

# WARREN PLANNING COMMISSION REPORT ON PROPOSED LAND USE AND DEVELOPMENT REGULATIONS AND ZONING MAP AMENDMENTS

Approved by the Warren Planning Commission *October 14, 2024*

This report on proposed **Town of Warren Land Use and Development Regulations (LUDRs) and accompanying Zoning Maps**, as warned for public hearing on Monday April 14, 2025, has been submitted by the Warren Planning Commission (PC) in compliance with state law [24 V.S.A. § 4441(c)]. Proposed bylaws and maps are available for review at the Warren Town Office, and on the town's website: [www.warrenvt.org](http://www.warrenvt.org). For more information contact Ruth Robbins, Zoning Administrator & Planning Coordinator [rrobbins@warrenvt.org](mailto:rrobbins@warrenvt.org).

## I. Explanation and Description of Proposed Regulations

Warren's Land Use and Development Regulations are intended primarily to implement the goals and policies of the Warren Town Plan as most recently adopted. The LUDRs in their current form incorporate the town's zoning, subdivision, and flood hazard area regulations and accompanying zoning maps. First adopted in 2001, the LUDRs have been amended several times over the past 20 years. In 2019, following the most recent update of the Warren Town Plan, the Planning Commission recognized the need for a more comprehensive update of the LUDRs to better align the town's development regulations with current planning policies.

The PC worked with PlaceSense to review the current regulations, solicit community input, and prepare an initial draft of proposed regulations and zoning maps, which were presented at an initial public hearing on 03-14-2022, and subsequently forwarded to the Select Board for consideration. Following a detailed review of the initial draft, the Select Board appointed a LUDR Subcommittee consisting of Select Board and Planning Commission members to further:

- review and respond to public comments,
- consider proposed Select Board edits,
- comply with more recent statutory and state program updates governing local bylaws (as enacted through 2024),
- clarify regulatory language and procedures, and
- streamline the local permitting process.

The proposed LUDRs and maps presented for public hearing are the result of these efforts. As proposed, the LUDRS have been completely restructured and reorganized, but continue to incorporate the town's zoning, subdivision, flood hazard, and river corridor bylaws. While much of the substantive content under the current regulations has been carried forward, the current LUDRs have been completely rewritten and, along with current zoning maps, are proposed for repeal, to be replaced in their entirety. Permits and approvals issued under the current regulations would remain in effect (Subchapter 120).

Several substantive policy and procedural changes that are critical to align the LUDRs with the goals and objectives of the Warren Town Plan, and to meet new statutory requirements, are described in more detail below.

1. The list of statutory and “de minimus” exemptions (structures and activities that do not need a permit) has been expanded (Section 1101).
2. Statutory limitations on the local regulation of farming, forestry, energy facilities, telecom facilities, and government and community facilities, including emergency shelters and group homes, have been updated (Subchapter 110).
3. Zoning districts and maps will be replaced in their entirety, in conformance with the Warren Town Plan (Chapter 2). This affects nearly all property in town, though the extent to which zoning standards will change varies by district. Differences between current and proposed standards are relatively minor in village and business districts but are more substantial in rural and resort districts. Key zoning district changes, as shown on the proposed zoning map, include:
  - The addition of a Village Mixed Use District intended to accommodate higher density housing and commercial development in areas served by municipal infrastructure, consistent with town plan policies.
  - Expansion of higher density Resort Districts, to more accurately reflect the existing built form and intensity of land use on the mountain, to accommodate future residential growth, and to support the ongoing transition of existing resort areas into a vibrant four-season recreation destination.
  - Splitting the existing Rural Residential District into two districts – Residential and Rural. The proposed Residential district carries forward the one-acre residential density possible under the current LUDRs for smaller subdivisions in the Rural Residential district. The proposed Rural District aligns with the lower density of development (one house per five acres) currently required for larger subdivisions in the Rural Residential district.
  - Replacement of the current Forest Reserve District with a larger Resource Protection District that, in addition to public forests and high elevation lands, will also include other important natural resource areas, such as floodplains, wetlands, wildlife habitat, and privately conserved properties. Residential development in this district is discouraged.
4. Uses allowed by zoning districts have been extensively updated and redefined (Section 2112, Chapter 5). These include, as “permitted” rather than “conditional” uses, additional housing types in village and resort districts, and additional commercial, mixed use, and other non-residential uses in mixed use and business districts.
5. Proposed overlay districts include an updated Flood Hazard Overlay District, and a new River Corridor Overlay District (Subchapter 220). The existing Meadowland Overlay District will be repealed, but incorporated instead as one of several references maps for use in applying the regulations (Section 2003).
6. Development standards pertaining to steep slopes, erosion prevention and sediment control, stormwater management, water supply and wastewater disposal, and wetlands, have been updated to incorporate relevant state permits, and to more specifically regulate development locally that falls below state permitting thresholds (Subchapter 300).
7. More detailed site planning, performance, and design standards have been added for multi-unit, mixed use, and non-residential development, including updated landscaping, parking, outdoor lighting and sign standards, to clarify and make it easier to meet community expectations (Subchapter 310). Parking standards have also been updated to comply with new statutory limits specific to residential parking (size, location, number of spaces required per unit).

