TOWN OF WARREN

LAND USE AND DEVELOPMENT REGULATIONS

As Adopted by the Warren Select Board February 24, 2026 and Effective March 18, 2026

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1 GENERAL

100 Legal Framework

1001 TITLE

1001.A These are the Town of Warren's *Land Use and Development Regulations* and constitute the town's zoning, subdivision, and flood hazard regulations.

1002 AUTHORITY

1002.A Warren adopted these regulations under the *Vermont Municipal and Regional Planning and Development Act*, 24 V.S.A. Chapter 117.

1003 PURPOSE

1003.A These regulations implement the goals and policies of the *Warren Town Plan* and the *Vermont Municipal and Regional Planning and Development Act* as most recently amended. They are intended to:

(1) Provide for orderly and coordinated development;

(2) Ensure that land use and development will not adversely impact public health, safety and welfare;

(3) Guide development into the growth centers designated in the Warren Town Plan as most recently amended, and away from outlying rural lands;

(4) Protect environmental quality and natural resources including rivers, streams, ponds, wetlands, shorelands, floodplains, riparian buffers, steep slopes, wildlife habitat, and productive farm and forest land;

(5) Protect Warren's historic character and cultural heritage;

(6) Promote land use and development practices that enhance climate change resilience and adaptation;

(7) Allow for outdoor recreation, resort and tourism-oriented land uses and development that enhance Warren's quality of life, attract residents and visitors, and underpin the local economy;

(8) Allow for agriculture, forestry, agricultural enterprises and other resource-based land uses and development that keep working lands in productive use;

(9) Allow for other commercial and industrial land uses and development to diversify and strengthen the town's economy;

(10) Allow for residential land uses and development to meet the town's housing needs, which includes housing affordable to those working in Warren, and to attract and retain a diverse population;

(11) Facilitate the adequate and efficient provision of public services and facilities;

(12) Ensure the rate of growth does not exceed the capacity of, or the town's ability to adequately provide public services and facilities;

(13) Ensure that there will be safe and adequate vehicular, pedestrian, and emergency access to and within development sites;

(14) Ensure that development sites, structures, and infrastructure are built and maintained in a safe and adequate condition; and

(15) Establish sound development and engineering standards that result in well-constructed projects that minimize their environmental and climate impacts, contribute positively to community character, and do not burden future landowners or the town with unreasonable costs to maintain or repair.

1004 APPLICABILITY

1004.A Unless specifically exempted in Subchapter 110, all land development within the Town of Warren requires a zoning permit or subdivision approval issued in accordance with these regulations. Land development means:

(1) The division of a parcel into two or more parcels;

(2) The construction, reconstruction, demolition, structural alteration, conversion, relocation or enlargement of any structure;

(3) Mining, excavating, or filling land; or

(4) Any change in, or extension of, the use of land or a structure.

1005 RELATIONSHIP WITH OTHER LAWS OR REGULATIONS

1005.A If any provision of these regulations is more restrictive than any other law, regulation, rule, or ordinance, the provision of these regulations will apply and take precedence, unless otherwise specified under these regulations, or preempted by law.

1005.B If any provision of another law, regulation, rule, or ordinance is more restrictive than these regulations, the provision of these regulations will be superseded and the more restrictive provision will apply.

1005.C No provision of these regulations will be interpreted to prevent the Town of Warren from acting to prevent or eliminate threats to public health, safety and welfare under the authority granted to the municipality by the State of Vermont.

1006 EFFECTIVE DATE

1006.A These regulations and any subsequent amendments will take effect 21 days after their adoption by the Warren Selectboard in accordance with the procedures established in the *Vermont Municipal and Regional Planning and Development Act*.

1007 AMENDMENT OR REPEAL

1007.A The Town of Warren may amend or repeal these regulations, in whole or part, at any time in accordance with the procedures established in *the Vermont Municipal and Regional Planning and Development Act*.

1008 SEVERABILITY

1008.A If a court of competent jurisdiction invalidates any provisions of these regulations, that decision will not affect the validity, application, or enforcement of the remaining provisions of these regulations.

1009 DISCLAIMER OF LIABILITY

1009.A These regulations do not create any liability on the part of the Town of Warren, its officials, agents, employees, or representatives for alleged damages that result from reliance on these regulations, or any lawful administrative action or decision taken under these regulations.

110 Exemptions and Limitations

1101 GENERAL EXEMPTIONS

1101.A **Interpretation.** The standards of these regulations, including but not limited to setbacks and other dimensional requirements of the applicable zoning district, do not apply to land development exempted by this section unless specifically stated.

1101.B **Flood Hazard Overlay District.** Land use and development activities within the Flood Hazard Overlay District are not exempted under this section. See Section 2201.

1101.C **Exempt Land Use and Development Activities.** Landowners do not need to obtain a zoning permit for:

(1) **Emergency repair** and stabilization of a structure damaged by any cause to the extent necessary to protect public health and safety, and to protect the damaged structure from the elements. Landowners must obtain a zoning permit for repair or reconstruction beyond the minimum necessary to stabilize and secure the structure. See Section 1208.

(2) **Normal maintenance and repair of:**

(a) An existing structure other than a sign (for more information on signs see Section 3107).

(b) Sidewalks and walkways, including replacement or reconstruction within the same footprint as the original.

(c) Essential services (i.e., electric, gas, telephone, cable, stormwater, water, or sewer service lines and infrastructure) including replacement or reconstruction within the same footprint as the original.

(3) **Alterations to the interior of a building** that do not require a state Wastewater System and Potable Water Supply Permit (or amendment) or do not increase the area occupied by a non-residential use;

(4) **Wells and Septic Systems.** Installation, maintenance, repair and replacement of wastewater disposal and potable water systems (a state Wastewater System and Potable Water Supply Permit may be required, contact the state Community Assistance Specialist at the Montpelier Regional Office of the Vermont Department of Environmental Conservation);

(5) **Clearing, grading, and excavating** for noncommercial purposes that will:

(a) Disturb less than 5,000 square feet in area, or result in less than 100 cubic yards of clean, uncontaminated material being removed from or brought onto the lot in any calendar year (also see Sections 3012, 3014);

(b) Meet applicable setback requirements for the zoning district;

(c) Not be located within a wetland, wetland buffer, riparian buffer, river corridor, or flood hazard area; and

(d) Not affect existing drainage patterns or result in soil erosion on adjacent lots, surface waters, or within public rights-of-way.

(6) **Construction or modification of a pond** that will:

(a) Have a surface area of not more than 2,000 square feet or 10% of the lot area, whichever is less;

(b) Have an average depth of not more than 5 feet;

(c) Meet applicable setback requirements for the zoning district;

(d) Not involve damming or otherwise altering a stream or other natural water body;

(e) Not affect existing drainage patterns on adjacent lots or within public rights-of-way; and

(f) Not be located within a wetland, wetland buffer, riparian buffer, river corridor, or flood hazard area.

(7) **Gardening and landscaping** on single- or two-unit residential property, or in accordance with an approved site plan.

(8) **Demolition of a fence or accessory structure** with a footprint of 500 square feet or less.

(9) **Fences or walls** (see Section 3013 for further guidance on fences and walls, including how to measure height):

(a) To be replaced or reconstructed that are in the same location and are not higher than the original.

(b) To be newly constructed that:

(i) Are not more than 4 feet tall, if functioning as a retaining wall; are not more than 4 feet tall if a front yard fence in the village zoning districts; and are not more than 8 feet tall otherwise;

(ii) Do not extend into or obstruct a public right-of-way;

(iii) Do not interfere with corner visibility or sight distance for vehicular traffic;

(iv) Do not affect existing drainage patterns on adjacent lots or public rights-of-way;

(v) Do not pose a safety hazard;

(vi) Are not designed to inflict physical harm; and

(vii) Are installed so that any support posts are to the inside and the “finished” or “good” side faces out (fences may be built to and along the edge of the property line).

(c) To be temporarily used as a snow fence, and installed no earlier than October 15th and removed no later than May 15th.

(10) **Fuel tanks** (above or below ground) that:

(a) Hold not more than 500 gallons of fuel for on-site use;

(b) Meet applicable setback requirements for the zoning district; and

(c) Are sited, installed, and secured in accordance with state and federal regulations.

(11) **Mechanical equipment** such as ground-mounted HVAC systems or back-up generators that:

(a) Have a footprint or are placed on a pad that does not exceed 200 square feet;

(b) Meet applicable setback and lot coverage requirements for the zoning district; and

(c) Are sited, installed and secured in accordance with state and federal requirements.

(12) **Swimming pools** that:

(a) Do not exceed a horizontal width of 20 feet in any dimension or a depth of 5 feet;

(b) Meet applicable setback and lot coverage requirements for the zoning district; and

(c) Are installed and secured to prevent unauthorized access.

(13) **Unroofed patios or decks** that:

(a) Have a footprint that does not exceed 400 square feet; and

(b) Meet applicable setback and lot coverage requirements for the zoning district.

(14) **Accessibility structures** such as ramps, entry stairs or walkways that do not:

(a) Exceed 6 feet in width;

(b) Extend into or obstruct a public right-of-way;

(c) Interfere with corner visibility or sight distance for vehicular traffic; or

(d) Affect existing drainage patterns on adjacent lots or public rights-of-way.

(15) **Accessory structures** that:

(a) Have a footprint that does not exceed 200 square feet;

(b) Are not more than 15 feet tall;

(c) Meet applicable setback and lot coverage requirements for the zoning district; and

(d) Are not used as a dwelling or lodging unit.

(16) **Outdoor light fixtures** that:

(a) Have an initial output that does not exceed 2,000 lumens; and

(b) Are downward directed and shielded as necessary to prevent glare or light trespass beyond the property line.

(17) **Signs** listed in Subsection 3107.C.

(18) **Solar energy devices** that (also see Section 1102):

(a) Will be installed on and project not more than 10 feet above the surface of a roof with a slope greater than 5%; or

(b) Will be installed on a roof with a slope of 5% or less.

(19) **Antennas** (including television antennas, radio antennas, satellite dishes or similar devices used to provide on-site communication including business dispatch or to provide public safety dispatch) that:

(a) Are not more than 15 square feet in area, if a dish antenna;

(b) Do not extend more than 12 feet above the roofline, if attached to a building;

(c) Do not extend more than 50 feet above the ground, if freestanding;

(d) Meet applicable setback requirements for the zoning district;

(e) Do not interfere with public safety communications; and

(f) Are installed in a location that minimizes visibility from public vantage points and adjoining property to the greatest extent feasible while allowing for reasonable function.

(20) **Telecommunications equipment** and related site development that does not exceed a footprint of 300 square feet and a height of 10 feet (also see Section 1102).

(21) **Electrical or communications distribution poles** (also see Section 1102) being:

(a) Replaced with new poles that increase pole height by no more than 10 feet; and

(b) Repaired or upgraded with new or replacement cable or wire.

(22) **Transit shelters** that have a footprint of not more than 200 square feet and that are not more than 15 feet in height.

(23) **Public art** that does not:

(a) Function as a commercial sign;

(b) Extend into or obstruct a public right-of-way unless otherwise approved by the town or state, as applicable;

(c) Interfere with corner visibility or sight distance for vehicular traffic;

(d) Affect existing drainage patterns on adjacent lots or public rights-of-way; and

(e) Pose a safety hazard.

