELOPMENT,

As amended & Proposed for PLANNING COMMISSION Public Meeting on September 24th, 2012 and approved by the Select Board on October 23rd, 2012 and Effective November 13th, 2012

(2) Building envelopes should be established so that buildings front towards and relate to streets, entrance drives and public spaces (e.g. greens, parks, plazas), both functionally and visually, rather than being oriented toward parking lots. Buildings shall reflect a diversity of building scale and massing. Excessively large, monolithic buildings shall be avoided, or the scale and massing reduced through varied roof lines and interruption to the building elevation (facades) to create attached, but separate, masses.

(3) Development shall be designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building(s), rather than on auto access and parking areas. Buildings should generally be placed close to the street and their main entrances should be oriented to the street sidewalk. There should be windows or display cases along any building facades that face to street to provide interest to the streetscape. Development shall be designed so a person can comfortably walk from one location to another in a manner that encourages strolling, window shopping and other pedestrian activities. Development shall provide visually interesting and useful details such as benches, awnings and covered walkways, textured paving, shade trees and landscaping, trash bins, ornamental light fixtures, public clock or art, etc. Site and building design elements should be dimensionally smaller than those intended to accommodate automobile traffic. Examples include ornamental lighting no higher than 12 feet; bricks, pavers, or other paving modules with small dimensions; a variety of planting and landscaping materials; awnings or covered walkways that reduce the perception of the height of walls; signage and signpost details designed for viewing from a short distance.



The elements of a streetscape include (A) buildings, which should be oriented toward the street and located to maintain consistent spacing and setbacks; (B) sidewalks; (C) planting areas for street trees; (D) the travel way of the street, which should be designed to slow traffic and maintain pedestrian safety; and (E) adequate space for on-street parking.

(4) Buildings, roads, pedestrian facilities and open space shall be configured to reinforce the visual and functional integration of existing development. Service areas, maintenance facilities and associated features that are closed to the public shall not be oriented toward existing commercial or residential structures unless facing similar features.

(5) The PUD shall be designed to establish well defined streetscapes, characterized by an interconnected network of streets with narrow travel lanes and on-street parking bounded by a combination of sidewalks, street trees and consistent, shallow building setbacks, as opposed to large-scale buildings surrounded by expansive parking areas.

ARTICLE 8. PLANNED UNIT DEVELOPMENT,

As amended & Proposed for PLANNING COMMISSION Public Meeting on September 24th, 2012 and approved by the Select Board on October 23rd, 2012 and Effective November 13th, 2012

(6) Provision shall be made for year-round pedestrian circulation within the site, and for pedestrian access to adjacent properties. Pedestrian circulation should include a network of pathways and sidewalks connecting existing (or planned) land uses in and adjacent to the area.

(7) Buildings shall be clustered and integrated within a compact village pattern, present a well-defined edge between the built environment and surrounding open space, and visually enhance village entrances. Landscaping and screening should include a mix of deciduous and coniferous vegetation, should emphasize native species to the extent possible. Adequate provision for open space and common areas shall be included in the design of the PUD which:

- (a) Should serve as a central organizing feature within the PUD, such as a green or park; and
- (b) Shall maintain an edge between the village and surrounding countryside by protecting existing meadows and forested hillsides adjacent to the district's boundaries.

Section 8.4 Open Space & Common Land Standards for PUDs

(A) PUDs shall make adequate provision for the protection of open space and common land in accordance with the standards set forth in Section 7.4, and the following provisions. The location, shape, size, and character of the designated open space and common land shall be suitable for the development, considering its size, density, topography, and the number and type of units proposed. In designating open space and/or common land, applicants and the Development Review Board shall consider the site features identified in Table 8.2 in determining the appropriate features to designate as either open space or common land for the relevant zoning district(s).

Article 9 Administration & Enforcement

Section 9.1 Municipal Land Use Permits and Approvals

(A) **Permit Requirements.** No land development or subdivision of land, as defined herein, may commence in the Town of Warren until all applicable municipal land use permits and approvals have been issued as provided for in the Act [§4446]; or the development is specifically exempted from the provisions of these regulations under Section 9.2. Such permits and approvals include:

- (1) **Zoning Permit** under Section 9.3 for all land development as defined, excluding the subdivision of land;
- (2) **Conditional Use Approval** under Article 5 for uses subject to conditional use review;
- (3) **Subdivision Approval** under Article 6 for the subdivision of land;
- (4) **Planned Unit or Planned Residential Development Approval** under Article 8 for planned unit or planned residential development; or
- (5) **Certificates of Zoning and Subdivision Compliance** under Section 9.4.

Municipal Land Use Permit. Any of the following, as issued by the Town: (1) a zoning, subdivision, site plan or building permit or approval, any of which relate to "land development" as defined in statute, that has received final approval from the applicable board, commission or officer of the municipality; (2) a wastewater system permit issued by the municipality; (3) final official minutes of a meeting that relate to a permit or approval above that serve as the sole evidence of that permit or approval (4) certificates of occupancy and compliance, and (5) any amendments to the above [§4303(11)].

(B) **Additional Permits & Approvals.** Additional local permits and approvals may be required for activities associated with land development, including, but not necessarily limited to, the following:

- (1) **Warren Village Decentralized Municipal Wastewater System** issued by the Warren Select Board,
- (2) **Driveway Access (Curb-cut) Permit** issued by the Warren Select Board; and
- (3) **Special Events Permit** issued by the Warren Select Board.

(C) The Administrative Officer will coordinate the development review process on behalf of the Town of Warren, refer applications to the Development Review Board or other appropriate municipal or state official for review, and provide information and assistance to applicants for municipal land use permits [§§4448(c), 4460(e)].

(D) A permit is required for all proposed construction and other development within Special Flood Hazard Areas (SFHA).

Section 9.2 Exemptions

(A) **Local Exemptions.** The following uses and structures have been determined by the town to impose little or no potential impact on the surrounding area or overall pattern of land development in Warren and, as such, are exempted from these regulations in accordance with the Act [§4446]. No zoning permit or approval shall be required for the following, with the exception that all development in the Flood Hazard Overlay District requires a permit:

- (1) Normal maintenance and repair of an existing structure, utilities or infrastructure that does not result in any change to the footprint or height dimensions of the structure, or a change in use.

- (2) Residential entry stairs (excluding deck or porch areas), handicap ramps, walkways, and fences or walls less than eight (8) feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic, or are not opaque (e.g., stockade) fences located within front yards in the Warren Village Historic Residential District or Warren Village Commercial District.
- (3) Any alteration contained within the interior of a building with a total estimated cost not greater than \$10,000.
- (4) Minor grading and excavation associated with road and driveway maintenance (including culvert replacement and re-surfacing) and yard improvements associated with accessory uses to existing principal uses (contouring yards, establishing garden and landscape areas).
- (5) Non-commercial outdoor recreation which does not involve the development or use of structures.
- (6) Up to two (2) accessory structures, neither of which is greater than 150 square feet in floor area nor greater than 15 feet in height, and each of which meets all setback distances for the district in which they are located.
- (7) School bus and other public transit shelters, which are exempt from minimum front setback requirements if they are located out of the road travel way, and do not interfere with intersection site distances.
- (8) Garage sales, yard sales, auctions or related activities not exceeding three (3) consecutive days, nor more than 10 days in any calendar year.

(B) **State Exemptions.** The following uses and structures are specifically exempted from municipal land use and development regulations by the state. In accordance with the Act [§4413], no municipal zoning permit or approval under these regulations shall be required for:

- (1) Accepted agricultural and best management practices (AAPs, BMPs), including farm structures, as defined by the Secretary of Agriculture, Food and Markets in accordance with the Act; however written notification, including a sketch plan of the structure showing setback distances from road rights-of-way, property lines, and surface waters shall be made to the Administrative Officer prior to any construction as required under the AAPs.
- (2) Accepted management practices (AMPs) for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation, pursuant to the Act.
- (3) Public utility power generating plants and transmission facilities that are regulated by the Vermont Public Service Board [under 30 V.S.A. §248], including net-metered wind generation facilities and solar panels.
- (4) Hunting, fishing or trapping on public or private land as specified by state [under 24 V.S.A. §2295]. This does not include facilities that may support such activities, such as firing ranges, rod and gun and fish and game clubs, which are subject to these regulations.

Section 9.3 Zoning Permit

(A) Applicability. No land development subject to these regulations shall commence in the Town of Warren until a zoning permit has been issued by the Administrative Officer in accordance with the Act [§§4448,4449] and these regulations. No permit may be issued by the Administrative Officer except in conformance with these regulations.