8. Standards applicable to specific uses, such as multi-family, accessory and manufactured housing, home occupations and businesses, lodging facilities, campgrounds, day care facilities, care homes, telecommunications facilities, and on-farm businesses have been updated for consistency with relevant state programs and statutes. Additional standards are proposed for newly allowed uses, including worker housing, rooming and boarding houses, resort development, and short-term rentals (Subchapter 320).
9. Subdivision standards have been updated, in particular to clarify and strengthen the protection of natural and agricultural resources. In lieu of the current conservation subdivision design process, “major” subdivisions (consisting of 3 or more lots) in proposed Rural and Resource Protection Districts would be required to be planned unit developments (PUDs). For minor subdivisions “building envelopes” sited to minimize resource impacts and fragmentation would be required on any proposed building lot larger than two acres in size (Subchapter 330).
10. PUD provisions and associated master plan requirements have also been updated and expanded (Subchapter 340) to more specifically define types of planned development, allowing for more context-sensitive, flexible and innovative design (Section 3403), to include:
  - Conservation PUDs intended to cluster residential development in rural settings to minimize impacts on natural resources and conserve open space. As proposed, at least 60% of the land must be conserved as protected open space. Existing residential density bonuses have been carried forward to encourage additional open space protection (Section 3404).
  - Neighborhood PUDs intended to create compact, walkable, residential neighborhoods, which also offer a density bonus for affordable housing development (Section 3405).
  - Resort or Campus PUDs intended to accommodate well-planned and integrated mixed use, multi-building resort or campus (e.g., office or business park) development (Section 3406).
11. Bylaw administration and enforcement provisions under Chapter 4 have been updated to comply with more recent statutory requirements, and to help clarify, expedite, and streamline the town’s development review and permitting processes. Proposed updates:
  - Expand the authority of the Administrative Officer (AO) to review minor projects, including minor site plans, boundary adjustments, sketch plans, and small modifications to approved development, thereby avoiding the need for a warned public hearing before the Development Review Board. This also allows more appeals to be heard by the DRB, rather than having to go directly to court (Sections 4001, 4201, etc.).
  - Limit the requirement for conditional use review by the Development Review Board to types of development that may have significant impacts on town roads, facilities, services, and resources. Administrative or DRB site plan reviews will still be required for all but single and two-family dwellings and associated accessory uses and structures (Sections 4304, 4306). This is intended to simplify the development review process.
  - Incorporate updated waiver language that makes it easier for the DRB to offer some flexibility in the application of district dimensional standards and other specific requirements of the regulations (Section 4404).
  - Provide for ticketed local enforcement and fines for minor zoning violations, avoiding the time and expense of court enforcement proceedings (Section 4604).

## II. Statement of Purpose

The purpose of the proposed Land Use and Development Regulations is to further the goals and objectives of the 2019 Warren Town Plan. As proposed, the LUDRs include a purpose statement in Section 1003 which enumerates a set of 15 guiding principles that align with current plan goals and objectives. The overarching principle of the Town Plan and the LUDRs is to promote development in growth centers designated in the Warren Town Plan, and limit development in outlying rural areas.

## III. Conformance with Municipal Plan Goals and Policies

The process of updating the LUDRs began with an audit by PlaceSense that recommended regulatory approaches to effectively implement the goals and policies of the 2019 Town Plan. The draft LUDRs includes several recommendations from this audit, as summarized below:

- Land Conservation. The draft LUDRs eliminate the sliding scale density in the current Rural Residential district and reduce the allowable residential density in the proposed Rural District to better support preservation of farmland and rural resources. The draft LUDRs eliminate the incremental small subdivision loophole that allows house lots to be created in the Rural Residential district without having to meet open space and resource protection standards; and require clustering for major subdivisions in proposed Rural and Resource Protection Districts.
- Natural Resource Protection. The draft LUDRs more clearly define natural resources to be protected and significantly expand the amount of land within the zoning district intended primarily for natural resource protection (proposed Resource Protection district). The draft LUDRs would not allow further development on land accessed from Class 4 roads without required road upgrades, which is intended to discourage further resource fragmentation and disturbance in more remote areas of town.
- Stormwater Management and Erosion Control. Stormwater provisions in the draft LUDRs would apply to all development, and not just subdivisions as in current LUDRs. Erosion control provisions in the draft LUDRs would also apply to all developments, and not just steep slopes.
- Site Plan and Performance Standards. The draft LUDRs incorporate a comprehensive set of clear and specific site plan and performance standards. Parking requirements have been reduced to reflect contemporary best practices and new statutory residential parking requirements. Sign standards have been brought into conformance with recent federal case law.
- Subdivision and Density. The draft LUDRs establish clear criteria guiding the size and location of building envelopes on larger lots. The draft LUDRs also require that major subdivisions (including three or more lots, and/or new roads) in the Rural and Resource Protection Districts be planned and designed as Conservation PUDs, to include a new minimum open space standard of 60% of the total land area. Existing density bonuses promoting land conservation beyond the minimum required were also brought forward.
- Commercial Uses. The draft LUDRs allow many commercial uses in some zoning districts as “permitted” uses, eliminating the need for conditional use approval as currently required for all commercial uses in all parts of town. The draft LUDRs have also been updated to better accommodate four-season resorts, and to provide the tools needed to better manage growth and change on the mountain.