(24) **Home occupations** that:

(a) Are located within a dwelling unit;

(b) Occupy not more than 25% of the habitable floor area of that dwelling;

(c) Are carried out by one or more residents of that dwelling;

(d) Do not have any non-resident employees working from that dwelling;

(e) Do not generate regular customer or client traffic; and

(f) Do not have a sign.

For home occupations or businesses that do not qualify for this exemption see Section 3207 or Section 3208 as applicable.

(25) **Special events** (includes garage sales, yard sales, tent sales, auctions, festivals, mobile food service or similar activities) that:

(a) Obtain a Town of Warren Festival Permit; or

(b) Do not occur on the lot for longer than 3 consecutive days and for more than 12 days in any calendar year.

(26) **Sales of used personal or business goods** such as vehicles or equipment owned by the landowner or tenant that do not occur on the lot for more than 30 days in any calendar year (calculated cumulatively if goods are offered for sale at more than one time during the year) and that are limited to not more than 3 items at any given time if displayed outside.

(27) **Hunting, fishing or trapping** in accordance with state regulations, but not including any permanent structures associated with such use.

(28) **Noncommercial recreational trails and activities**, but not including any permanent structures or parking areas associated with such use.

(29) **Work within public road rights-of-way** that is subject to approval from the town or state as applicable.

(30) **Federal government land and facilities**, including ski area leased lands.

(31) **Hotel Rooms to provide housing,** including the rental of hotel rooms to provide housing assistance through the state's General Assistance Program, or to any person whose room is rented with public funds. "Hotel" in this context has the same meaning as in 32 V.S.A. § 9202(3).

1102 DEVELOPMENT WITH A CERTIFICATE OF PUBLIC GOOD

1102.A In accordance with state statute, landowners do not need to obtain a zoning permit for development associated with utility, energy or telecommunications infrastructure that receives a Certificate of Public Good from the Public Utilities Commission.

1103 FARMING AND FORESTRY

1103.A **Farming and Forestry Practices.** In accordance with state statute, landowners do not need to obtain a zoning permit to conduct farming and forestry operations, including required agricultural practices or accepted silvicultural practices as defined by the Vermont Agency of Agriculture or Department of Forests, Parks, and Recreation, respectively. The Administrative Officer may require a landowner to provide a written determination from the applicable state agency as to whether the proposed land use activity is a required agricultural or accepted silvicultural practice subject to this exemption.

1103.B **Farm Structures.** In accordance with state statute, landowners do not need to obtain a zoning permit to build a farm structure in accordance with state regulations and the following:

(1) Landowners must submit a zoning permit application demonstrating that proposed development qualifies as an exempt farm structure, but they do not have to pay the associated application fee.

(2) The Administrative Officer may require landowners to provide a written determination from the Vermont Agency of Agriculture, Food and Markets as to whether proposed development qualifies as an exempt farm structure. Notwithstanding this determination, the Town of Warren reserves the right to independently determine whether an existing or proposed structure qualifies as an exempt farm structure for purposes of zoning regulation.

(3) Farm structures, other than walls or fences used for farming purposes (i.e., the wall or fence must form a continuous barrier intended to keep livestock in and/or keep wildlife out), must meet the setback requirements for the district unless the applicant provides the Administrative Officer with a written waiver from the Vermont Agency of Agriculture, Food and Markets. Farm structures are not required to meet bulk or height requirements for the district.

(4) Upon finding that the proposed development qualifies as an exempt farm structure, the Administrative Officer will issue a letter stating that the landowner may build and use the structure for agricultural purposes in accordance with the state's required agricultural practices without a zoning permit, but that a zoning permit is required before the structure may be used for any other purpose.

1104 GOVERNMENT AND COMMUNITY FACILITIES

1104.A In accordance with state statute, the provisions of this section apply to the following government and community facilities:

(1) State or community owned and operated institutions and facilities;

(2) Public and private schools and other educational institutions certified by the state;

(3) Places of worship and other religious institutions, including churches, convents, and parish houses;

(4) Public and private hospitals certified by the state;

(5) Hazardous and regional solid waste management facilities certified by the state;

(6) Emergency shelters, to include any facility for which the primary purpose is to provide temporary shelter for the homeless; and

(7) The conversion of a hotel or motel to permanently affordable housing.

1104.B Government and community facilities are allowed in specified zoning districts. Landowners must obtain a zoning permit and site plan or conditional use approval as applicable for development associated with a government or community facility unless otherwise exempted under these regulations.

1104.C Such facilities may be regulated 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 requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.

(1) In accordance with state statute, the town cannot regulate the daily or seasonal hours of operation of an emergency shelter, given that such regulation is considered interfering with a shelter's intended functional use.

1105 GROUP HOMES

1105.A In accordance with state statute, a residential care home, group home, or recovery residence shall be considered by right to constitute a permitted single family use of property if it:

(1) Serves no more than 8 residents who have a handicap or disability as defined under 9 V.S.A. § 4501, or are recovering from a substance abuse disorder (facilities accommodating more residents will be considered assisted living or residential treatment facilities under Section 3212); and is

(2) Operated under state licensing, registration, or certification. If the certification required for a recovery residence is pending beyond 45 days, the town retains the right to review the residence under these regulations.

1105.B No zoning permit is required to convert or use an existing, single-family dwelling as a group home, residential care home, or recovery residence. Landowners must obtain a zoning permit for new group home construction or any other associated development to the same extent as required for other single-family dwellings in the zoning district.

1105.C No more than one residential care home, group home or recovery residence is allowed per lot unless approved as part of a larger assisted living or residential treatment facility under Section 3212 Care Home, or a planned unit development.

120 Prior Applications, Approvals and Uses

1201 PRIOR APPLICATIONS

1201.A The Administrative Officer and Development Review Board will review applications based on the regulations in effect at the time the Administrative Officer determines that the application as filed is complete.

1202 PRIOR PERMITS AND APPROVALS

1202.A **Zoning Permits Issued Prior to Amendment or Adoption of these Regulations.** If the Administrative Officer lawfully issued a zoning permit before the Town of Warren adopted or amended these regulations, an applicant will not need a new or amended permit for the project. If such an applicant does not substantially complete the development or receive an extension before that permit expires, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.B **Prior Zoning Permits for Phased Projects.** If an applicant received approval for a phased project before the Town of Warren adopted or amended these regulations, the Administrative Officer will issue permits for the development as approved irrespective of any change in the regulations. However, if such an applicant does not substantially complete the phased project as a whole within the timeframe specified in the approval, the applicant will need to apply for a new zoning permit, including any development approvals as applicable, under the regulations in effect at the time of the new application.

1202.C **Prior Development Approvals.** If an applicant does not obtain a zoning permit for proposed development, other than a subdivision, that has been approved by the Development Review Board within 24 months of receiving Board approval, the approval will expire. The applicant will then need to reapply for board approval under the regulations in effect at the time of the new application.

1202.D **Lawfully Recorded Subdivision Plats.** An approved subdivision plat that was lawfully recorded in the Warren Land Records remains valid and will not expire irrespective of any change in these regulations.

1203 CHANGE IN OWNERSHIP

1203.A Zoning permits, development approvals, and lawfully filed subdivision plats remain valid irrespective of any change in property ownership.

1204 CHANGE OF USE

1204.A **Change from One Use Definition to Another.** A landowner must obtain a zoning permit, and any development approvals as applicable, for a change of use if the two uses do not fall under the same definition in Section 2112 (e.g., a personal service use such as a barber shop to a restaurant use such as a coffee shop).

1204.B **Change within a Use Definition.** A landowner will not need to obtain a zoning permit or development approval for a change of use if both uses fall under the same definition in Section 2112 (e.g., a retail sales use such as a book store to a retail sales use such as a home furnishings store). Other site development associated with the change of use may require a permit or approval (e.g., new or modified signage, outdoor lighting, parking, etc.).

1205 EXPANSION OF USE

1205.A **Nonresidential Uses.** A landowner must obtain a zoning permit, and any development approvals as applicable, to expand a nonresidential use to occupy additional space in a building or on a lot.

1205.B **Residential Uses.** A residential property owner will not need to obtain a zoning permit to convert non-living space within the building to living space (ex. finishing off a basement or attic). Creation of an accessory dwelling unit will require a zoning permit (see Section 3205).

1206 DISCONTINUED USES

1206.A **Nonresidential Uses.** A landowner must obtain a new zoning permit, and any development approvals as applicable, to resume a lawful nonresidential use that has been discontinued for more than 12 months except if the:

(1) Use is nonconforming, see Section 1302;

(2) Landowner has had to discontinue a nonresidential use as result of damage to the structure in which it was housed, the owner may re-establish the use once the structure has been repaired or rebuilt in accordance with Section 1208; or

(3) Landowner demonstrates that the property or business is being actively marketed for sale or lease, the Administrative Officer may extend the period of discontinuance for a conforming use to a total of not more than 3 years.

1206.B **Residential Uses.** A landowner will not need to obtain a zoning permit to resume residential use of a lawful vacant dwelling unit. If the use is nonconforming, see Section 1302.

1207 ABANDONED DEVELOPMENT

1207.A If the development authorized by a zoning permit is abandoned without being completed prior to the expiration of the zoning permit authorizing the development, a landowner must demolish or secure any partially completed structures, remove all structural materials from the site, restore the site to a natural grade, and re-establish groundcover to prevent erosion prior to the zoning permit expiring.

1208 DAMAGED OR DESTROYED STRUCTURES

1208.A **Stabilize and Secure.** A landowner must act promptly to stabilize and secure a structure damaged or destroyed by any cause as necessary to protect public health and safety, and to maintain it in that condition until such time as it is reconstructed or demolished. For structures within the Flood Hazard Overlay district, also see Subsection 2201.J.

1208.B **Reconstruction or Demolition.** Within 12 months of a structure being damaged or destroyed by any cause, a landowner must obtain a zoning permit for either reconstruction or demolition of the structure. The landowner will not have to pay the associated application fee if a complete application is filed within 12 months of the structure being damaged or destroyed. See Section 3007 for guidance on demolition.

1208.C **Extension of Period to Act.** The Administrative Officer may extend the deadline to obtain a zoning permit up to 24 months in the case of a declared disaster or upon the landowner demonstrating that the deadline cannot be met due to factors beyond their control (e.g., legal or insurance processes).

1208.D **Failure to Act.** The failure to obtain a zoning permit for reconstruction or demolition, or to maintain a damaged or destroyed structure awaiting reconstruction or demolition as required under Subsection (A) above will be considered a violation of these regulations subject to enforcement under Chapter 0.

1208.E **Nonconforming Structures.** If a nonconforming structure is damaged or destroyed, a landowner may rebuild and use the structure in accordance with Section 1301 provided that:

(1) The structure as reconstructed is not more nonconforming than the original structure; and

(2) The landowner submits a complete application for a zoning permit for reconstruction within 12 months of the structure being damaged or destroyed.

130 Nonconformities

1301 NONCONFORMING STRUCTURES

1301.A **General.** A nonconforming structure that lawfully existed when the Town of Warren adopted or amended these regulations may continue to exist unchanged indefinitely.