(B) Application Requirements. An application for a zoning permit shall be submitted to the Administrative Officer on forms provided by the Town, along with any application fees as established by the Select Board under Section 9.8(B). In addition, the following will be required as applicable:

- (1) **Permitted Uses.** Applications for permitted uses shall include a statement of the existing and intended use of land and structures, and be accompanied by 2 copies no smaller than 8½" x 11" sketch plan, drawn to scale, that accurately depict and include:
 - (a) the dimensions of the lot, including existing and proposed property boundaries;
 - (b) the location, footprint, and height of existing and proposed structures and additions;
 - (c) the location of existing and proposed easements, rights-of-way and utilities;
 - (d) setbacks from property boundaries, rights-of-way, surface waters, and wetlands;
 - (e) a surveyor's plot plan, if available; and
 - (f) such other information as may be needed to determine compliance with these regulations.
 - (2) **Conditional Use Approval.** Uses that also require conditional use approval by the Development Review Board under Article 5 shall include a development review application prepared and submitted in accordance with Section 5.2.
- (C) Issuance of Zoning Permit.** A zoning permit shall be issued by the Administrative Officer only in accordance with the Act [§4449] and the following provisions:
- (1) No zoning permit shall be issued by the Administrative Officer for any use or structure which requires approval of the Development Review Board, Select Board and/or Health Officer until such approval has been obtained.
 - (2) No zoning permit shall be issued by the Administrative Officer for the development of a lot for which subdivision approval is required until subdivision approval has been obtained and, where also required, a certificate of subdivision compliance has been issued.
 - (3) For uses within the Flood Hazard Overlay District requiring state agency referral, no zoning permit or approval shall be issued until the expiration of 30 days following the submission of one or more copies of the application to the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section and the Federal Insurance Administrator, in accordance with the Act [§4424(2)(D)] and Section 5.2 (D). Any permit issued for development that involves the alteration or relocation of a watercourse shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (4) If a public notice for the first public hearing by the Warren Selectboard has been issued with respect to bylaw or an amendment of these regulations, in accordance with the Act [§4449(d)], the Administrative Officer shall review any new application received within 150 days following the date of public notice under the proposed amendment and applicable existing requirements of these regulations. If the new bylaw or amendment has not been adopted or rejected within this 150-day period, or the bylaw is rejected, the application shall be reviewed under the existing regulations. An application that has been denied under a proposed bylaw or amendment that has not been adopted, or

had been rejected, shall be reviewed again at no cost under the existing regulations at the request of the applicant.

- (5) Within 30 days of receipt of a completed application, including all application materials and fees, the Administrative Officer shall act to either issue or deny a permit or to refer the application to the Development Review Board or Agency of Natural Resources for consideration. If the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
- (6) All zoning permits and other determinations of the Zoning Administrator shall be in writing and, in accordance with the Act [§4449(B)], shall include a statement of the period of time in which an appeal may be taken under Section 9.5(A).
- (7) Each zoning permit issued shall also require posting of permit, on a form prescribed by the Town, within view from the public right-of-way nearest to the subject property, until the time for appeal has expired.
- (8) Within three (3) days of issuance, the Administrative Officer shall deliver a copy of the permit to the Listers, and post, for a period of 15 days from issuance, a copy at the Town Office.

(D) Effective Dates.

- (1) **Zoning Permits.** No zoning permit shall take effect until the time for appeal under Section 9.5 has passed or, in the event that a notice of appeal is properly filed, until final adjudication of the appeal. Permits shall remain in effect for two (2) years from the date of issuance, unless the permit specifies otherwise. All development authorized by the zoning permit shall be substantially commenced within this period, to at minimum include the complete construction of an access, a foundation, a water supply and wastewater system, or the zoning permit shall become null and void and reapplication and approval for further development shall be required.
 - (a) **Permit Extensions.** The Administrative Officer may administratively issue one (1) permit extension of not more than two (2) years from the date of application, if the application for an extension is made in writing prior to permit expiration, and it is determined by the Administrative Officer that the extension is justified due to delays in the issuance of other necessary permits, project financing, or other unforeseen circumstances.
- (2) **Board Approvals.** Approvals granted by the Development Review Board, including conditional use and variance approvals, shall expire upon the expiration of the zoning permit issued subsequent to Board approval. The Board may grant a longer period of time for a zoning permit and associated Board approvals to remain in effect, as specified in the Board's written approval, to accommodate phased development or projects that reasonably may require more than two (2) years to complete.

Section 9.4 Certificates of Compliance

- (A) **Certificate of Zoning Compliance.** In accordance with the Act [§4449(a)(2)], after the effective date of these regulations a certificate of compliance issued by the Administrative Officer shall be required prior to the use or occupancy of any land or structure, or part thereof, for which a zoning permit has been issued.

- (1) An application for a certificate of compliance shall be provided with the zoning permit issued by the Administrative Officer. The applicant shall submit the application prior to the use or occupancy of the land or structure.
- (2) Within 20 days of receipt of the application for a certificate of compliance, the Administrative Officer will inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals, including all applicable permit conditions. A certificate of compliance may be issued for unfinished residential structures providing that the Administrative Officer can determine it meets all applicable zoning permit conditions. If the Administrative Officer fails to either grant or deny the certificate of compliance within 20 days of the submission of an application, the certificate shall be deemed issued on the 21st day. Regarding the determination that the permitted use or structure meets all setback requirements, the Administrative Officer may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and true facts, the Town does not waive future enforcement authority with the issuance of a certificate of compliance.
- (3) If approval is required for the disposal of domestic or other wastes or effluent in accordance with the Town of Warren Health Ordinance, a certificate of compliance shall not be issued by the Administrative Officer until evidence of such approval, including a Town of Warren Health Permit or a permit issued under the Environmental Protection Rules of the State of Vermont, has been filed with the Administrative Officer.

(B) **Certificate of Subdivision Compliance.** After the effective date of these regulations, the Development Review Board may require, as a condition of subdivision approval, including approvals for Planned Residential Developments and Planned Unit Developments, that a certificate of compliance be obtained to ensure public and private improvements have been installed in accordance with the conditions of subdivision approval prior to any further land development.

- (1) The application for a certificate of compliance shall be submitted to the Administrative Officer with as-built plans drawn to scale which show the location of all monuments, utilities, structures, roadways, easements, and other improvements as constructed. The Administrative Officer shall rely upon any information submitted as part of the subdividers application for subdivision approval to determine whether the as-built drawings conform to the approved plat and all associated conditions. In the event of any discrepancies between the approved subdivision and the as-built drawings, the Administrative Officer shall initiate enforcement action pursuant to Section 9.7. The Administrative Officer may rely on any information contained in the zoning permit application regarding the location of parcel boundaries. In the event that there is a discrepancy between the information provided by the applicant and true facts, the Town does not waive future enforcement authority with the issuance of a certificate of compliance.
- (2) Within 20 days of receipt of the application for a certificate of compliance, the Administrative Officer will inspect the subdivision to ensure that all work has been completed in conformance with the conditions of subdivision approval. If the Administrative Officer fails to either grant or deny the certificate of compliance within 20 days of the submission of an application, the certificate shall be deemed issued on the 21st day.

Section 9.5 Appeals

(A) Decisions of the Administrative Officer. In accordance with the Act [§4465], in addition to the applicant, any **interested person** may appeal a decision or act of the Administrative Officer, within 15 days of the date of the decision or act, by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, and by filing a copy of the notice of appeal with the Administrative Officer.

- (1) The Development Review Board shall hold a public hearing on a notice of appeal within 60 days of its filing, as required under the Act [§4468]. The Board shall give public notice of the hearing under Section 9.8(C), and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date.
- (2) In accordance with the Act [§4470], the Development Review Board may reject an appeal without hearing, and render a decision within 10 days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant.
- (3) In accordance with the Act [§4468] and Section 9.8(D), all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statute [3 V.S.A. §810]. Any interested person may appear and be heard in person or be represented by an agent or attorney at the hearing.
- (4) A decision on appeal, to include written findings of fact, shall be rendered within 45 days after hearing adjournment, pursuant to the Act [§4464(b)] and Section 9.8(E). The decision shall be sent by certified mail to the appellant within the 45-day period. Copies of the decision shall also be mailed to every person or body having been heard at the hearing, and filed with the Administrative Officer and the Town Clerk as part of the public records of the municipality, in accordance with Section 9.8(G).

Interested Person. In accordance with the Act [§4465(b)], the definition of an interested person includes the following:

- A person owning title to a property, or a municipality or solid waste district empowered to condemn it or an interest in it, affected by these regulations, who alleges that the regulations impose on the property unreasonable or inappropriate restrictions off present or potential use under the particular circumstances of the case.
- The Town of Warren or an adjoining municipality.
- A person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the Warren Town Plan or regulations of the Town.
- Any ten (10) registered voters and/or real property owners within the Town who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes or terms of the Warren Town Plan or regulations of the Town. The petition must designate one person to serve as the representative of the petitioners regarding all matters relating to the appeal.
- Any department or administrative subdivision of the State owning property or any interest in property within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

(B) Notice of Appeal. Pursuant to the Act [§4466], a notice of appeal filed with the Development Review Board under this section shall be in writing and include:

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

(C) Decisions of the Development Review Board. The applicant or any other interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act [§4471].