#### IV. Effect on Safe and Affordable Housing

The proposed LUDRs seek to support both housing quality and affordability, as well as new housing development in areas supported by municipal and resort infrastructure, in conformance with the town plan and recent statutory requirements intended to promote much needed housing development statewide (under 24 V.S.A. §§ 4412 – 4414). Of note, as proposed the LUDRs would:

- Expand residential areas on the mountain and around the village to provide opportunities for new housing development in locally designated growth areas.
- Allow for two-family dwellings (duplexes) wherever single-family dwellings are allowed, without any required increase in lot size or acreage per unit; and also allow for other “missing middle” housing types (duplexes, triplexes, fourplexes, townhouses) and mixed-use development in areas served by municipal wastewater or resort infrastructure.
- Update current provisions for group homes, multi-unit housing, accessory dwelling units, and manufactured housing, including mobile homes. As proposed, the draft LUDRs would also allow for up to two accessory dwelling units per lot in association with a single- or two-family dwelling.
- Add new provisions specific to emergency shelters (as community facilities), worker housing, tiny homes, and rooming and boarding houses.
- Regulate short-term rentals under zoning, until such time as a separate ordinance may be needed.
- Adjust residential lot sizes and densities in Village and Resort Districts to accommodate a statutory minimum density of five dwelling units per acre in areas served by infrastructure, including state designated village centers and neighborhoods. Proposed maximum residential densities in these zoning districts are consistent with this requirement.
- Provide a housing density bonus of up to 40% for affordable housing development, to include an additional floor (which may exceed district height limits) if necessary to accommodate additional units. Residential density bonuses are also provided for Conservation PUDs, to promote additional land conservation, and for Neighborhood PUDs, to promote additional affordable housing development.
- Limit required residential parking to one space per dwelling unit for single- and two-family dwellings, and 1.5 spaces per multi-unit dwelling, as well as maximum parking space size, as intended to reduce residential land and development costs associated with onsite parking.

#### V. Compliance with Municipal Plan Future Land Use

As the Warren Town Plan states, “it is hoped that this plan will serve as a blueprint for future zoning changes.” This was a fundamental consideration during the Planning Commission’s audit of the current regulations, and the creation of new zoning maps. As such the proposed LUDRs, including proposed zoning districts, are compatible with future land uses and densities set forth in the 2019 Warren Town Plan as described below:

- The Town Plan calls for the creation of a third village zoning district that will accommodate commercial and higher-density residential development. The draft LUDRs include a new Village Mixed Use district consistent with town plan policies. Dimensional (lot size, frontage, setback, coverage) requirements and density limits in proposed Village Districts have been modified for consistency with new statutory density requirements, in part to allow the town to retain state “Village Center” designation, and to seek future “Neighborhood” designations in support of housing creation in areas served by municipal infrastructure.
- The Town Plan recognizes Sugarbush Village and the Lincoln Peak Base Area as Warren’s primary growth center. It calls for housing creation, including affordable and workforce housing, and the full utilization of the existing wastewater systems to facilitate development. The draft LUDRs expand Resort Districts and increase allowable residential densities consistent with town plan policies.
- The Town Plan calls for mechanisms to discourage development in the Forest Recreation district. The draft LUDRs implement several such mechanisms including more robust standards for access and driveways that will limit new roads and driveways in more remote areas of town.
- The Town Plan calls for greater protection of wildlife habitat. The draft LUDRs further this policy through a significant expansion of the Resource Protection District (replacing the smaller Forest Reserve district).
- The Town Plan reports ongoing concerns about erosion and stormwater runoff resulting from clearing and development of steep slopes. The draft LUDRs include more robust standards for erosion control and stormwater management and continue the town’s approach to carefully review development on steep slopes.
- The Town Plan also raises concerns about large-scale development at high elevations. In addition to resource protections included under the Forest Recreation and expanded Resource Protection Districts, the draft LUDRs also provide a new regulatory mechanism for addressing community concerns through a required master plan process for resort development (Resort PUD) in these areas.

## **VI. Planned Community Facilities**

Since the last major update of the LUDRs over 20 years ago, both public and private infrastructure has been expanded to serve new development. Warren Village is now served by a community wastewater system with capacity for growth. Development on the mountain is served by expanded and upgraded private water and wastewater infrastructure. The community is better positioned now than it was in earlier decades to accommodate the densities of development within its growth centers as allowed under the proposed LUDRs.

Consistent with the municipal plan, the proposed LUDRs do not anticipate any significant expansion or upgrades of existing municipal facilities and infrastructure. The proposed regulations, however, have been updated to better identify, coordinate, and track the impacts of land subdivision and development on community infrastructure, facilities and services through the referral of permit applications for review to town and state officials, and by setting infrastructure capacity “budgets” for larger development under updated PUD and master planning requirements.