1301.B **Use.** A landowner may obtain a zoning permit, and any applicable development approvals, to use a nonconforming structure for any land use allowed in the zoning district.

1301.C **Maintenance and Repair.** A landowner may undertake normal maintenance and repair of a nonconforming structure without a zoning permit in accordance with Paragraph 1101.C(2).

1301.D **Additions.** The Administrative Officer may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure provided that the proposed development:

(1) Will not result in any nonconforming expansion of the building footprint or an increase in height of any nonconforming portion of the building;

(2) Will not convert a nonconforming porch, deck, entryway or similar unenclosed feature to enclosed and/or conditioned building space;

(3) Is not subject to conditions from prior approvals or permits that would otherwise restrict the proposed development; and

(4) Would not otherwise require a development approval from the Development Review Board.

1301.E **Code or Accessibility Improvements.** The Administrative Officer may issue a zoning permit for development that would authorize changes to the exterior dimensions of a nonconforming structure, including further encroachments beyond the existing nonconforming building line or height, to the minimum extent necessary to comply with state or federal building code, energy code or accessibility requirements.

1301.F **Damaged or Destroyed Structures.** A landowner may obtain a zoning permit to reconstruct a nonconforming structure that has been damaged or destroyed by any cause in accordance with Section 1208 and provided that the reconstruction will not increase the degree of nonconformity based on the extents of the structure as it existed immediately prior to damage or destruction.

1302 NONCONFORMING USES

1302.A **General.** A nonconforming use that lawfully existed when the Town of Warren adopted or amended these regulations may continue to exist in its current location, configuration, and intensity indefinitely.

1302.B **Relocation.** A landowner must not move a nonconforming use from one location to another where it would also be a nonconforming use.

1302.C **Resumption.** A landowner must not resume a nonconforming use that was abandoned, discontinued, or replaced with another use for more than 12 months. If a nonconforming use is located in a structure that is damaged or destroyed by any cause, the landowner may resume the use once the structure is reconstructed in accordance with Section 1208.

1302.D **Minor Expansion.** The Administrative Officer may issue a zoning permit to allow a landowner to extend or expand a nonconforming use to:

(1) Fully occupy space within the associated structure as that structure existed when the use became nonconforming; or

(2) Occupy up to 25% more floor area than when the use became nonconforming in another structure or in a lawful addition to the existing structure.

1302.E **Major Expansion.** The Development Review Board may approve a greater extension or expansion of a nonconforming use as a conditional use upon the applicant demonstrating the proposed extension or expansion will not result in greater adverse impacts on the character of the area.

1302.F **Change of Use.** The Development Review Board may approve the change of one nonconforming use to another nonconforming use as a conditional use upon the applicant demonstrating that the proposed nonconforming use will be less intensive in nature, have fewer off-site impacts and will be more compatible with the character of the area than the existing nonconforming use.

1303 NONCONFORMING LOTS

1303.A **General.** A nonconforming lot that lawfully existed when the Town of Warren adopted or amended these regulations may continue to exist unchanged indefinitely.

1303.B **Merger.** If a nonconforming lot comes into common ownership with one or more contiguous lots, Warren will not deem the lot merged with the contiguous lot(s) for the purposes of these regulations. A landowner may choose to merge contiguous lots in accordance with Section 4309.

1303.C **Lot Size.** In accordance with statute, the Administrative Officer or Development Review Board may approve development on an existing nonconforming lot that does not meet the minimum lot size requirement for the zoning district, in accordance with all other applicable provisions of these regulations, provided that the lot:

(1) Is legally subdivided and able to be conveyed separately from any other lot;

(2) Existed as of the effective date of these regulations;

(3) Is at least ⅛ acre (5,445 square feet) in area; and

(4) Is not less than 40 feet wide or deep.

1303.D **Lot Frontage.** A landowner with a lot that does not meet the minimum lot frontage requirement for the zoning district:

(1) May develop the lot in accordance with all other applicable provisions of these regulations provided that:

(a) The lot has access to a maintained public or private road by lot frontage, a permanent easement, or a right-of-way that is at least 20 feet in width; and

(b) Access to the proposed development will conform to the requirements of Section 3002.

(2) May only subdivide the lot if:

(a) The lot has access to a maintained public or private road by lot frontage, a permanent easement, or a right-of-way that is at least 50 feet in width; and

(b) Access to the subdivided lots will conform to the requirements of Section 3002.

1304 CREATION OF A NONCONFORMITY

1304.A The Town of Warren prohibits any development that would create a nonconformity except for:

(1) A public project that requires the transfer or taking of land (e.g., road widening); or

(2) Development that receives a waiver (Section 4404) or variance (Section 4405) from the Development Review Board.

2 ZONING DISTRICTS

200 General Provisions

2001 ESTABLISHMENT OF BASE ZONING DISTRICTS

2001.A These regulations establish the following zoning districts as shown on the Official Zoning Map and described in Subchapter 210:

(1) Village Business (VB);

(2) Village Mixed Use (VMU);

(3) Village Residential (VR);

(4) Residential (RES);

(5) Rural (RL);

(6) Resource Protection (RP);

(7) Forest Recreation (FR);

(8) Resort Mixed Use (RMU);

(9) Resort Residential (RR); and

(10) General Business (GB).

2002 ESTABLISHMENT OF OVERLAY ZONING DISTRICTS

2002.A These regulations establish the following overlay zoning districts as shown on the Official Zoning Maps and described in Subchapter 220:

(1) Flood Hazard Overlay (FHO) District;

(2) River Corridor Overlay (RCO) District;

2003 OFFICIAL ZONING MAPS

2003.A The Town of Warren incorporates the maps delineating the boundaries of the base and overlay zoning districts by reference into these regulations and adopts them as part of these regulations.

2003.B The Official Zoning Map is available at the town office in paper and electronic form. The Administrative Officer and Development Review Board must use the Official Zoning Map for all measurements and interpretations of the district boundaries. The small-scale, unofficial versions of the maps included in these regulations and any maps provided online are for convenience only.

2003.C If a distance or measurement is not specified on the Official Zoning Map, the Administrative Officer will interpret district boundaries:

(1) Following, parallel to or extending from roads, railroad lines, power lines or rights-of-way to follow, parallel or extend from the centerlines of such roads, railroad lines, power lines or rights-of-way;

(2) Following or extending from lot lines or municipal boundaries to follow or extend from such lines or boundaries;

(3) Following or parallel to rivers, streams or other drainageways to follow or parallel the centerlines of such rivers, streams or drainageways; and

(4) Following contour (elevation) lines to follow the specified contour line prior to any site grading and as identified based on a current survey stamped by a Vermont-licensed surveyor or the most recent lidar data published by the State of Vermont.

2003.D The Administrative Officer will interpret any of the features listed in Subsection 2003.C to be located where they exist on the ground or as shown on a professionally-prepared survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that:

(1) A boundary line adjustment, lot merger, subdivision, or other change to the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line; and

(2) The reclassification or discontinuance of a road will not change the location of any zoning district boundary indicated as following that road.

2003.E **Reference Maps.** Other maps or digital coverages referenced under these regulations are intended to indicate the location of physical development constraints and natural or cultural resources identified for protection, as specified under these regulations or prior conditions of approval.

(1) These include but are not limited to *VT Natural Resource Atlas* coverages, and the following maps specific to Warren under Chapter 6:

(a) Steep Slope Map

(b) Meadowlands Map (former Meadowlands Overlay District)

(c) Wildlife Habitat & Crossings Map.

(2) Mapped constraints or resources may be subject to field verification by a qualified professional where necessary for the review of proposed development, to determine compliance with these regulations.

2004 LOTS DIVIDED BY A ZONING DISTRICT

2004.A When a lot includes land in two or more zoning districts, proposed development on the portion of the lot in one zoning district may only extend across the district boundary if it conforms to the standards of the adjoining district(s). If creating a lot with land in more than one zoning district, see Paragraph 2008.B(7).

2005 LOTS DIVIDED BY A MUNICIPAL BOUNDARY

2005.A When a lot includes land in two or more municipalities, proposed development may only extend into the portion of the lot in Warren if it conforms to the standards of the applicable district. However, the standards of the applicable district can be met by considering the entire lot including portions of the lot not located in Warren (ex., lot size, frontage and access requirements can be met from land in the adjoining town).

2006 MULTIPLE USES OR BUILDINGS ON A LOT

2006.A **Multiple and Mixed Uses.** A landowner may use a lot or structure for any combination of uses allowed in the applicable zoning district.

2006.B **Accessory Uses.** A landowner may establish accessory uses on a lot in accordance with Section 3004.

2006.C **Principal Buildings.** A landowner may locate no more than one principal (primary) building on a lot unless approved as part of a planned unit development.

(1) For purposes of these regulations, a principal building may include one or more dwelling units, or multiple, mixed uses as allowed in the applicable zoning district.

(2) Approval of multiple principal buildings on a lot, in association with a planned unit development, will not constitute a right to separately convey buildings unless:

(a) The subject lot will be lawfully subdivided in accordance with the provisions of these regulations; or

(b) The buildings will be lawfully converted to condominium ownership, which may include the creation of footprint lots (see Section 4310).

2006.D **Accessory Structures.** A landowner may locate accessory structures to the principal use or structure on a lot in accordance with Section 3003.

2006.E **Accessory Dwellings**. No more than one accessory dwelling unit may be located on a lot in accordance with Section 3205.

2007 USE STANDARDS

2007.A **Permitted Uses.** The Administrative Officer may issue a zoning permit for a permitted use in accordance with Subchapter 420.

2007.B **Conditional Uses.** The Administrative Officer may issue a zoning permit for a conditional use in accordance with Subchapter 420 only after the applicant obtains a conditional use approval from the Development Review Board under Section 4306.

2007.C **Site Plan Approval.** Uses other than farming, forestry, single- and two-family dwellings, accessory dwellings, group homes, and related accessory uses will also require site plan approval from the Administrative Officer or Development Review Board, as applicable under Section 4305, prior to the issuance of a zoning permit.

2007.D **Prohibited Uses.** A use not specifically listed as permitted or conditional in a zoning district is prohibited in that zoning district unless the applicant demonstrates to the Administrative Officer that the unlisted use:

(1) Is a pre-existing nonconformity and the proposed development conforms with the requirements of Subchapter 130;

(2) Is materially similar to a use that is permitted or conditional in the same zoning district in accordance with Subsection 2007.E; or

(3) Is required to be allowed in a zoning district by state or federal law.

2007.E **Materially Similar Uses.** The Administrative Officer may make a written determination that a proposed use, which is not listed on the use table as permitted or conditional in any zoning district, is materially similar to a use listed as permitted or conditional in the applicable zoning district and that therefore the unlisted use should be allowed to the same extent and subject to the same standards as that listed permitted or conditional use. To determine that a use is materially similar, the Administrative Officer must find that the proposed use has:

(1) Similar off-site impacts such as traffic, noise, and lighting as the listed use; and

(2) Similar functional characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as the listed use.

2008 DIMENSIONAL STANDARDS

2008.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district unless:

(1) A subject lot or structure is a nonconformity, and the proposed development is in conformance with the requirements of Subchapter 130;

(2) The applicant receives a waiver (Section 4404) or variance (Section 4405) from the Development Review Board; or

(3) The proposed development will be approved as a planned unit development (see Subchapter 340 and Section 4307).