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

(D) Court Stays. If an appeal is taken to the Environmental Court, a permit shall not take effect until the court rules on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

Section 9.6 Variances

(A) The Development Review Board shall hear and decide upon requests for variances pursuant to the Act [§4469] and appeal procedures under Section 9.5. The Board may grant a variance, and render a decision in favor of the appellant, only if *all* of the following facts are found, and the findings are specified in its written decision:

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

- (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor reduce access to renewable energy resources, nor be detrimental to the public welfare.
- (5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulations and from the Warren Town Plan.
- (6) Because variances granted within SFHAs can create an increased risk to life and property, variances from flood elevation or other requirements in the flood ordinance should be rare. Variances shall not be issued within SFHAs if any increase in flood levels during the base flood discharge would result. Any such variances should be based only on a structure-by-structure review, and must be made with reference to and be consistent with the guidelines set out in 44 CFR 60.6(a).

(B) On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§4469(b)] are found in the affirmative and specified in its decision.

(C) In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the Warren Town Plan currently in effect. In no case shall the Board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

(D) In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the Warren Town Plan currently in effect. In no case shall the Board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

Section 9.7 Violations & Enforcement

(A) **Violations.** The commencement or continuation of any land development, subdivision or use which is not in conformance with the provisions of these regulations shall constitute a violation. All violations will be pursued in accordance with the Act [§4451,4452,4454]. Each day that a violation continues shall constitute a separate offense. The Administrative Officer shall institute in the name of the Town any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected for violations shall be paid over to the Town.

(B) **Notice of Violation.** Pursuant to the Act [§4451], no action may be brought under this Section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. The notice of violation for violations of the flood hazard area provisions of these regulations also shall include a statement regarding the prospective denial of flood insurance. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding 12 months.

(C) Upon determination that a violation of the flood hazard area provisions of these regulations exists, the Administrative Officer also shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance. The declaration shall consist of:

- (1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location.
- (2) A clear and unequivocal declaration that the property is in violation of a cited state or local law or regulation.
- (3) A clear statement and citation under these regulations of the Administrative Officer's authority to make such a declaration.
- (4) Evidence that the property owner has been provided a notice of violation and the prospective denial of insurance.
- (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

(D) **Limitations on Enforcement.** The Town shall observe the 15-year limitations on enforcement proceedings relating to municipal permits and approvals as set forth in the Act [§4454].

Section 9.8 Municipal Administrative Requirements

(A) **Appointments.** The following appointments shall be made in association with the administration and enforcement of these regulations as provided for in the Act:

- (1) **Administrative Officer.** The Select Board shall appoint, from nominations submitted by the Planning Commission, an Administrative Officer for a term of three (3) years in accordance with the Act [§4448]. In the absence of the Administrative Officer, an Acting Administrative Officer may be appointed by the Select Board from nominations submitted by the Planning Commission. The Administrative Officer shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect developments, maintain records, and perform other associated tasks as is necessary and appropriate.
- (2) **Development Review Board.** Development Review Board members and alternates shall be appointed by the Select Board for specified terms in accordance with the Act [§4460]. The Development Review Board existing on the date of adoption of these regulations shall continue as the Development Review Board for terms as specified. The Board shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct in accordance with the requirements of the Act [§4461] and Vermont's Open Meeting Law [1 V.S.A. §§310-314]; and shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and decide:
 - applications for land development without frontage as authorized in Section 3.1;
 - applications for subdivision approval;
 - applications for conditional use approval, including waivers from the dimensional requirements of these regulations
 - applications for planned unit or planned residential development;
 - appeals from any decision, act or failure to act by the Administrative Officer; and
 - variance requests.
- (3) **Planning Commission.** A Planning Commission shall be appointed by the Select Board in accordance with the Act [§4321]. The Select Board shall determine the Board's members as well as their number and term of office. As authorized by the Act [§4325,] the Planning Commission, in

addition to other powers and duties, shall have the following duties in association with these regulations:

- prepare or consider bylaws and amendments to these regulations;
- prepare a written report regarding the conformance of a proposed amendment to these regulations with the Warren Town Plan; and
- to hold public forums and hearings on proposed bylaws and amendments to these regulations.

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

(C) **Public Notice Requirements:**

- (1) Pursuant to the Act [§4464], a warned public hearing shall be required for conditional use review (Section 5.2), appeals and variances (Sections 9.5 and 9.6) and preliminary and final subdivision review (Sections 6.3 and 6.4). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the hearing by *all* of the following:
 - (a) publication of the date, place and purpose of the public hearing in a newspaper of general circulation in the town;
 - (b) posting of the same information in three (3) or more public places within the municipality in conformance with state posting requirements [1 V.S.A. §312(c)(2)], including the posting of a hearing notice within view of the public right(s)-of-way nearest to the property for which the application is being made;
 - (c) written notification to the applicant and to owners of all properties adjoining the property subject to subdivision or development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and
 - (d) for hearings on subdivision plats located within 500 feet of a town boundary, written notification to the clerk of the adjoining municipality.
- (2) Public notice for other quasi-judicial hearings of the Development Review Board shall be given not less than seven (7) days prior to the date of the public hearing and shall at minimum include *all* of the following:
 - (a) posting of the date place, and purpose of the public hearing in three (3) or more public places within the municipality in conformance with state posting requirements [1 V.S.A. §312(c)(2)]; and
 - (b) written notification to the applicant and to owners of all properties adjoining the property subject to subdivision or development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal
- (3) The applicant shall be required to bear the cost of pubic warning, and the cost and responsibility of notifying adjoining property owners as required under Subsections (C)(1) and (C)(2) above, as determined from the municipal grand list. The applicant shall also demonstrate proof of delivery to

adjoining property owners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address, supported by a signed, sworn certificate of service.

- (4) No defect in the form or substances of any public notice under this section shall invalidate an action of the Development Review Board where reasonable efforts have been made to provide adequate posting and notice. An action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Development Review Board or the Environmental Court, the action shall be remanded to the Development Review Board to provide new posting and notice, hold a new hearing, and take a new action.

- (D) **Meeting & Hearing Requirements.** In accordance with the Act [§§4461, 4464], all meetings and hearings of the Development Review Board, except for deliberative and executive sessions, shall be open to the public. In addition:

- (1) For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the members of the Board. Any action of the Board shall be taken by a concurrence of the majority of the members of the Board.
- (2) The Board shall keep minutes of all its proceedings, showing the vote of each member upon each question or indication of a member's absence or failure to vote, and shall keep records of its examination and other official actions which shall be filed immediately in the Town Office as public records.
- (3) Public hearings of the Board shall be noticed and warned in accordance with Subsection (C). In any regulatory hearing of the Board opportunity shall be provided for each person wishing to achieve status as an interested person for purposes of appeal under Section 9.5 to demonstrate that the criteria set forth in that section are met. The Development Review Board shall keep a written record of the name, address and participation of each of these persons.
- (4) Officers of the Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review. The Board may also require an independent technical review of one or more aspects of an application, to be paid for by the applicant, in accordance with any policies and standards set by the Select Board under Subsection (B).
- (5) The Board may recess the proceedings on an application pending the submission of additional information, and should close evidence promptly after all parties have submitted requested information.

- (E) **Decisions.** In accordance with the Act [§4464(b)], the Development Review Board shall issue decision on an application or appeal within 45 days after the date of hearing adjournment. Failure to issue a decision within this 45-day period shall be deemed approval and shall be effective on the 46th day.

- (1) All decisions of the Board shall be issued in writing and shall include a statement of the factual basis on which the Board has made its conclusions (findings) and a statement of the conclusions. The minutes of the meeting may suffice provided the factual bases and conclusions related to the review standards are provided in conformance with this section. The decision shall also include a statement of the time within which appeals may be taken under Section 9.5.
- (2) In rendering a decision in favor of an applicant or appellant, the Board may attach reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the Warren Town Plan then in effect. Conditions of approval may include:

- (a) The submission of a performance bond, escrow account or other form of surety acceptable to the Warren Select Board, for a fixed term of up to 3 years, which may be extended for an additional 3-year period with the consent of the owner, to assure project completion, including the installation of required improvements, adequate stabilization, or protection of public facilities that may be affected by a project.
 - (b) A requirement that no zoning permit or certificate of occupancy or compliance be issued for an approved subdivision or development unless required improvements have been satisfactorily installed in conformance with the conditions of approval.
 - (c) A requirement for the phasing of development as necessary to avoid or mitigate any undue adverse impacts to existing or planned community facilities, in conformance with the timing of construction or implementation of such facilities and services under the Town's adopted capital budget and program
- (3) All decisions shall be sent to the applicant or appellant by certified mail within the 45-day period. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and shall be filed with the Administrative Officer and Town Clerk as part of the records of the municipality, in accordance with Subsection 9.8(H) and the Act [§4464(b)(3)].
- (4) Any decision issued by the Development Review Board may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the Administrative Officer, rather than Board review, in accordance with Subsection (F).