2008.B **Lot Size.** Lot size will be regulated as follows:

(1) Lot size will be measured as the total area within the property boundaries excluding any land within a road right-of-way;

(2) Any lot created under these regulations must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development;

(3) The Development Review Board must not grant a waiver (Section 4404) or variance (Section 4405) to allow the creation of a lot that does not meet the minimum lot size requirement for the applicable zoning district;

(4) An existing lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of:

(a) Land being acquired for a public purpose (ex., road widening); or

(b) A lot line adjustment approved in accordance with Section 4309;

(5) A "footprint lot" defined by a building footprint, as may be allowed only for purposes of condominium ownership or conveyance (see Section 4310), does not constitute and will not be considered a separate lot for purposes of meeting the minimum lot size requirement for the applicable zoning district;

(6) A pre-existing, nonconforming lot that does not meet the minimum lot size requirement for the applicable district may be used, further developed, or redeveloped in accordance with Section 1303;

(7) A lot created under these regulations that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district in which that portion of the lot to be developed will be located. If development on the lot will occur in more than one zoning district, the lot must meet the largest minimum lot size requirement.

2008.C **Lot Frontage.** All lots must front on a maintained public or private road as specified in the applicable zoning district as follows:

(1) **Measurement.** Lot frontage will be measured along the edge of the right-of-way between side lot lines. If the edge of the right-of-way is a curved line, the measurement will be taken along an imaginary straight line drawn between the points where the side lot lines meet the edge of the right-of-way.

(2) **New Lots.** All new lots created under these regulations must have the minimum frontage on a maintained public (state highway, or Class 1, 2 or 3 town highway) or private road unless the Development Review Board approves:

(a) A lot with less frontage as part of a planned unit development;

(b) A waiver (Section 4404) to reduce the frontage requirement to not less than 30 feet for irregularly shaped lots when necessary to accommodate topography, streams or other site features;

(c) A waiver (Section 4404) to reduce or eliminate the frontage requirement for lots accessed by a shared driveway with a permanent easement or right-of-way (also see Paragraph 3008.D(9)); or

(d) A waiver (Section 4404) to reduce or eliminate the frontage requirement for lots restricted to farming, forestry or open space uses through a legally enforceable and permanent means such as a conservation easement.

(3) **Corner Lots.** Lots that front on more than one road must have the minimum frontage on any road from which the lot will be accessed.

(4) **Pre-Existing Lots.** The Administrative Officer and Development Review Board must not issue a permit or approval for development on an existing lot without the minimum required frontage on a maintained public road or private road unless the lot has access to such a road over a permanent easement or right-of-way not less than 20 feet wide in accordance with Subsection 1303.D.

2008.D **Lot Coverage.** The total footprint of impervious surface on a lot must not exceed the maximum lot coverage established for the applicable zoning district.

(1) Impervious surface will include all the surfaces on the lot that do not permit water to infiltrate into the ground below (ex., building footprints. roofs, and overhangs, driveways, parking areas, walkways, other hard-surfaced areas, retaining walls, patios, decks, pools, etc.). Any compacted surface material (gravel, stone dust, soil, etc.) and areas of ledge or stone outcroppings will also be considered impervious surfaces.

(2) Pervious paving will be included in the calculation of impervious surface unless otherwise approved and conditioned upon the applicant submitting and implementing paving maintenance plan.

2008.E **Setbacks.** Development must meet setback requirements for the applicable zoning district as follows:

(1) **Corner and Through Lots.** Lots with frontage on more than one road must meet front setback requirements on each road; and must meet side setback requirements on the remaining sides.

(2) **Interior Lots.** Lots with no road frontage must meet the smallest setback (front, side, or rear) for the applicable district on all sides.

(3) **Lots in Common Ownership.** Side and rear setback requirements will apply irrespective of whether the same property owner owns the adjoining lot.

(4) **Front Setbacks.** Front setback requirements will be measured horizontally from the edge of the road right-of-way to the closest point of the structure. If the location of the edge of the road right-of-way is uncertain, it will be assumed to be 25 feet from the centerline of the road. If the road is known to have a right-of-way width other than 3 rods (49.5 feet), the front setback will be assumed to be one-half the known right-of-way width from the centerline of the road.

(5) **Side and Rear Setbacks.** Side and rear setbacks will be measured horizontally along a line that runs perpendicular to the property line to the closest point of the structure.

(6) **Water Setbacks.** Minimum required setbacks from surface waters, including naturally occurring lakes, ponds, rivers, permanent and intermittent streams, and associated riparian buffers under these regulations (see Section 3019), will be measured horizontally from the top of bank, top of slope, or mean water level, as applicable.

(7) **Waiver or Variance.** The Development Review Board may grant a waiver (Section 4404) or variance (Section 4405) to reduce setback requirements only in accordance with other applicable provisions of these regulations.

2008.F **Height.** Structures must meet height requirements for the applicable zoning district as follows:

(1) **Exemptions.** Height limits do not apply to:

(a) Belfries, spires, steeples, cupolas, domes, or similar architectural features not used for human habitation; and

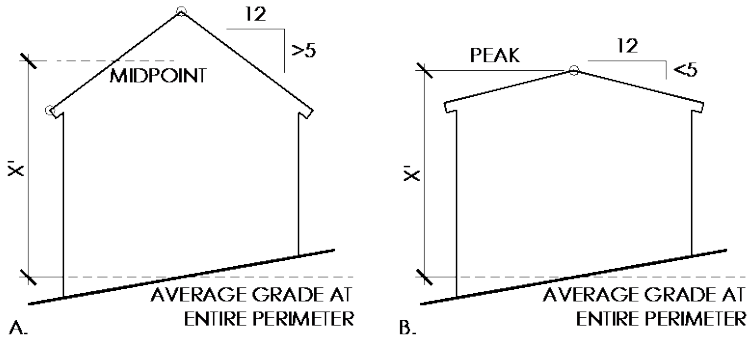
(b) Mechanical or utilitarian features such as skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or equipment typically located on a roof, provided that such features are limited to the height necessary for their proper functioning.

(2) **Measurement.** Height will be measured (see **Error! Reference source not found.**):

(a) For structures with a primary roof pitch of 5:12 or steeper, from the average finished grade at ground level to the midpoint between the eaves and the ridgeline; or

(b) For structures with a primary roof pitch of less than 5:12, from the average finished grade at ground level to the highest portion of the structure excluding the architectural features listed in Paragraph (1) above.

Figure 2-01. **Height Measurement Diagram**



(3) **Accessory Structures.** Accessory structures, including accessory buildings, must not exceed the maximum height limit for the applicable zoning district unless otherwise specified in these regulations. Height limits also apply to flag poles, light poles, signs, and similar freestanding accessory structures not located within public rights-of-way.

(4) **Height Waiver.** The Development Review Board may grant a waiver (Section 4404) , allowing for an increase in building height for:

(a) A single- or two-family dwelling in the Resource Protection District, of up to 35 ft, if the upper portion of the dwelling is not visible from adjacent properties or public vantage points beyond the property line.

(b) Multi-family residential development, including affordable housing development located within Village and Resort Districts or within an approved planned unit development, to allow for one additional floor above ground level if:

(i) The extra floor is necessary, per statute, to accommodate additional (bonus) dwelling units under Section 2008.H; or

(ii) An extra floor allows for enclosed or screened ground floor parking; and

(iii) The applicant demonstrates that the building will meet applicable Vermont Fire and Building Safety Codes.

(c) Commercial or industrial structures upon the applicant demonstrating that the additional height:

(i) Is the minimum necessary to functionally accommodate the proposed use;

(ii) Will not be used for human occupancy; and

(iii) Will not pose a risk to public safety including, but not limited to, consideration of setbacks, and will meet applicable Vermont Fire and Building Safety Codes.

2008.G **Footprint.** Building footprint will be measured as the area enclosed by the building's outer walls at ground level.

2008.H **Residential Density.** The number of dwelling units on a lot, exclusive of accessory dwellings, must not exceed the maximum density as specified in the applicable zoning district unless a density bonus is approved for affordable housing development, or as part of a planned unit development. Maximum density will be calculated based on total lot area inclusive of unbuildable land (i.e., conserved land, land within rights-of-way, floodplains, wetlands, steep slopes, surface waters, etc.).

(1) In areas within Village and Resort Zoning Districts that are served by water and/or sewer infrastructure, affordable housing development may exceed district residential density maximums by up to 40 percent (rounded up).

(2) The Development Review Board may approve a residential density increase as provided for planned unit development under Subchapter 340 in association with PUD master plan approval.

210 Base Zoning Districts

2101 VILLAGE BUSINESS (VB) DISTRICT

2101.A PURPOSE

The Village Business District encompasses the core of Warren Village, an area served by municipal wastewater and private water systems. This historic village center has been developed for business, civic and residential use with a traditional pattern of small, narrow lots and multi-story buildings set close to the road. It is the intent of this district to: (1) Maintain and reinforce the built pattern of a compact, pedestrian-oriented village center; (2) Continue to allow for the mix of business, civic and residential uses; and (3) Enhance village character through appropriate rehabilitation of historic buildings and new construction that is compatible with the historic setting.

2101.B DIMENSIONAL STANDARDS

Lots

(1)	Minimum lot size	10,000 sq ft
(2)	Minimum lot frontage	50 ft
(3)	Maximum lot coverage	80%
(4)	Maximum dwellings per acre	12 units

Setbacks

(5)	Minimum front setback	8 ft
(6)	Minimum side & rear setback	8 ft
(7)	Minimum water setback	50 ft

Structures

(8)	Maximum principal building footprint	6,000 sf
(9)	Maximum structure height	35 ft

2101.C PERMITTED USES

Residential and Lodging Uses

(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling [SP]
(4) Rooming and boarding house [1 SP]
(5) Accessory dwelling
(6) Home occupation
(7) Home business [SP]
(8) Family childcare home
(9) Bed and breakfast
(10) Short-term rental
(11) Group home
(12) Lodging facility [2 SP]

Commercial Uses

(13) Retail sales [4 SP]

Industrial Uses

(19) Media studio [4 SP]
(20) Telecom antenna [SP]

Art and Entertainment Uses

(21) Museum or library [SP]
(22) Artist gallery or studio [4 SP]
(23) Indoor recreation [4 SP]
(24) Park or nature preserve [SP]

Civic and Community Uses

(25) Government facility [SP]
(26) Educational institution [SP]
(27) Specialty school [4 SP]
(28) Outpatient care service [4 SP]
(29) Child day care [4 SP]
(30) Religious institution [SP]
(31) Funeral service [SP]

Notes

[1] Limited to a maximum of 8 boarders unless approved as a conditional use
[2] Limited to a maximum capacity of 30 guests unless approved as a conditional use
[3] Limited to a maximum of 60 seats unless approved as a conditional use
[4] Limited to a maximum of 3,000 square feet unless approved as a conditional use
[SP] Site plan review required

(14) Professional, business or financial service [4 SP]
(15) Personal service [4 SP]
(16) Restaurant, sit-down [3 SP]
(17) Bar [3 SP]
(18) Catering or commercial kitchen [SP]
(32) Social club [4 SP]
(33) Emergency shelter [SP]

Natural Resource Uses
(34) Farming or forestry
(35) On-farm business [SP]

2101.D CONDITIONAL USES [SP]

Residential and Lodging Uses
Rooming & boarding house [5]
(1) Lodging facility [6]

Commercial Uses
(2) Retail sales [8]
(3) Professional, business or financial service [8]
(4) Personal service [8]
(5) Restaurant, sit-down [7]
(6) Bar [7]
(7) Event facility

Industrial Uses
(8) Food or beverage manufacturing
(9) Media studio [8]

Art and Entertainment Uses
(10) Theater
(11) Artist gallery or studio [8]
(12) Indoor recreation [8]

Civic and Community Uses
(13) Specialty school [8]
(14) Outpatient care service [8]
(15) Child day care [8]
(16) Social club [8]

Notes
[5] More than 8 boarders
[6] More than 30 guest capacity
[7] More than 60 seats
[8] More than 3,000 square feet
[SP] Site plan review required for all conditional uses

2101.E DISTRICT STANDARDS

[Reserved]

2102 VILLAGE MIXED USE (VMU) DISTRICT

2102.A PURPOSE

The Village Mixed Use District encompasses lands along the main travel corridors in Warren Village, including areas served by municipal wastewater infrastructure. This area has historically been developed for residential, civic, and business uses, establishing a pattern of small lots with buildings set close to the road with shallow front yards. It is the intent of this district to: (1) Maintain and reinforce the built pattern of a compact, pedestrian-oriented village center; (2) Continue to allow for a mix of residential, civic and business uses; and (3) Enhance village character through appropriate rehabilitation of historic buildings and new construction that is compatible with the historic setting.

2102.B DIMENSIONAL STANDARDS

Lots		
(1)	Minimum lot size	10,000 sq ft
(2)	Minimum lot frontage	50 ft
(3)	Maximum lot coverage	80%
(4)	Maximum dwellings per acre	12 units
Setbacks		
(5)	Minimum front setback	8 ft
(6)	Minimum side & rear setback	8 ft
(7)	Minimum water setback	50 ft
Structures		
(8)	Maximum principal building footprint	6,000 sf
(9)	Maximum structure height	35 ft

2102.C PERMITTED USES

Residential and Lodging Uses
(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling SP
(4) Rooming & boarding house 1 SP
(5) Accessory dwelling
(6) Home occupation
(7) Home business SP
(8) Family childcare home
(9) Bed and breakfast
(10) Short-term rental
(11) Group home
(12) Care home
(13) Lodging facility 2 SP

Commercial Uses
(14) Retail sales 4 SP

Industrial Uses
(20) Media studio 4 SP
(21) Telecom antenna SP

Art and Entertainment Uses
(22) Museum or library SP
(23) Artist gallery or studio 4 SP
(24) Indoor recreation 4 SP
(25) Park or nature preserve SP

Civic and Community Uses
(26) Government facility SP
(27) Educational institution SP
(28) Specialty school 4 SP
(29) Outpatient care service 4 SP
(30) Child day care 4 SP
(31) Religious institution SP
(32) Funeral service SP
(33) Social club 4 SP
(34) Emergency shelter SP

Notes
1 Limited to a maximum of 8 boarders unless approved as a conditional use
2 Limited to a maximum capacity of 30 guests unless approved as a conditional use
3 Limited to a maximum of 60 seats unless approved as a conditional use
4 Limited to a maximum of 3,000 square feet unless approved as a conditional use
SP Site plan review required

(15) Professional, business or financial service [4 SP]
(16) Personal service [4 SP]
(17) Restaurant, sit-down [3 SP]
(18) Bar [3 SP]
(19) Catering or commercial kitchen [SP]

Natural Resource Uses
(35) Farming or forestry
(36) On-farm business [SP]

2102.D CONDITIONAL USES [SP]

Residential and Lodging Uses
(1) Rooming & boarding house [5]
(2) Lodging facility [6]

Commercial Uses
(3) Retail sales [8]
(4) Repair service
(5) Professional, business or financial service [8]
(6) Personal service [8]
(7) Property service
(8) Restaurant, sit-down [7]
(9) Bar [7]
(10) Event facility

Industrial Uses
(11) Food or beverage manufacturing
(12) Media studio [8]

Art and Entertainment Uses
(13) Theater
(14) Artist gallery or studio [8]
(15) Indoor recreation [8]

Civic and Community Uses
(16) Specialty school [8]
(17) Outpatient care service [8]
(18) Child day care [8]
(19) Social club [4]

Notes
[5] More than 8 boarders
[6] More than a 30 guest capacity
[7] More than 60 seats
[8] More than 3,000 square feet
[SP] Site plan review required for all conditional uses

2102.E DISTRICT STANDARDS

(1) Parcels developed with one or more dwelling units as of [EFFECTIVE DATE] may be used for a use other than residential or lodging only if there will continue to be at least one dwelling unit on the property.

2103 VILLAGE RESIDENTIAL (VR) DISTRICT

2103.A PURPOSE

The Village Residential District encompasses lands in and near Warren Village, including areas served by municipal wastewater infrastructure. This area includes both established residential neighborhoods and land suitable for future residential development. It is the intent of this district to: (1) Maintain and extend the built pattern of a compact, pedestrian-friendly village; (2) Allow for residential uses and compatible non-residential uses; and (3) Allow for a diversity of housing types and densities.

2103.B DIMENSIONAL STANDARDS

Lots

(1)	Minimum lot size	10,000 sq ft
(2)	Minimum lot frontage	50 ft
(3)	Maximum lot coverage	60%
(4)	Maximum dwellings per acre	8 units

Setbacks

(5)	Minimum front setback	12 ft
(6)	Minimum side & rear setback	12 ft
(7)	Minimum water setback	50 ft

Structures

(8)	Maximum principal building footprint	6,000 sf
(9)	Maximum structure height	35 ft

2103.C PERMITTED USES

Residential and Lodging Uses
(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling SP
(4) Rooming & boarding house 1 SP
(5) Accessory dwelling
(6) Home occupation
(7) Family childcare home
(8) Bed and breakfast
(9) Short-term rental
(10) Group home
(11) Care home

Industrial Uses
(12) Telecom antenna SP

Art and Entertainment Uses
(13) Park or nature preserve SP

Civic and Community Uses
(14) Educational institution SP
(15) Cemetery
(16) Emergency shelter SP

Natural Resource Uses
(17) Farming or forestry
(18) On-farm business SP

Notes
1 Limited to a maximum of 8 boarders unless approved as a conditional use
SP Site plan review required

2103.D CONDITIONAL USES SP

Residential and Lodging Uses
(1) Rooming & boarding house 2
(2) Home business
(3) Lodging facility

Civic and Community Uses
(4) Government facility
(5) Child day care
(6) Religious institution

Notes
2 More than 8 boarders
SP Site plan review required for all conditional uses

2103.E DISTRICT STANDARDS

[Reserved]

2104 RESIDENTIAL (RES) DISTRICT

2104.A PURPOSE

The Residential District includes developed residential subdivisions and lands suitable for future residential development at moderate densities served by private, onsite or shared water and wastewater systems. It is the intent of this district to: (1) Protect the character and quality of life in residential areas; (2) Allow for residential uses and compatible non-residential uses; and (3) Allow for a diversity of housing types.

2104.B DIMENSIONAL STANDARDS

Lots	
(1) Minimum lot size	1 acre
(2) Minimum lot frontage	150 ft
(3) Maximum lot coverage	20% or 4,000 sf, whichever is greater
(4) Maximum dwellings per acre	2 units
Setbacks	
(5) Minimum front setback	40 ft
(6) Minimum side & rear setback	20 ft
(7) Minimum water setback	50 ft
Structures	
(8) Maximum principal building footprint	none
(9) Maximum structure height	35 ft

2104.C PERMITTED USES

Residential and Lodging Uses
(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling [SP]
(4) Worker housing [SP]
(5) Rooming & boarding house [1 SP]
(6) Accessory dwelling
(7) Primitive camp
(8) Home occupation
(9) Family childcare home
(10) Bed and breakfast
(11) Short-term rental
(12) Group Home
(13) Care home

Industrial Uses
(14) Telecom antenna [SP]

Art and Entertainment Uses
(15) Park or nature preserve [SP]

Civic and Community Uses
(16) Cemetery

Natural Resource Uses
(17) Emergency shelter [SP]
(18) Farming or forestry
(19) On-farm business [SP]

Notes
[1] Limited to a maximum of 8 boarders unless approved as a conditional use
[SP] Site plan review required

2104.D CONDITIONAL USES [SP]

Residential and Lodging Uses
(1) Rooming & boarding house[2]
(2) Home business
(3) Lodging facility[3]

Civic and Community Uses
(4) Child day care
(5) Religious institution

Notes
[2] More than 8 boarders
[3] Limited to a maximum capacity of 30 guests
[SP] Site plan review required for all conditional uses

2104.E DISTRICT STANDARDS

[Reserved]

2105 RURAL (RL) DISTRICT

2105.A PURPOSE

The Rural District includes rural land that is accessible from maintained roads and is served by private onsite or shared water and wastewater systems. Farm and forest lands predominate with low densities of residential development and businesses. It is the intent of this district to: (1) Protect the town's rural character, environmental quality, and open space, through low-impact approaches to development; (2) Accommodate and cluster low-density residential development on those lands that are capable of supporting it; and (3) Allow for tourism, recreation and resource based uses that generate income for rural landowners while maintaining farm and forest land.

2105.B DIMENSIONAL STANDARDS

Lots

(1)	Minimum lot size	5 acres
(2)	Minimum lot frontage	300 ft
(3)	Maximum lot coverage	5% or 4,000 sf, whichever is greater
(4)	Maximum dwellings per acre	0.4 units, rounded up

Setbacks

(5)	Minimum front setback	40 ft
(6)	Minimum side & rear setback	20 ft
(7)	Minimum water setback	50 ft

Structures

(8)	Maximum principal building footprint	none
(9)	Maximum structure height	35 ft

2105.C PERMITTED USES

Residential and Lodging Uses

(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling SP
(4) Worker housing SP
(5) Rooming & boarding house[1] SP
(6) Accessory dwelling
(7) Primitive camp
(8) Home occupation
(9) Home business SP
(10) Family childcare home
(11) Bed and breakfast
(12) Short-term rental
(13) Group home

Industrial Uses

(14) Telecom antenna SP

Art and Entertainment Uses

(15) Park or nature preserve SP

Civic and Community Uses

(16) Cemetery
(17) Emergency shelter SP

Natural Resource Uses

(18) Farming or forestry
(19) On-farm business SP

Notes

[1] Limited to a maximum of 8 boarders unless approved as a conditional use
SP Site plan review required

2105.D CONDITIONAL USES [SP]

Residential and Lodging Uses
(1) Rooming & boarding house [2]
(2) Lodging facility
(3) Campground

Commercial Uses
(4) Lawn, garden and farm supply sales
(5) Lumberyard and building supply sales
(6) Veterinary, pet or animal service
(7) Property service
(8) Event facility
(9) Catering or commercial kitchen

Industrial Uses
(10) Food or beverage manufacturing
(11) Stone products manufacturing
(12) Wood products manufacturing
(13) Research and development facility
(14) Storage & distribution services
(15) Media studio
(16) Communications tower
(17) Contractor's yard

Art and Entertainment Uses
(18) Museum or library
(19) Artist gallery or studio
(20) Outdoor recreation
(21) Golf course or country club
(22) Equestrian facility

Civic and Community Uses
(23) Government facility
(24) Specialty school
(25) Child day care
(26) Religious institution
(27) Social club

Natural Resource Uses
(28) Firewood processing
(29) Earth resource extraction
(30) Water resource extraction
(31) Agricultural enterprise

Notes
[2] More than 8 boarders
[SP] Site plan review required for all conditional uses

2105.E DISTRICT STANDARDS

(1) An applicant proposing to develop an undeveloped lot in this district that does not have an approved building envelope must designate a building envelope in accordance with Subsection 3307.C and Section 4308.