(F) **Administrative Review.** The Administrative Officer may subsequently review applications for, and act to approve or deny, minor amendments to conditional use permits, subdivision plats and plans, and planned unit or planned residential developments previously approved by the Development Review Board, in accordance with the Act [§4464(c)], and the following requirements:

- (1) The following types of amendments shall be considered eligible for administrative review and approval by the Administrative Officer:
 - (a) Relocation of site improvements and/or accessory structures that have been previously approved, provided such relocations are located within or do not alter any previously approved rights-of-way, building envelopes, set backs or coverage requirements for the site.
 - (b) Approval of as-built plans that deviate from approved plans, only to the extent that such deviations do not or require an amendment of any condition of approval.
 - (c) Minor alterations to approved landscaping or screening plans, for example to allow for the substitution of landscaping or screening materials that do not violate or alter the conditions of previous approvals.
 - (d) An increase in building area and/or impervious coverage totaling no more than 3% of the overall site coverage, or 1,000 square feet, whichever is less, and the total coverage is less than or equal to the maximum allowed lot coverage.
 - (e) A change of use from an approved conditional or permitted use to another permitted use allowed within the district that does not alter or have the effect of altering the conditions of previous approvals.

- (f) Boundary or lot line adjustments between parcels that do not result in the creation of new or nonconforming lots under these regulations, do not substantially alter the subdivision or conditions of approval, and do not result in the creation of a major subdivision.
 - (g) Other types of revisions or amendments, as specified in the Board's findings and conditions, if the decision clearly specifies the thresholds and conditions under which administrative review and approval shall be allowed.
- (2) No new development shall be approved that results in a substantial impact under any of the standards of these regulations or the conditions of approval; and no amendment issued as a result of an administrative review shall have the effect of substantially altering the findings of fact of the Board's most recent approval.
- (3) At least 15 days prior to the issuance of an administrative amendment:
- (a) Notice of an application for an administrative amendment shall be posted in three (3) or more public places in the municipality, including posting of the notice within view of the public right(s)-of-way nearest to the property for which the application is being made.
 - (b) Written notification of the application shall be mailed to the owners of all properties adjoining the property subject to subdivision or development, without regard to public rights-of-way, and to every person or body appearing and having been heard in related proceedings before the Development Review Board, and to the Development Review Board members. Applicant shall also demonstrate proof of delivery to those persons listed above, either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address, supported by a signed, sworn statement of service.
 - (c) Prior to the issuance of the administrative amendment, any interested person, including any Development Review Board member, may file a request that the application be heard by Development Review Board, rather than be acted upon by the Administrative Officer. Such request shall be filed with the Secretary of the Development Review Board or the Town Clerk if no Secretary has been elected, and by filing a copy of the request with the Administrative Officer. A request filed with the Development Review Board under this section shall be in writing and include:
 - (1) the name and address of the requesting party;
 - (2) a brief description of the property with respect to which the request is made;
 - (3) a reference to applicable provisions of these regulations;
 - (4) the request that the application be heard by the Development Review Board, rather than be acted upon by the Administrative Officer; and
 - (5) the alleged grounds why such application should not be acted upon by the Administrative Officer but rather heard by the Development Review Board..

The matter will then be scheduled and heard by the Development Review Board in its ordinary course of business.

- (4) Administrative approvals shall be issued by the Administrative Officer in the same manner as zoning permits are issued under Section 9.3(C), and may be appealed to the Development Review Board in accordance with Section 9.5(A). The Administrative Officer shall create a written decision and copies of the decision shall also be sent, within three (3) days of issuance, to the owners of all properties adjoining the property subject to subdivision or development, without

regard to public rights-of-way, and to every person or body appearing and having been heard in related proceedings before the Development Review Board.

- (5) The Administrative Officer shall report on all administrative approvals issued to the Development Review Board at the next regular meeting of the board following the date of approval.
- (6) Administrative approvals shall be recorded in the same manner as other permits and approvals, and in accordance with the requirements of Section 9.8 (G). Administrative amendments to an approved subdivision plat shall also meet plat recording requirements under Section 6.5.

(G) Recording Requirements.

- (1) Pursuant to the Act [§4449(c)], within 30 days after the issuance or denial of a municipal land use permit, or within 30 days of the issuance of any notice of violation, the Administrative Officer shall deliver either the original, a legible copy, or a notice of the permit, denial or violation to the Town Clerk for recording in the land records of the town as provided in 24 V.S.A. §1154.
- (2) For development within the Floodplain District, the Administrative Officer shall also maintain a record of:
 - (a) All permits issued for development in areas of special flood hazard.
 - (b) The elevation, consistent with the NFIP map elevation datum, of the lowest floor, including basement, or all new or substantially improved buildings.
 - (c) The elevation, consistent with the NFIP map elevation datum, to which buildings have been flood proofed.
 - (d) All flood proofing certifications required under this regulation.
 - (e) All variance actions, including the justification for their issuance.

ARTICLE 10. DEFINITIONS

As Amended & Adopted by the Warren Select Board March 25, 2008

Section 10.1 Terms and Uses

- (A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.
- (B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:
- (1) the particular controls the general;
 - (2) the present tense includes the future tense;
 - (3) the word "shall" is mandatory; the word "may" is permissive; the term "generally shall" indicates that it is mandatory unless the Development Review Board or other applicable body deems otherwise in accordance with these regulations.
 - (4) the word "structure" includes "building;" and
 - (5) the word "lot" includes "parcel."
- (C) For the purposes of special flood hazard area regulation under Article 2, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.
- (D) Any interpretation of words, phrases or terms by the Administrative Officer may be appealed to the Development Review Board under Section 9.5. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

Section 10.2 Definitions

Act: 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets (see Section 9.2).

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see Section 9.2).

Accessory Dwelling: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary single family dwelling unit which is retained in common ownership, is located within, attached to or on the same lot as the primary dwelling unit, and which otherwise meets applicable criteria of this bylaw (see Section 4.1). The accessory dwelling unit shall have facilities and provisions for independent living, including sleeping, food preparation, and sanitation facilities.

Accessory Structure: A structure which is customarily incidental and subordinate to the primary use or structure of a lot or parcel of land, is located on the same lot as the primary structure or use, and is clearly

related to the primary use.

Accessory Use: A use which is customarily incidental and subordinate to the primary use of a lot or parcel of land, is located on the same lot as the primary use and is clearly related to the primary use.

Acre: For determining the maximum density on any one acre, the acre used for this determination shall measure 43,560 square feet (208.7 ft x 208.7 ft).

Adaptive Reuse: The rehabilitation or renovation of an existing historic building, as listed on, or determined to have become eligible for listing on, the Vermont Historic Sites and Structures Survey for the Town of Warren, or the National Register of Historic Places, for another use as specified in this bylaw (see Section 4.2).

Administrator: The Federal Insurance Administrator.

Administrative Officer: The Warren Zoning Administrator.

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

Affordable Housing Development: A housing development of which at least 20 percent of the units or a minimum of five (5) units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants, deed restrictions, or other legal instruments that ensure the long-term affordability of such units for a minimum of fifteen years or longer.

Agriculture: The growing and harvesting of crops; raising of livestock, raising of horses, operation of orchards, including maple orchards or sugar bushes; and the sale of farm produce on the premises where it is produced (see also Accepted Agricultural Practices).

Aircraft: Any contrivance now known or hereafter invented for use in or designed for navigation of or flight in air.

Aircraft Runway (Landing Strip): Any area of land or water designed and set aside for the take-off and landing of aircraft.

Aircraft Storage & Maintenance: Any facility specifically designed, intended and/or used for the housing and maintenance of aircraft.

Aircraft Sales, Rental & Instruction: Any facility specifically designed, intended and/or used for the sale, rental or chartering of aircraft, or for flight instruction.

Airport Operations Facility: A facility used for the administration and/or operation of an airport.

Alteration: Structural change, change of location, or addition to a building or structure, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area (see also Improvement, Substantial Improvement).

Applicant: The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations and/or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply in cooperation with the owner of the property.

Approval: A written decision issued by the Development Review Board within the statutory time limit, or in the event of the Board's failure to act within the specified time limit, a certification of such failure to act issued by the Town Clerk, as attached to the permit application and recorded in the land records of the Town.

Area of Shallow Flooding: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Land in the floodplain which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making is completed in preparation for the Flood Insurance Rate Map, Zone A is refined into Zones A, AO, AH, A1-30, AE, or A99. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrases "area of special flood hazard" as included within the Flood Hazard Overlay District. See also Special Flood Hazard Area.

Artist Studio: Work space for artists or artisans, including individuals engaged in the application, teaching or performance of one of the fine arts or an applied art or craft (see also Gallery).

Bar: See Restaurant.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study Report, of average depth of the base flood, usually in feet, above the ground surface.

Basement: Any area of a building having its floor at subgrade (below ground level) on all sides.

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than five (5) rooms within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfasts shall be the only meals served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. (For establishments with greater than five lodging rooms see Inn.)

Bedroom: Any room that, in the judgement of the Development Review Board, may be used principally

for sleeping, including but not limited to so-called lofts, dens, or libraries.

Board: The Warren Development Review Board, as established under the Act, unless otherwise specified.

Boarding House: A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three, but not more than eight, boarders as their primary residence, and in which individual cooking and eating facilities are not provided for boarders.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Building: (1) A structure used for the shelter or accommodation of persons, animals, goods, chattels or equipment, which has a roof supported by columns or walls; (2) for special flood hazard area regulation only, this definition also includes a gas or liquid storage tank that is principally above ground.

Building Bulk: The visual and physical mass of a building or structure; including the size, height, shape, location and relationship of a building or structure to adjoining structures, open areas, and building, street, and lot lines.

Building Envelope: The designated area on a site plan that identifies and limits the location of principal and accessory structures, parking areas and associated site development, excluding road and utility rights-of-way or easements, on one or more portions of a lot.

Building Facade: The exterior walls of a building. The “principal facade” shall include all exterior walls which are adjacent to or front on a public road, street, right-of-way, park or plaza.

Building Height: The height of a building or structure as measured vertically from the highest point on top of the building or structure (excluding any noted exemptions under Section 3.6), to the average (of the highest and lowest) finished grade at the foundation or base.

Building Massing: See Building Bulk.

Building Orientation: The location on a lot of the principal facade of a building or other structure in relation to roads, rights-of-way, parks, and building or street lines.

Camper: Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle. This definition includes recreation vehicles and travel trailers, but specifically excludes mobile homes. See also Mobile Home, Recreational Vehicle.

Campground: A parcel of land upon which three or more campsites are located for occupancy by a tent, cabin, lean-to, or similar structure as temporary living quarters for recreation, education, or vacation purposes. “Primitive” campgrounds are further characterized as campgrounds which are limited to substantially unimproved camp sites intended for tenting use only.

Cemetery: Land used or dedicated to the burial of the dead, including as accessory structures

mausoleums, columbariums, or maintenance facilities, but excluding crematoriums. An individual burial site on private land, registered with the Warren Town Clerk in accordance with state law, is exempted from this definition.

Clearing: The removal of vegetation as part of site preparation, including the installation of driveways, septic systems, building sites and construction or yard areas.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commercial Water Extraction: The extraction, collection, storage and transport of groundwater from one or more wells or springs by means of pipelines, channels, trucking or other similar mechanisms, for the bulk wholesale or retail sale of potable drinking water.

Commission: The Warren Planning Commission, as created under the Act.

Commercial Sewage Treatment Facility: Any wastewater treatment system, including treatment plant, collection lines, disposal fields, or expansion of facilities with a capacity greater than 30,000 gallons per day. This definition does not include other types of community wastewater treatment systems associated with individual developments (see Community System).

Common Land: Land within a development or subdivision that is not individually owned or dedicated for public use, but which is designed to be held in common, for use, enjoyment, management and maintenance by the residents of the development or subdivision. Such land may include but not be limited to open space areas, parking lots, pedestrian walkways, utility and road rights-of way.

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the population of the community or neighborhood in which it is located.

Community Care Facility: A facility licensed by the state which provides primarily non-medical residential care services to seven or more individuals in need of personal assistance essential for sustaining the activities of daily living, or for the protection of the individual, excluding members of the resident family or persons employed by the facility, on a 24-hour a day basis.

Community System: Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses, with the exception of a commercial wastewater treatment facility as defined separately (see Commercial Wastewater Treatment Facility). Such systems shall include related collection, distribution and treatment facilities.

Composting Facility: A facility where organic matter derived off-site, excluding septage and sludge, is processed and microbiologically degraded under aerobic conditions in a controlled manner to produce a stable product. Related activities may include management, collection, transportation, staging, curing, and storage facilities.

Conditional Use: A land use allowed in a specific district(s) with the approval of the Development Review Board in accordance with the requirements of Article 5.

Conformance with the Town Plan: A proposed application conforms to the Warren Town Plan in effect if (1) it makes progress toward attaining, or at least does not interfere with, the goals, and policies contained in the municipal plan; (2) it provides for proposed future land uses, densities, and intensities of development contained in the town plan; and (3) it carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the town plan.

Conservation Easement: A legal interest in real property imposing limitations on future use and development for the purpose of protecting natural, scenic or open space values of said property, and/or maintaining its availability for agricultural, forest, recreational or open space uses.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary (a division of land by a right-of-way, including a town road, shall not render such land non-contiguous); or (2) two or more parcels which share a common parcel boundary or point.

Cottage Industry: An expanded home-based business conducted by the resident of a single family dwelling, which is carried on within the principal dwelling and/or an accessory structure, and has no more than 6 nonresident employees on-site at any one time (see Section 4.8; and Home Occupation).

Cumulative Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, during any 5 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include 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.

Cul de Sac: A road intersecting another road at one end, and terminated at the other end by some form of vehicular turnaround.

Cultural Facility: A museum, theater, or concert hall, or other establishment offering programs, performances or exhibits of cultural, educational, historical, or scientific interest, excluding movie theaters (see Indoor Recreation) and galleries (see Artist Studio, Gallery).

Curb Cut: A defined area of vehicular ingress and/or egress between property and an abutting road right-of-way.

Day Care Facility: A state registered or licensed nonresidential child care facility that serves more than ten children on site at the same time . (see Section 4.5 (B)).

Degree of Nonconformance: The extension of a structure which results in an additional encroachment of the nonconforming feature/element beyond that point which constitutes the greatest pre-existing encroachment. The expansion of the volume or area of a structure that does not conform with a building setback does not constitute an increase in the degree of nonconformance unless the expansion results in an encroachment upon the setback which is greater than the existing nonconforming encroachment.

Density: The number of dwelling units, principal uses or structures permitted per area of land, excluding land area within road rights-of-way.

Development: See Land Development.

Development Right: (1)The right to build or develop on a specific parcel of land in accordance with the zoning regulations for the district in which the parcel is located; (2) for purposes of the transfer of development rights under Section 3.16; development rights shall also at minimum include any rights held by conservation easement for a specified period of not less than 30 years, granted to the municipality in accordance with state statute [10 V.S.A. Chapter 155] limiting the land uses in the sending area solely to specified purposes, but including at minimum agriculture and forestry.

Development Road: A private road that provides access to four or more parcels (see also Driveway, Private Road).

Drive-through: A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway: A minor, private travel way serving up to three adjoining parcels, which provides access for vehicles to a parking space, garage, dwelling or other structure.

Duplex Dwelling: A building containing 2 dwelling units intended for use as two self-contained domiciles. A duplex dwelling shall count as two units for density purposes. Either dwelling is not considered a single family dwelling for the purposes of these regulations.

Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family or individual maintaining a household.

Educational Facility: A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters.

Elderly Housing: A multiple dwelling in one or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is retired and 55 years of age or older. Such housing may include, as accessories, congregate dining and recreational facilities, and assisted living services.

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock, minerals or similar materials. Typical uses include sand and gravel pits and quarries, and related operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.6). Specifically excluded from this definition is the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an accepted agricultural practice.

Family: A group of two or more persons related by blood, marriage, adoption or civil union (as recognized by the State of Vermont), or a group of not more than five persons unrelated by blood, marriage, adoption or civil union, living together as a household, or a single person maintaining a household.

Farm Structure: 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 state law [10 V.S.A. §6001(22)], but excludes a dwelling for human habitation. See also Accepted Agricultural Practices.

FIA: The Federal Flood Insurance Administration.

Flood: (1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland 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 surface of normally dry land area, as when earth is carried by a current of water and deposited along the path of the current. (2) The collapse or subsidence of land along a 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 an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Hazard Boundary Map (FHBM): An official map of Warren, issued by the Flood Insurance Administration, where the boundaries of flood and mudslide (i.e., mud flow) related erosion areas having special hazards are designated as Zone A, M, and/or E.

Flood Insurance Rate Map (FIRM): An official map of the community on which the Federal Insurance Administrator has delineated both areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source. See also Flood.

Flood Proofing: Any combination of structural and nonstructural 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.

Flood-way: (Regulatory) 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.

Forestry: The use and management of timber land for purposes of conservation and/or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products, with the exception of portable sawmills and other equipment used on-site in association with timber harvesting activities (see Sawmill).

Frontage: The distance of the portion of a lot line abutting a road right-of-way.

Gallery: An establishment engaged in the display, sale, or loan, of art and craft work, excluding noncommercial museums and art galleries (see also Artist Studio, Cultural Facility).

General Service: A service used for the operation of businesses and trades whose primary function is the management or maintenance of real property, including associated offices and storage of equipment and materials. A general service may also be operated as a Cottage Industry in designated districts in accordance with Section 4.8.

Group Home: A state licensed residential care home serving not more than eight (8) persons who are developmentally disabled or handicapped (see Section 4.7).

Historic Structure: Any structure that is (1) listed, or preliminarily determined by the U.S. Secretary of the Interior to meet the requirements for listing in the National Register of Historic Places maintained by the U.S. Department of the Interior, either individually or as a contributing structure within a registered historic district; (2) listed on the Vermont Historic Sites and Structures survey; or (3) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by the state, under a program approved by the Secretary of the Interior, or directly by the Secretary of the Interior.

Home Child Care: A state registered or licensed childcare facility that is operated by the owner or resident of a single-family dwelling that serves no more than ten children on site at the same time.(See section 4.5 (A)).

Home Occupation: A use conducted entirely within a minor portion of a single family dwelling or accessory structure which is conducted by resident family members, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof (see Section 4.8; Cottage Industry).