(2) Existing forest cover must be maintained outside the approved building envelope except for farming and forestry in accordance with Section 1103 and clearing specifically authorized by the Development Review Board as part of an approved development.

(3) Major subdivisions in this district must be designed and approved as Conservation PUDs in accordance with Section 3401. Minor subdivisions in this district may be designed as a Conservation PUD, or must meet conservation set aside requirements under Section 3304.C

(4) Proposed development subject to major site plan or conditional use approval in this district must:

(a) Be located downslope of ridgelines and prominent knolls, and be designed so that the height of proposed structures will not exceed the elevation of any adjacent ridgeline or tree canopy serving as the visual backdrop to the structure as viewed from public vantage points;

(b) Be located at the edge of open meadows and off primary agricultural soils to the maximum extent feasible;

(c) Minimize and mitigate the visual impact of parking and service areas as viewed from the road and adjoining properties; and

(d) Not result in undue adverse impacts to natural resources under Section 3304.

2106 RESOURCE PROTECTION (RP) DISTRICT

2106.A PURPOSE

The Resource Protection District includes land poorly suited for development. This may be due to the presence of natural hazards and constraints (steep slopes, shallow soils, flooding, erosion, etc.) or important natural resources (wildlife habitat and travel corridors, wetlands, primary agricultural soils, etc.). Some lands in this district are not readily accessible from maintained public roads. Much of the land is found at high elevations and development could impact recognized scenic viewsheds. Much of the land is currently forested with a very low density of development. A significant portion of the land in this district has already been protected through public ownership (National Forest and State Forest) or private land conservation (through the Vermont Land Trust and others).

It is the intent of this district to: (1) Protect the town's rural character and environmental quality by guiding development away from land that has the most significant development constraints and/or the highest natural, agricultural and scenic resource value; (2) Maintain a very low density of development; (3) Minimize forest fragmentation and clearing; (4) Safeguard water quality and attenuate flooding; (5) Sustain wildlife habitat and travel corridors; and (6) Preserve the natural beauty of highly visible hillsides and ridgelines.

2106.B DIMENSIONAL STANDARDS

Lots

(1) Minimum lot size	25 acres
(2) Minimum lot frontage	75 ft
(3) Maximum lot coverage	1% or 4,000 sf, whichever is greater
(4) Maximum dwellings per acre	0.08 units, rounded up

Setbacks

(5) Minimum front setback	40 ft
(6) Minimum side & rear setback	20 ft
(7) Minimum water setback	100 ft

Structures

(8) Maximum principal building footprint	none
(9) Maximum structure height	24 ft

2106.C PERMITTED USES

Residential and Lodging Uses
- (1) Accessory dwelling
- (2) Primitive camp
- (3) Home occupation
- (4) Family childcare home
- (5) Bed and breakfast
- (6) Short-term rental
- (7) Group home

Industrial Uses
- (8) Telecom antenna [SP]

Art and Entertainment Uses
- (9) Park or nature preserve [SP]

Natural Resource Uses
- (10) Farming or forestry
- (11) On-farm business [SP]

Notes
[SP] Site plan review required

2106.D CONDITIONAL USES

Residential and Lodging Uses
(1) Single-family dwelling
(2) Two-family dwelling
(3) Campground [SP]

Industrial Uses
(4) Telecom tower [SP]

Art and Entertainment Uses
(5) Museum or library [SP]
(6) Outdoor recreation [SP]
(7) Equestrian facility [SP]

Civic and Community Uses
(8) Specialty school [SP]
(9) Social club [SP]

Natural Resource Uses
(10) Firewood processing [SP]
(11) Earth resource extraction [SP]
(12) Water resource extraction

Notes
[SP] Site plan review required for all conditional uses, except for single- and two-family dwellings

2106.E DISTRICT STANDARDS

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(1) An applicant proposing to develop an undeveloped lot in this district that does not have an approved building envelope must designate a building envelope in accordance with Subsection 3307.C and Section 4308.

(2) Existing forest cover must be maintained outside the approved building envelope except for farming and forestry in accordance with Section 1103, and clearing specifically authorized by the Development Review Board as part of an approval for proposed development.

(3) A major subdivision in this district must be designed and approved as a Conservation PUD in accordance with Section 3401. Minor subdivisions in this district may be designed as a Conservation PUD, or must meet conservation set aside requirements under Section 3304.C

(4) Any parcels subject to a private conservation easement put in place prior to [EFFECTIVE DATE] that established a specified number of retained building rights may be developed in accordance with the terms of the easement irrespective of the residential density standard of this district.

(5) Proposed development in this district must:

(a) Be minimally visible from roads and adjoining properties, not stand in contrast to surrounding landscape patterns and features, and not serve as a visual focal point;

(b) Be located downslope of ridgelines and prominent knolls, and be designed so that the height of proposed structures will not exceed the elevation of any adjacent ridgeline or tree canopy serving as the visual backdrop to the structure as viewed from public vantage points;

(c) Be located at the edge of open meadows and off primary agricultural soils to the maximum extent feasible;

(d) Not result in undue adverse impacts on the natural resources identified in Section 3304; and

(e) Use dark colored and low reflectivity surface materials for any development that will be visible from public vantage points.

2107 FOREST RECREATION (FR) DISTRICT

2107.A PURPOSE

The Forest Recreation district encompasses the National Forest lands and adjacent private lands developed with ski facilities associated with Sugarbush Resort Lincoln Peak and the upper elevation of Mt. Ellen. Portions of these lands are also regulated under the resort's special use permit with the Green Mountain National Forest, the Memorandum of Understanding with the resort, and the resort's Act 250 permit and approved master plan. It is the intent of this district to accommodate a range of year-round outdoor recreation activities on the mountains in a manner that avoids, or where necessary minimizes and mitigates the adverse environmental impacts of development.

2107.B DIMENSIONAL STANDARDS

Lots

(1)	Minimum lot size	25 acres
(2)	Minimum lot frontage	none
(3)	Maximum lot coverage	1%
(4)	Minimum acres per dwelling	n/a

Setbacks

(5)	Minimum front setback	none
(6)	Minimum side & rear setback	none
(7)	Minimum water setback	100 ft

Structures

(8)	Maximum principal building footprint	none
(9)	Minimum principal building height	none
(10)	Maximum structure height	none

2107.C PERMITTED USES

Residential and Lodging Uses
(1) Primitive camp
(2) Campground [SP]
(3) Resort [1,2 SP]

Industrial Uses
(4) Telecom antenna [SP]

Art and Entertainment Uses
(5) Outdoor recreation [SP]
(6) Park or nature preserve [SP]
(7) Equestrian facility [SP]

Civic and Community Uses
(8) Specialty school [SP]

Natural Resource Uses
(9) Farming or forestry
(10) On-farm business [SP]

Notes
[1]Use or structure included in an approved resort master plan
[2]Housing is prohibited in this district
[SP] Site plan review required

2107.D CONDITIONAL USES

Industrial Uses
(1) Telecom tower [SP]

Notes
[SP] Site plan review required

2107.E DISTRICT STANDARDS

[Reserved]

2108 RESORT MIXED USE (RMU) DISTRICT

2108.A PURPOSE

The Resort Mixed Use District encompasses lands within and adjoining Sugarbush Resort, including but not limited to areas served by the resort's water and sewer systems. This area has been developed as a vacation destination with a mix of recreation, lodging, housing, retail, dining and other service uses organized around the ski facilities. The land owned by Sugarbush Resort is also regulated under the Memorandum of Understanding with the resort, the resort's Act 250 permit and its approved master plan(s). It is the intent of this district to: (1) Enable the ongoing transition of the ski resort to a four-season destination; (2) Establish a compact, walkable built pattern; and (3) Enhance the character of the resort through high quality site and building design that complements the scenic qualities of the mountain landscape.

2108.B DIMENSIONAL STANDARDS

Lots

(1)	Minimum lot size	1 acre
(2)	Minimum lot frontage	150 ft
(3)	Maximum lot coverage	50%
(4)	Maximum dwellings per acre	24 units

Setbacks

(5)	Minimum front setback	12 ft
(6)	Minimum side & rear setback	20 ft
(7)	Minimum water setback	50 ft

Structures

(8)	Maximum principal building footprint	none
(9)	Minimum principal building height	24 ft
(10)	Maximum structure height	48 ft

2108.C PERMITTED USES [1]

Residential and Lodging Uses
(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling SP
(4) Worker housing SP
(5) Rooming & boarding house SP
(6) Accessory dwelling
(7) Home occupation
(8) Home business SP
(9) Family childcare home
(10) Bed and breakfast
(11) Short-term rental
(12) Group home
(13) Lodging facility SP
(14) Campground SP
(15) Resort [3] SP

(20) Personal service SP
(21) Property service SP
(22) Restaurant SP
(23) Bar SP
(24) Event facility SP
(25) Catering or commercial kitchen SP

Industrial Uses
(26) Food or beverage manufacturing SP
(27) Media studio SP
(28) Telecom antenna SP

Art and Entertainment Uses
(29) Theater SP
(30) Museum or library SP

Civic and Community Uses
(37) Specialty school SP
(38) Outpatient care SP
(39) Child day care SP
(40) Religious institution SP
(41) Social club SP
(42) Emergency shelter SP

Natural Resource Uses
(43) Farming or forestry
(44) On-farm business SP

Commercial Uses
(16) Retail sales [SP]
(17) Repair service [SP]
(18) Rental and leasing [SP]
(19) Professional, business or financial service [SP]
(31) Artist gallery or studio [SP]
(32) Indoor recreation [SP]
(33) Outdoor recreation [SP]
(34) Park or nature preserve [SP]
(35) Golf course or country club [SP]
(36) Equestrian facility [SP]

Notes
[1] All uses requiring site plan approval are permitted within a structure in existence as of [EFFECTIVE DATE].
[2] Uses requiring site plan approval proposed to be located within a new principal structure will also require conditional use approval
[3] Use or structure included in an approved resort master plan
[SP] Site plan review required

2108.D CONDITIONAL USES [SP]

Commercial Uses
(1) Fueling station or carwash
(2) Veterinary, pet or animal services

Industrial Uses
(3) Research and development facility
(4) Storage and distribution services
(5) Transportation services
(6) Telecom tower

Civic and Community Uses
(7) Government facility

Notes
[SP] Site plan review required for all conditional uses

2108.E DISTRICT STANDARDS

[Reserved]

2109 RESORT RESIDENTIAL (RR) DISTRICT

2109.A PURPOSE

The Resort Residential District encompasses lands surrounding Sugarbush Resort that is or could be served by the resort's water and sewer systems. This area includes both established residential neighborhoods and land suitable for future residential development. It is the intent of this district to: (1) Allow for residential uses and compatible non-residential uses; and (2) Allow for a diversity of housing types and densities.