Hotel: A building or group of buildings containing more than 15 guest rooms for occupancy and use by transients on a short-term basis less than an average of one month, and having a management entity operating the building(s) and providing such services as maid service, a central switchboard, or dining facilities. Where rooms in the building(s) are under separate ownership, rental and management contracts between the owner and a rental and management agent or agents is required. For purposes of this definition, separate ownership includes, but is not limited to, interval ownership in fee or leasehold, condominium ownership and cooperative ownership with a proprietary lease.

Improvement: Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement).

Indoor Recreation Facility: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities.

Industry: The manufacture, processing, fabrication or storage of products, except where ancillary or accessory to a use permitted under these regulations. The processing of agricultural products produced on the premises shall not be deemed to be industry (see Section 4.9).

Inn: A building or group of buildings on a single parcel which contain up to fifteen guest rooms which are rented out to provide overnight accommodations to transient travelers on a short-term basis of less than one month average, and which may offer dining facilities.

Interested Person: In accordance with the Act [§4465(b)], an “interested person” includes the following:

(1) A person owning title to a property, or a municipality or solid waste district empowered to condemn it or an interest in it, affected by these regulations, who alleges that the regulations impose on the property unreasonable or inappropriate restrictions off present or potential use under the particular circumstances of the case; (2) the Town of Warren or an adjoining municipality; (3) a person owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or regulations of the Town (4) Any ten registered voters and/ or real property owners within the Town who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes or terms of the plan or regulations of the Town. The petition must designate one person to serve as the representative of the petitioners regarding all matters relating to the appeal; and (5) any department and administrative subdivision of the State owning property or any interest in property within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

Junk Yard: See Salvage Yard.

Kennel: The boarding, breeding, raising, grooming, or training of four or more dogs, cats, or other household pets of any age for commercial purposes.

Land Development: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation or landfill, or any changes in the use of any building or other structure or land or extension of use of land. For purposes of special flood hazard area regulation under these regulations, "Development" shall also mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials (see also Subdivision).

Level of Service: (1) A measure of the relationship between public service and facility capacity and the demand for public services and facilities; (2) *for traffic*, the operating conditions that a driver will experience while traveling on a particular street or highway, including frequency of stops, operating speed, travel time, traffic density and vehicle operating costs.

Level of Service C: An operating condition that a driver will experience while traveling on a particular street or highway in which there is stable flow, with tolerable operating speeds being maintained though considerably affected by changes in operating conditions.

Level of Service D: An operating condition that a driver will experience while traveling on a particular street or highway which approaches unstable flow, with tolerable operating speeds being maintained though considerably affected by changes in operating conditions.

Lodge: A building or group of buildings on a single parcel, owned or leased and operated by a private club, which has up to fifteen guest rooms for occupancy by club members and their invited guests on a short-term basis of less than one month average, and in which central dining facilities may be provided for overnight guests only.

Lot: (1) Land occupied or to be occupied by a principal structure or use and its accessory structures and/or uses, together with required open spaces, having not less than the minimum area required for a lot in the district in which such land is situated, having frontage on a street, or other means of access as may

be approved by the Development Review Board, and having a lot depth not more than four times the lot width; (2) a portion of land in a subdivision or plat that is separated from other portions by a property line (see also Contiguous Land).

Lot Area: The total land area within the boundaries (lot lines) of a lot, exclusive of any land area designated for a public road as measured to the boundary of such right-of-way or easement.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads, service areas, and other impermeable surfaces, which prevent the infiltration of storm water.

Lot Depth: The mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the building front line.

Lot Size: See Lot Area.

Lot Width: The width of a lot measured at right angles to lot depth, at the required building front line.

Lowest Floor: The lowest floor of the lowest enclosed area (including any basement). An unfinished floor or flood resistant enclosure, used solely for parking 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 applicable federal (44 CFR 60.3) non-elevation design requirements.

Major Subdivision: All subdivisions other than minor subdivisions, including all planned residential and planned unit developments (see also Minor Subdivision, Subdivision).

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis or foundation and is connected to required utilities. For floodplain management purposes, the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on the site for more than 180 consecutive days. For flood insurance purposes, and the other provisions of these regulations, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. See also Mobile Home, Recreation Vehicle.

Manufactured Home Park: See Mobile Home Park, Subdivision

Meadowland: Land, including pasture land, hay land, and crop land, identified as "meadowland" on the Official Zoning Map and depicted on the meadowland map, the original of which shall be posted in the Town Clerk's office along with the official zoning map.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, and typical contour elevations, are referenced.

Minor Subdivision: Lot line or boundary adjustments; amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval; any subdivision containing 2 or more but less than 6 lots and which does not require any new (public or private) road greater than 800 feet in length.

Mixed Use: A building or parcel containing two or more uses which are otherwise allowed as permitted

or conditional uses within the district in which the building or parcel is located (see Section 4.11).

Mobile Home: A prefabricated dwelling unit which is (1) designed for continuous residential occupancy; and (2) is designed to be moved on wheels, as a whole or in sections (see Section 3.3). See also Manufactured Home.

Mobile Home (or Manufactured Home) Park: A parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate three or more mobile homes (see Section 4.12). See also Subdivision. For flood plain management purposes:

- (1) “**Existing manufactured home park (or subdivision)**” means a park for which the construction of facilities for servicing the lots on which mobile homes are to be affixed (including at minimum the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed before the effective date of flood plain management regulations adopted by the Town of Warren as part of these Land Use and Development Regulations(*March 25, 2008*).
- (2) “**Expansion to an existing manufactured home park (or subdivision)**” means the preparation of additional sites by the construction of facilities for serving the lots on which the mobile homes are to be affixed (including at minimum the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).
- (3) “**New manufactured home park (or subdivision)**” means a mobile home park (or subdivision) for which the construction of facilities for serving lots on which the mobile homes are to be affixed (including at minimum the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by the Town of Warren as part of these Land Use and Development Regulations(*March 25, 2008*).

Multi-Family Dwelling: A building containing three (3) or more dwelling units.

Municipal Land Use Permit: As defined in the Act [§4303 (11)] to include, as issued by the municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to subdivision and land development; (2) septic or sewage system permits; (3) final official minutes of meetings which relate to permits or approvals, which serve as the sole evidence of such permits or approvals; (4) certificates of occupancy, compliance or similar certificates; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

New Construction: For purposes of determining flood insurance rates, structures for which the “start of construction” commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, structures for which the start of construction commenced on or after the effective date of flood plain regulations adopted by the Town of Warren as part of these Land Use and Development Regulations(*March 25, 2008*).

Nonconforming Lot (or Parcel): A lot or parcel that does not conform to the dimensional or coverage requirements of these regulations, but did conform to all applicable laws, ordinances and bylaws before the enactment of these regulations, including a lot or parcel improperly authorized as a result of error by the Administrative Officer, Development Review Board or predecessor body.

Nonconforming Structure: A structure or part thereof that does not conform with the provisions of these

regulations, including but not limited to building bulk, height setbacks, area, yards, density or off-street parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of these regulations. This includes a structure or part thereof that was improperly authorized as a result of error by the Administrative Officer , Development Review Board or predecessor body.

Nonconforming Use: The use of a land or structure that does not conform with these regulations, including but not limited to allowed uses within the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of these regulations. This includes a use that was improperly authorized as a result of error by the Administrative Officer , Development Review Board or predecessor body.

Office: A room, suite of rooms or building used for conducting the affairs of a business, profession or government, or as used as an accessory to personal services, industry and other uses. The on-premise retail sale of goods is specifically excluded from this definition.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, recreational facilities, and parking lots. Open space may or may not be held in common.

Outdoor Recreation Facility: Any facility for outdoor recreation, including but not limited to: tennis courts, golf courses, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to a single family dwelling unit, and ski lifts and ski lift facilities which are defined separately for the purposes of these regulations (see Ski Lift, Ski Facility/Service).

Permitted Use: A land use allowed in a specific district(s) upon the issuance of a zoning permit by the Administrative Officer in accordance with Section 9.3, unless such use is specifically exempted in accordance with Section 9.2.

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

Personal Service: A business which provides services of a personal nature, including but not limited to: laundry and dry cleaning, beauty and barber shops, shoe repair, funeral services, and photographic studios.

Place of Worship: A facility used for conducting organized religious services on a regular basis, including accessory uses customarily associated with such a primary use. Includes church, synagogue, temple, mosque or other such place for worship and religious practice (also see Section 4.14).

Planned Residential Development (PRD): A type of planned unit development that includes an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units; the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage, and required open space under these regulations except as a planned unit development (see also Planned Unit Development).

Planned Unit Development (PUD): An area of land, controlled by a landowner, to be developed as a

single entity for a number of dwelling units and commercial and industrial uses, if any; the plan for which does not correspond in lot size, bulk, or type of dwelling, commercial or industrial use, density, lot coverage, and required opens space under these regulations except as a planned unit development.

Plat: A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

Power Generating Facility: The use of land, structures or other facilities for the generation of electric power through the conversion of thermal, steam, wind, solar and/or hydro energy. Generating facilities regulated by the Vermont Public Service Board, including wind generators and solar collectors which are connected to the power grid (net metered) are exempted from these regulations in accordance with the Act [§4413(b)] (see Section 4.14). Other power generating facilities which provide electricity for on-site use by a principal use or structure may be allowed as an accessory use or structure.

Primitive Shelter: A small (less than 500 square feet) partially enclosed or enclosed building used on an infrequent basis for overnight lodging in association with hiking, skiing, snow-mobiling and related outdoor recreation pursuits. A primitive shelter shall not be served by public utilities, including electricity, or kitchen or toilet facilities.

Private Club: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

Private Road: Any road or street, and associated right-of-way, which is not publicly owned and maintained. The word "road" shall mean the entire right-of-way (see also Driveway).

Public Improvement: Any improvement which shall be owned or maintained by the Town of Warren.
Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Warren, or any other department or branch of government. Such a facility may be further characterized as "open" to the general public (e.g., town office, meeting hall, post office) or "closed" to the general public (e.g., highway maintenance facility, utility substation, solid waste facility). (See Section 4.14)

Public Road: A road or street which is constructed within the boundaries of an officially deeded or dedicated and accepted public right-of-way. The word "road" shall mean the entire right-of-way.

Reasonable Use: A use of real property which is allowed within the district in which the property is located, which provides some (but not necessarily all) potential benefit to the owner, and which does not lead to unreasonable interference with another's use of property, or with the natural flow of water. Reasonable use does not mean highest and best use; nor does it include accessory uses, structures, or additions which may be customary, but are not necessary, to the existing or intended principal use (e.g., garages, swimming pools).

Receiving Area: An area designated in these regulations in which development rights transferred from sending areas may be used, subject to transfer of development rights provisions under Section 3.16 (see also Development Right, Sending Area).

Reconstruct: To replace or rebuild a building or structure which has been substantially destroyed or

demolished without regard to cause.

Recreation Vehicle: For floodplain management purposes, a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towed by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

Restaurant: Premises where food and drink are prepared, served and consumed primarily within the principal building.

Retail: Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes the retail sale of gasoline and automobiles.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to "junkyards" as defined by the state (see Section 4.15).

Sawmill: A facility, including a building or structure, where logs are temporarily stored, and sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products. Portable chippers, sawmills or other equipment used on a temporary basis to process wood on the site of a logging operation are excluded from this definition.

Sending Area: An area designated in these regulations from which development rights may be acquired for transfer to receiving areas, subject to transfer of development rights provisions under Section 3.16 (see also Development Right, Receiving Area).

Setback: The horizontal distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank or channel, shoreline, or wetland area), to the nearest part of a building, structure, or parking area on the premises. In the case of a public highway, the distance shall be measured from the nearest limit of the highway right-of-way or twenty-five feet from the centerline of the highway, whichever is greater. In the case of a private road, other than a driveway, the distance shall be measured from the edge of the right-of-way.

Sign: Any structure, display, device, or representation, which is designed or used to advertise, direct to, or call attention to any thing, person, business activity or place.

Silviculture: See Forestry.

Single Family Dwelling: A building or structure containing one dwelling unit.

Site Disturbance: Removal of vegetation, grading, excavation (cut) or fill or any combination thereof, including the conditions resulting from any removal of vegetation, grading, excavation or fill.

Ski Facility/Service: Any facility or service that is incidental and subordinate to the use and operation of ski lifts, including but not limited to ticket sales, ski rentals and sales, ski instruction, maintenance and administrative facilities, snowmaking equipment and structures, and eating facilities, which are located on the same lot as the primary use and are clearly related to the primary use. This definition specifically excludes lodging facilities (e.g., hotels and inns) and residential uses, which are defined separately for the purposes of these regulations.

Ski Lift: Facility for the transport of people from the base to the top of a ski area, including tows, chair lifts, gondolas, cable cars and similar facilities, and on-mountain accessory facilities such as warming huts and snack bars.

Slope: The topographical gradient of any area of land, whether or not located on a single lot, as determined by the ratio of the vertical distance (rise) to horizontal distance (run) which, for purposes of these regulations, is expressed as a percentage. A **steep slope** is a slope with a topographical gradient equal to or greater than fifteen percent (15%) but less than twenty-five percent (25%). A **very steep slope** is a slope with a topographical gradient equal to or greater than twenty-five percent (25%).

Special Flood Hazard Area: please see *Area of Special Flood Hazard*.

Start of Construction: For floodplain management purposes only, the date a zoning permit was issued, for new construction or cumulative substantial improvements, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement occurred within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of a 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 or mobile home on a foundation. For these purposes, permanent construction does not include land preparation (e.g., clearing, grading, filling); nor does it include the installation of streets and/or walkways; nor does it include excavation of a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation of accessory buildings, such as garages or sheds that are not occupied as dwelling units and are not part of the principal structure. For a cumulative substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

Stream: Any surface water course in the Town of Warren as depicted by the U.S. Geological Survey on topographic maps or as identified through site investigation; excluding artificially created irrigation and drainage channels (see also Stream Channel).

Stream Channel: A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A **stream bank** may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as irrigation and drainage ditches are specifically excluded from this definition (see also Stream).

Streetscape: (1) An area that may either abut or be contained within a public or private street right-of-way or access way that may contain sidewalks, street furniture, landscaping or trees and similar features; (2) the street edge, or vertical face, formed by building facades, street trees and screening walls or fences, that is aligned along a street and forms a pedestrian-scaled space.

Structure: (1) An assembly of materials on the land for occupancy or use, including but not limited to a building, mobile home or trailer, sign, wall or fence, which necessitates pilings, footings, or a foundation attached to the land (see Exemptions under Section 9.2). (2) For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured or mobile home. (3) For flood insurance purposes, a building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site, a manufactured or mobile home, or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation. For the latter purposes, “structure” does not include a recreational vehicle or similar vehicle, except as described for travel trailers under this definition.

Subdivider: Any person who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval.

Subdivision: The division of any parcel of land into two or more parcels for the purposes of sale, conveyance, lease, or development. The term “subdivision” includes resubdivision involving the adjustment of boundaries between two or more existing parcels. For floodplain management purposes, a “manufactured home subdivision,” divided into two or more contiguous lots for mobile homes, is considered a type of mobile (manufactured) home park, and is subject to the same requirements under the Flood Hazard Overlay District. See also Mobile Home (or Manufactured Home) Park.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoration to its pre-damage condition equals or exceeds 50% of the pre-damage market value of the structure.

Substantial Improvement: (see “Cumulative” substantial improvement above.)

Substantially Completed: The completion of a permitted building or structure to the extent that it may be safely used or occupied for its intended use.

Telecommunications Facility: A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and associated ancillary facilities that provide access and/or house equipment (see Section 4.17).

Undue Adverse Effect (or Impact): An unnecessary or excessive effect or impact that (1) violates a clearly stated community standard, to include applicable provisions of these regulations, other municipal bylaws and ordinances in effect, or clearly defined standards and policies of the Warren Town Plan *and* (2) which cannot be avoided through site or design modifications, on- or off-site mitigation, or other conditions of approval.

Use: The purpose for which a building, structure, or parcel of land is designed, intended, occupied or used.

Violation: The failure of a land development or subdivision to be fully compliant with the requirements of these regulations. For floodplain management purposes, a structure or other development without an elevation certificate, other certifications, or other evidence of compliance with flood hazard overlay district provisions and National Flood Insurance Program requirements (44 CFR 60.3) is presumed to be in violation until such time as documentation is provided.

Warehouse/Storage: A building used for the storage of goods and materials, and not as a primary

location or outlet for business or retail uses.

Wastewater Treatment/Collection Facility: A community wastewater collection, treatment and/or disposal system (see "Community System") owned and/or operated by the Town of Warren or its agent, or any "Commercial Sewage Treatment Facility," as defined in these regulations.

Yard Sale: The casual sale of personal property open to the general public and generally denoted by the terms "garage sale," "attic sale," "lawn sale," "flea market," "barn sale" or similar phrase.

ARTICLE 10. DEFINITIONS

Draft: January 28, 2010

Section 10.2 Definitions

The following definitions will be revised in or added to Article 10:

Telecommunications Facility: A support structure which is primarily for communication or broadcast purposes and which will extend vertically 20 feet, or more, in order to transmit or receive communication signals for commercial, industrial, municipal, county, state or other governmental purposes, and associated ancillary facilities that provide access and/or house equipment (see Section 4.18 (A) & (B)).

Telecommunications Antenna. Any structure designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication, or other signals from other antennas, satellites, or other services.

Telecommunications Antenna, Wireless. A structure that transmits and/or receives electromagnetic signals for the purpose of transmitting personal wireless services as defined in the federal Telecommunications Act of 1996 and as subsequently amended, along with related equipment and base structures. This definition specifically excludes towers or other structures built primarily to support antennas.

Tower. Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting a telecommunications antenna above ground.