2109.B DIMENSIONAL STANDARDS

Lots

(1)	Minimum lot size	10,000 sf
(2)	Minimum lot frontage	50 ft
(3)	Maximum lot coverage	50%
(4)	Maximum dwellings per acre	8 units

Setbacks

(5)	Minimum front setback	20 ft
(6)	Minimum side & rear setback	20 ft
(7)	Minimum water setback	50 ft

Structures

(8)	Maximum principal building footprint	6,000 sf
(9)	Maximum structure height	35 ft

2109.C PERMITTED USES

Residential and Lodging Uses
(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling [SP]
(4) Worker housing [SP]
(5) Rooming & boarding house [1 SP]
(6) Accessory dwelling
(7) Home occupation
(8) Family childcare home
(9) Bed and Breakfast
(10) Short-term rental
(11) Group home

Civic and Community Uses
(12) Emergency shelter [SP]

Industrial Uses
(13) Telecom antenna [SP]

Art and Entertainment Uses
(14) Park or nature preserve [SP]

Natural Resource Uses
(15) Farming or forestry
(16) On-farm business [SP]

Notes
[1] Limited to a maximum of 8 boarders unless approved as a conditional use
[SP] Site plan review required

2109.D CONDITIONAL USES [SP]

Residential and Lodging Uses
(1) Rooming & boarding house [2]
(2) Home business
(3) Lodging facility

Industrial Uses
(4) Telecom tower

Art and Entertainment Uses
(5) Golf course or country club
(6) Equestrian facility

Notes
[2] More than 8 boarders
[SP] Site plan review required for all conditional uses

2109.E DISTRICT STANDARDS

[Reserved]

2110 GENERAL BUSINESS (GB) DISTRICT

2110.A PURPOSE

The General Business District includes lands largely along the main travel corridors that have historically been used for commercial and industrial purposes and are served by private onsite or shared water and wastewater systems. It is the intent of this district to: (1) Provide suitable locations for a diversity of businesses; (2) Maintain and enhance the character of these areas so that they will be an attractive location for businesses to locate and expand; and (3) Promote high quality site design that protects rural character.

2110.B DIMENSIONAL STANDARDS

Lots

(1)	Minimum lot size	3 acres
(2)	Minimum lot frontage	240 ft
(3)	Maximum lot coverage	30%
(4)	Maximum dwellings per acre	1 unit

Setbacks

(5)	Minimum front setback	40 ft
(6)	Minimum side & rear setback	20 ft
	If abutting another district	*100 ft*
(7)	Minimum water setback	50 ft

Structures

(8)	Maximum principal building footprint	none
(9)	Maximum structure height	35 ft

2110.C PERMITTED USES

Residential and Lodging Uses
(1) Single-family dwelling
(2) Two-family dwelling
(3) Multi-family dwelling [SP]
(4) Worker housing [SP]
(5) Rooming & boarding house [SP]
(6) Accessory dwelling
(7) Home occupation
(8) Home business [SP]
(9) Family childcare home
(10) Bed and breakfast
(11) Short-term rental
(12) Group home
(13) Lodging facility [SP]
(14) Campground [SP]

Commercial Uses
(15) Lawn, garden and farm supply sales [SP]
(16) Lumberyard and building supply sales [SP]
(17) Professional, business or financial service [SP]
(18) Personal service [SP]
(19) Property service [SP]
Restaurant, sit-down [SP]
(20) Catering or commercial kitchen [SP]

Industrial Uses
(21) Research and development facility [SP]
(22) Wholesale trade [SP]
(23) Storage and distribution service [SP]
(24) Media studio [SP]
(25) Telecom antenna [SP]

Civic and Community Uses
(26) Government facility [SP]
(27) Specialty school [SP]
(28) Outpatient care [SP]
(29) Child day care [SP]
(30) Religious institution [SP]
(31) Funeral service [SP]
(32) Social club [SP]
(33) Emergency shelter [SP]

Art and Entertainment Uses
(34) Artist gallery or studio [SP]
(35) Indoor recreation [SP]
(36) Park or nature preserve [SP]

Natural Resource Uses
(37) Farming or forestry
(38) On-farm business [SP]

Notes
[SP] Site plan review required

2110.D CONDITIONAL USES [SP]

Commercial Uses

(1) Retail sales
(2) Sales lot
(3) Fueling station or carwash
(4) Repair service
(5) Veterinary, pet or animal services
(6) Event facility

Industrial Uses

(7) Light industry
(8) Food or beverage manufacturing
(9) Stone products manufacturing
(10) Metal fabrication shop
(11) Wood products manufacturing

Transportation services

(12) Telecom tower
(13) Waste services
(14) Contractor's yard

Art and Entertainment Uses

(15) Outdoor recreation
(16) Golf course or country club
(17) Equestrian facility

Natural Resource Uses

(18) Firewood processing
(19) Earth resource extraction
(20) Water resource extraction

Notes

[SP] Site plan review required for all conditional uses

2110.E DISTRICT STANDARDS

[Reserved]

2111 DISTRICT DIMENSIONAL SUMMARY TABLE

See applicable zoning district section for additional standards and guidance on dimensional standards.

		VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
Lots											
(1)	Minimum lot size (see Subsection 2008.B)	10,000 sf	10,000 sf	10,000 sf	1 ac	5 ac	25 ac	25 ac	1 ac	10,000 sf	3 ac
(2)	Minimum lot frontage (see Subsection 2008.C)	50 ft	50 ft	50 ft	150 ft	300 ft	75 ft	n/a	150 ft	50 ft	240 ft
(3)	Maximum lot coverage (see Subsection 2008.D)	80%	80%	60%	20%[1]	5%[1]	1%[1]	1%	50%	50%	30%
(4)	Maximum dwellings per acre (see Subsection 2008.H)	12	12	8	2	0.4	0.08	n/a	24	8	1
Setbacks											
(5)	Minimum front setback (see Subsection 2008.E)	8 ft	8 ft	12 ft	40 ft	40 ft	40 ft	n/a	12 ft	20 ft	40 ft
(6)	Minimum side and rear setback If abutting another district (see Subsection 2008.E)	8 ft	8 ft	12 ft	20 ft	20 ft	20 ft	n/a	20 ft	20 ft	20 ft 100 ft
(7)	Minimum water setback (stream or shoreline, see Subsection 2008.E)	250ft	50 ft	50 ft	50 ft	50 ft	100 ft	100 ft	50 ft	50 ft	50 ft
Structures											
(8)	Maximum principal building footprint (see Subsection 2008.G)	6,000 sf	6,000 sf	6,000 sf	n/a	n/a	n/a	n/a	n/a	6,000 sf	n/a
(6)	Minimum principal building height (see Subsection 2008.F)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	24 ft	n/a	n/a
(7)	Maximum structure height (see Subsection 2008.G)	35 ft	35 ft	35 ft	35 ft	35 ft	24 ft	n/a	48 ft	35 ft	35 ft

[1] Or 4,000 sf, whichever is greater.

2112 DISTRICT USE SUMMARY TABLE AND USE DEFINITIONS

See applicable zoning district section for additional standards and guidance on allowed uses.

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
Residential and Lodging												
(1)	Single-family dwelling A detached, residential building that contains one principal dwelling unit for habitation by one household. See Section 3009.A(8). May also include an accessory dwelling unit that is clearly subordinate to the principal dwelling unit.	No	P	P	P	P	P	C	X	P	P	P
(2)	Two-family dwelling A residential building that contains two principal dwelling units for habitation by two households. See Section 3009.A(8). Units may be attached (divided) or stacked, with each unit having a separate entrance from the outside or through a common vestibule. This definition includes a "duplex" as defined in statute .	No	P	P	P	P	P	C	X	P	P	P
(3)	Multi-family dwelling A residential or mixed-use building that contains three or more dwelling units, for habitation by three or more households. This definition includes townhouses, triplexes, fourplexes, and condo or apartment buildings. See Section 3202.	Yes	P	P	P	P	P	X	X	P	P	P
(4)	Worker housing Use of a structure or part of a structure by an employer to provide accommodations to their employees that will serve as the worker's principal residence for a period of not less than 31 days, and that may include meals, housekeeping and/or laundry services. See Section 3203.	Yes	X	X	X	P	P	X	X	P	P	P
(5)	Rooming & boarding house	No	P/C	P/C	P/C	P/C	P/C	X	X	P	P/C	P

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
	Use of a single-family dwelling to provide accommodations that will serve as the boarder's principal residence for a period of not less than 31 days, and that may include meals, housekeeping and/or laundry services. See Section 3204.											
(6)	Accessory dwelling A distinct dwelling unit that is appurtenant to a single-family dwelling, which is clearly subordinate in size and scale to the principal dwelling, and meets the requirements for such dwellings under Section 3205.	No	P	P	P	P	P	P	X	P	P	P
(7)	Primitive camp Use of a structure that does not meet the minimum requirements of a dwelling unit in Section 3009.A(8), and is intended for habitation by people who are vacationing or recreating and who have a principal residence elsewhere. See Section 3206.	No	X	X	X	P	P	P	P	X	X	X
(8)	Home occupation Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section 3207.	No	P	P	P	P	P	P	X	P	P	P
(9)	Home business Accessory use of single-family residential property for a small business that may alter the residential character of the property. See Section 3208.	Yes	P	P	C	C	P	X	X	P	C	P
(10)	Family childcare home Accessory use of single-family residential property for a small childcare business that operates under state license or registration. See Section 3209.	No	P	P	P	P	P	P	X	P	P	P
(11)	Bed-and-breakfast Accessory use of single-family residential property to provide short-term guest accommodations. See Section 3210.	No	P	P	P	P	P	P	X	P	P	P

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
(12)	Short-term rental Accessory use of a residential property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section 3211.	No	P	P	P	P	P	P	X	P	P	P
(13)	Group home Use of a single-family residential property to provide housing to people with a handicap or disability, or who are in recovery from a substance abuse disorder, that operates under state license or registration. See Section 1105.	No	P	P	P	P	P	P	X	P	P	P
(14)	Care home Use of one or more structures to provide housing, board and services to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. or 24-hour skilled nursing, or similar treatment or care, and that operates under state license. Includes residential care, nursing or convalescent homes, hospice or respite care facilities, and residential treatment facilities. See Section 3212.	Yes	X	P	P	P	X	X	X	X	X	X
(15)	Lodging facility Use of one or more structures to provide short-term guest accommodations. It may also include accessory uses such as food services, recreational services, event hosting, laundry services, etc. See Section 3213.	Yes	P/C	P/C	C	C	C	X	X	P	C	P
(16)	Campground An establishment: (a) designed to accommodate campers and their equipment including tents, tent trailers, recreational vehicles or cabins, or (b) that provides individuals or groups with camping or similar primitive lodging, and outdoor recreational activities. It may provide short-term guest accommodations, and facilities and services such	Yes	X	X	X	X	C	C	P	P	X	P