NARRATIVE DESCRIPTION OF ZONING DISTRICT BOUNDARIES

Section 1. Forest Reserve District FR

A. East of the Mad River

- 1.** All the lands bounded on the west by the 1,850 foot elevation line and on the east by the Town line, but excluding all of the land above 1850 foot elevation deeded by Alpine Development Company for Plats H and R depicted in the following Plats as recorded in the land records of the Town of Warren: PLAT H Map Book 1, page 74, slide 212, PLAT R Map Book 1, page 100, slide 220.
- 2.** Land above 1,850 foot elevation which is principally located on parcel identification number 028004-800, bounded on the west by the 1,850 foot elevation and on the east by the Alpine Village Residential District.
- 3.** All other lands located above 1,850 foot elevation which are on two other areas on multiple parcels.

B. West of the Mad River

- 1.** All of the lands located westerly of the centerline of the Mad River and/or Route 100 within the following boundary: Beginning at the Town Line of Granville and Warren and proceeding in a Northerly direction along either Route 100 or the Mad River (whichever is more western); proceeding to the point of intersection with the centerline Lincoln Brook; then in westerly direction along the centerline of Lincoln Brook until the intersection with the 1,750 foot elevation; then across Lincoln Gap Road; then following the boundary of the Green Mountain National Forest to the point of intersect with 1,950 foot elevation; then northerly along 1,950 foot elevation to the point of intersection with the lands of the Green Mountain National Forest; then following the boundary of the Green Mountain National Forest and ending at the intersection with the Town Line of Fayston, but excluding all land in the Sugarbush Village Commercial (SVC), and Sugarbush Village Residential Districts (SVR).
- 2.** All other lands located above 1,850 foot elevation which are on two other areas on multiple parcels.

Section 2. Rural Residential District RR

The Rural Residential District is comprised of all lands in the Town not within the boundaries of another district as described herein.

Section 3. Warren Village Historic Residential District WVR

All the lands within the following boundary: Commencing at the intersection of the centerline of Brook Road and Town Highway #22 (aka Dump Road); then in a straight line

NARRATIVE DESCRIPTION OF ZONING DISTRICT BOUNDARIES

to the northeasterly corner of Brooks Recreational Field (as said northeasterly corner existed as of 1/1/2000); then northwesterly to the centerline of Route 100; then southerly along the centerline of Route 100 to a point where said highway crosses the Mad River; then northeasterly to the intersection of the centerline of Fuller Hill Road and Murray Hill Road; and then in a straight line northerly to the place of beginning, excluding all the land lying within the area designated as the Warren Village Commercial District (WVC).

Section 4. Sugarbush Village Residential SVR

All of the lands within Lots 66 and 67 as drawn in 1902 from the old Plan in the Field Book of the Second Division of the Town of Warren, except that portion thereof which lies within the Sugarbush Commercial District (SVC), and is not part of the Green Mountain National Forest.

Section 5. Vacation Residential District: VR

All the land within the following boundaries: Beginning at intersection of the centerline of the Sugarbush Access Road, and the centerline of Clay Brook; then the western most boundaries of parcel identification numbers 005009-700, 005009-600, 005008-301, 005008-300, and 006002-000; then to the intersection with parcel identification number 006004-300) and along the southern and eastern boundaries of that parcel until the intersection with the southwestern corner of parcel identification number 006003-800; then along the southern boundary of said parcel to the intersection of the centerline of German Flats Road; then following the centerline of German Flats Road in a northerly direction until the intersection of the northern boundary line of parcel identification number 006003-700 and along the northern boundary of that lot extending in a straight line through parcel identification number 005-007-100 to the northern boundary of the Town of Warren with the Town of Fayston and then in an easterly direction to the intersection with the centerline of Town Road #49 (formerly known as the Eurish Farm Road); then southerly along the centerline of said road for approximately $850 \pm$ feet; then to the closest corner of parcel identification number 005007-000 and along that parcel's eastern and southern boundaries to the intersection with the centerline of Wheeler Brook and following the course of the centerline of Wheeler Brook to the intersection with the centerline of Clay Brook; then in a westerly direction along the centerline of Clay Brook to a point in the Easterly line of "Lot 2" and the original Warren-Lincoln Town Line; then S 6 degrees 59' 30" W along the easterly line of "Lot 2" and the original Warren-Lincoln Town Line a distance of 643.34'; the N 81 degrees 12' 30" W along the southerly line of "Lot 2" and along a northerly line of lands of the South Village Condominiums a distance of 959.2', more or less, to the easterly line of Inferno Road; then proceeding easterly crossing Town Highway #48 (Inferno Road); and along the southernmost and westernmost boundaries of parcel identification number 250-010-000 until the intersection with the lands of Snow Creek Condominium Association; then along the southernmost boundary of the lands of Snow Creek Condominium to the centerline of the Inferno Road and along the centerline of Inferno Road in northerly direction until its

NARRATIVE DESCRIPTION OF ZONING DISTRICT BOUNDARIES

intersection with the Sugarbush Access Road and easterly along the centerline of the Sugarbush Access Road to the place of beginning, except that portion thereof which lies within the German Flats Commercial District (GFC).

Section 6. Alpine Village Residential District AVR

All land deeded by Alpine Development Company with the exception of Plats R , H and G,(Block 47)

Boundaries are depicted in the following Plats as recorded in the land records of the Town of Warren

PLAT A, Map Book 1, page 10, slide 202
PLAT B, Map Book 1, page 11, slide 202
PLAT C, Map Book 1, page 12, slide 202
PLAT D, Map Book 1, page 18 slide 205
PLAT E, Map Book 1, page 17 slide 204
PLAT F, Map Book 1, page 40, slide 208
PLAT G with the exception of Block 47,
Map Book 1, page 46A, slide 210

Section 7. Sugarbush Village Commercial District SVC

All the land within the following boundaries: Beginning at a point of the intersection of the Sugarbush Access Road, Village Road and the Inferno Road and proceeding southerly along the center line of the Inferno Road to a point of the southern most boundary of the lands of Snow Creek Condominium Association; then along the southern boundary in a westerly direction and then northerly until the point of intersection with the centerline of Clay Brook; then westerly along the centerline of Clay Brook until the intersection of the western boundary with the lands of parcel identification number 250-012-000 and the United States Forest Service; then along the westerly boundary of parcel identification number 250-012-000 (and US Forest Service) in a northerly direction to the point of intersection with the centerline of Rice Brook; then westerly along the centerline of Rice Brook until the intersection of the eastern most boundary of parcel identification number 210-005-000; then along the easterly boundary of said parcel to the intersection of the centerline of Upper Village Road; then along the centerline of said road in a westerly direction to the intersection of the north-westerly boundary of parcel identification number 221-005-000; then along the northerly boundary of said parcel to the intersection of the centerline of Village Road and then a southeasterly direction to the intersection with the centerline of Shady Lane; then a northerly direction along the centerline of Shady Lane to the intersection of the northern

NARRATIVE DESCRIPTION OF ZONING DISTRICT BOUNDARIES

most boundary of parcel identification number 250030-000; then in westerly direction, 386.18' to eastern most boundary of Lots 66 and 67 as drawn in 1902 from the old Plan in the Field Book of the Second Division of the Town of Warren; then in a southerly direction to the intersection of the centerline of the Sugarbush Access Road; and then westerly along the centerline of the Sugarbush Access Road to the place of beginning.

Section 8. German Flats Commercial GFC

All the lands within the following boundary: Commencing at the intersection of the centerline of Sugarbush Access Road and German Flats Road; then northerly 500 feet along the centerline of German Flats Road; then in a generally easterly direction 500 feet; then in a generally southerly direction 500 feet to the centerline of Sugarbush Access Road; and then westerly along the centerline of Sugarbush Access Road 500 feet to the place of beginning.

Section 9. Access Road Commercial District ARC

All of the lands within the following boundary: an 800 foot wide strip of land to the west of Route 100 that is parallel to the centerline of Route 100 and which eastern boundary extends 420 feet north from the centerline of the Sugarbush Access Road and south from the centerline of the Sugarbush Access Road to the present southerly property line of parcel identification number 100-002-300.

Section 10. Warren Village Commercial District WVC

All the lands in the triangular area surrounded by Brook Road, Main Street, and Flatiron Road (parcel identification numbers 001-000-200, 001-000-400, 001-000-600, 004-002-200, 004-001-500 and 004-001-600), and all the lands in the area between Main Street and the Mad River, and north of the present southerly line of the parcel number 004-003-100 (parcel identification numbers 004-001-100, 004-000-201, 004-001-400, 004-001-501, 004-001-900, 004-002-000, 004-002-100, 004-002-600, and 004-003-000).

Section 11. Airport Commercial District AC

All the lands in parcel identification numbers 009-003-700 and 009-00-300.

Section 12. Bobbin Mill Commercial: BMC All the lands in parcel identification numbers 100-004-100 and 100-004-102.

Section 13. Meadowland Overlay District: MO

All the lands in parcel identification on the Town of Warren Meadowland Overlay District Map.

NARRATIVE DESCRIPTION OF ZONING DISTRICT BOUNDARIES

Section 14. Flood Hazard Overlay District: FHO

All the lands in parcel identification on the Town of Warren Flood Plane /Flood Hazard Overlay District Map.

NOTE: All parcel identification numbers correspond to the Warren Parcel (Tax) Map