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	as camping units, cabins, sanitary facilities, food services, recreational facilities for guest or day use, and organized recreational or educational activities. See Section 3214.											
(17)	Resort A use or structure identified and included in a previously approved Resort PUD Master Plan. See Section 3215.	Yes	X	X	X	X	X	X	P	P	X	X
Commercial												
(18)	Retail sales An establishment that sells goods to the general public for personal or household consumption, excluding any use specifically defined in this section. It may also provide rental, installation, repair or maintenance services as an accessory use.	Yes	P/C	P/C	X	X	X	X	X	P	X	C
(19)	Sales lot An establishment that sells large goods such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide rental, installation, repair or maintenance services as an accessory use. See Section 3103.	Yes	X	X	X	X	X	X	X	X	X	C
(20)	Repair service An establishment that maintains, services, repairs or paints large goods such as appliances, vehicles, boats, equipment or machinery. See Section 3216.	Yes	X	C	X	X	X	X	X	P	X	C
(21)	Fueling station A specialized establishment for selling gasoline or other vehicle fuels, It may also include a retail shop, repair service or carwash as an accessory use. See Section 3217.	Yes	X	X	X	X	X	X	X	C	X	C

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
(22)	Carwash A specialized establishment for washing, waxing, polishing and general cleaning of vehicles. See Section 3218.	Yes	X	X	X	X	X	X	X	C	X	C
(23)	Lawn, garden or farm supply An establishment that sells specialized products and services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as anaccessory use. See Section 3103.	Yes	X	X	X	X	C	X	X	X	X	P
(24)	Lumberyard or building supply An establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures. See Section 3103.	Yes	X	X	X	X	C	X	X	X	X	P
(25)	Professional, business or financial service An establishment that: (a) is used to conduct the affairs of a business, organization or profession; (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; (c) provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc.; or (d) engages in financial transactions that create, liquidate or change ownership of financial assets such as accepting deposits, making loans and issuing currency. This definition specifically excludes services provided by licensed medical or veterinary practitioners.	Yes	P/C	P/C	X	X	X	X	X	P	X	P
(26)	Personal service	Yes	P/C	P/C	X	X	X	X	X	P	X	P

P = Permitted C = Conditional X = Prohibited		**SITE PLAN**	**VB**	**VMU**	**VR**	**RES**	**RL**	**RP**	**FR**	**RMU**	**RR**	**GB**
	An establishment that provides services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair, hair salon, nail salon, tanning salon, spa, massage parlor or tattoo parlor. It may include sales of related personal products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.											
(27)	Veterinary, pet or animal service An establishment: (a) where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; (b) that provides animal and pet care services such as boarding, daycare, grooming and training; or (c) that breeds, sells or manages adoption of pets. It may include grooming, boarding or other pet services as an accessory use. It may include sales of pet food, medicines or supplies as an accessory use. See Section 3219.	Yes	X	X	X	X	C	X	X	C	X	C
(28)	Property service An establishment that provides property services such as lawn and garden maintenance, tree care, fence installation, snow removal, pest management, etc. This definition specifically excludes a contractor's yard. See Section 3224.	Yes	X	C	X	X	C	X	X	P	X	P

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
(29)	Restaurant An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption. A restaurant will be classified as take-out if it has drive-through service. A restaurant without drive-through service that has both eat-in and take-out service will be classified as a sit-down restaurant provided that the dining area (exclusive of any outdoor dining) comprises at least 40% of the total floor area of the restaurant. This definition includes a retail bakery that sells at least 50% of its products on the premises and mobile food service from motorized vehicles or non-motorized carts that are parked or located outside the road right-of-way. This definition specifically excludes catering and commercial kitchens. See Section 3220.	Yes	P/C	P/C	X	X	X	X	X	P	X	P
(30)	Bar An establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service and live entertainment as an accessory use. This definition includes a brewpub that produces less than 15,000 barrels of beer per year and sells 25% or more of its beer on the premises. See Section 3220.	Yes	P/C	P/C	X	X	X	X	X	P	X	X
(31)	Event facility An establishment used to host mass gatherings such as festivals, exhibitions, fairs, competitions, conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events. See Section 3220.	Yes	C	C	X	X	C	X	X	P	X	C
(32)	Catering or commercial kitchen A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premises events; or (b) food or beverage products	Yes	P	P	X	X	C	X	X	P	X	P

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
	for wholesale or retail sale provided that the operator does not require a state food processing establishment license (such uses will be considered food or beverage manufacturing).											
Industrial												
(33)	Light industry An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.	Yes	X	X	X	X	X	X	X	X	X	C
(34)	Food or beverage manufacturing A state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery or commercial bakery.	Yes	C	C	X	X	C	X	X	P	X	C
(35)	Stone products manufacturing An establishment that produces stone products such as cut or dimension stone, building materials or components, veneers, statuary or monuments, industrial products, or consumer goods. Manufacturing may include grinding, cutting, shaping and honing. This definition excludes mineral extraction.	Yes	X	X	X	X	C	X	X	X	X	C

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
(36)	Wood products manufacturing An establishment that manufactures products primarily from wood, including but not limited to, lumber, plywood, veneers, wood containers, wood flooring, wood trusses, prefabricated wood buildings, cabinets and furniture. Manufacturing may include sawing, cutting, planing, shaping, bending, laminating, molding, or assembling. Included are establishments that make primarily wood products from logs and bolts that are sawed and shaped, and establishments that purchase sawed lumber and make primarily wood products. This definition includes a sawmill but excludes firewood processing.	Yes	X	X	X	X	C	X	X	X	X	C
(37)	Metal fabrication shop An establishment that produces, assembles or repairs metal products or parts including, but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, machine parts, hardware and tools, plumbing fixtures and products, tanks and similar products. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine and/or boiler shops.	Yes	X	X	X	X	X	X	X	X	X	C
(38)	Research and development facility An establishment used for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing that are not associated with a manufacturing facility on the same site.	Yes	X	X	X	X	C	X	X	C	X	P

P = Permitted C = Conditional X = Prohibited		SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
(39)	Wholesale trade An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold.	Yes	X	X	X	X	X	X	X	X	X	P
(40)	Storage or distribution service An establishment that (a) stores, but does not sell, goods and may provide a range of services related to the distribution of goods; (b) provides individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods (see Section 3221); or (c) with one or more tanks that typically store fuels, oils and similar liquid products for sale or distribution (see Section 3222). This definition specifically excludes the storage of fuels or other materials for onsite use, and retail sale and refilling of fuel tanks that are not more than 50 pounds in size when carried out as an accessory use.	Yes	X	X	X	X	C	X	X	C	X	C
(41)	Transportation service An establishment that provides: (a) transportation of people including, but not limited to, transit services, bus or rail stations, transportation centers, taxi or limousine services, and airports; (b) transportation of cargo using trucks, tractor trailers, rail or air; or (c) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, rail equipment and airplanes.	Yes	X	X	X	X	X	X	X	C	X	C

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(42)	Media studio An establishment used to produce, distribute and/or broadcast sound or video programs or recordings.	Yes	P/C	P/C	X	X	C	X	X	P	X	P
(43)	Telecom antenna A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower. See Section 3223 (Telecommunications Facility).	Yes	P	P	P	P	P	P	P	P	P	P
(44)	Telecom tower A structure used to support one or more communication antennas and related structures and equipment. See Section 3223 (Telecommunications Facility).	Yes	X	X	X	X	C	C	C	C	C	C
(45)	Waste service An establishment that: (a) collects or hauls nonhazardous solid waste or recyclable materials generated within a local area; (b) operates as a nonhazardous solid waste transfer station; (c) identifies, sorts, treats, packages, or labels wastes for the purposes of transport; (d) pumps septic tanks and cesspools; (e) rents or services portable toilets; (f) provides other septic waste management services; (g) collects, separates and/or recovers recyclable materials; (h) prepares materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning; or (i) transforms organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. It may include retail sales of recovered materials as an accessory use. This definition specifically excludes state-licensed landfills, junkyards,	Yes	X	X	X	X	X	X	X	X	X	C

	P = Permitted C = Conditional X = Prohibited	SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
	municipal wastewater treatment facilities and related essential services, and composting activities that are limited to organic waste produced on the premises.											
(46)	Contractor's yard An establishment that stores vehicles, machinery, equipment and materials used by a contractor in the construction-related trades primarily outside an enclosed structure, and which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office. This definition specifically excludes junkyards. See Section 3224.	Yes	X	X	X	X	C	X	X	X	X	C
Art, Entertainment and Recreation												
(47)	Theater An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists, or that shows movies or other recorded entertainment to an audience.	Yes	C	C	X	X	X	X	X	P	X	X
(48)	Museum or library An establishment that preserves and exhibits objects, sites and natural wonders of artistic, historical, cultural, scientific or educational value.	Yes	P	P	X	X	C	C	X	P	X	X
(49)	Artist gallery or studio An establishment used to produce and/or sell works of art.	Yes	P/C	P/C	X	X	C	X	X	P	X	P
(50)	Indoor recreation An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This definition specifically excludes any use defined in this section.	Yes	P/C	P/C	X	X	X	X	X	P	X	P

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(51)	Outdoor recreation A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building. This definition specifically excludes any use defined in this section. See Section 3225.	Yes	X	X	X	X	C	C	P	P	X	C
(52)	Park or nature preserve A non-commercial establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes.	Yes	P	P	P	P	P	P	P	P	P	P
(53)	Golf course or country club An establishment laid out with at least nine holes for playing the game of golf and improved with trees, greens, fairways and hazards. It may include a clubhouse that offers food and beverages to members and guests, restrooms, driving range and shelters. It may provide additional sports, fitness or recreational activities and/or retail sales of related merchandise as an accessory use.	Yes	X	X	X	X	C	X	X	P	C	C
(54)	Equestrian facility A commercial establishment used to house, train, care for, and/or ride horses.	Yes	X	X	X	X	C	C	P	P	C	C
Civic and Community												
(55)	Government facility A state- or town-owned or operated establishment that serves a public function and provides governmental services. See Section 1104.	Yes	P	P	C	X	C	X	X	C	X	P
(56)	Educational institution A state-certified public or private establishment that provides educational services. See Section 1104.	Yes	P	P	P	X	X	X	X	X	X	X

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(57)	Specialty school A commercial establishment that offers instruction, classes or training.	Yes	P/C	P/C	X	X	C	C	P	P	X	P
(58)	Outpatient care service An establishment from which one or more licensed practitioners provide healthcare services to people as outpatients.	Yes	P/C	P/C	X	X	X	X	X	P	X	P
(59)	Child day care An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session. See Section 3226.	Yes	P/C	P/C	C	C	C	X	X	P	X	P
(60)	Religious institution An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use. See Section 1104.	Yes	P	P	C	C	C	X	X	P	X	P
(61)	Funeral service An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.	Yes	P	P	X	X	X	X	X	X	X	P
(62)	Cemetery A site designed to inter or otherwise store the remains of deceased people or domestic animals.	Yes	X	X	P	C	P	X	X	X	X	X
(63)	Social club A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.	Yes	P/C	P/C	X	X	C	C	X	P	X	P
(64)	Emergency shelter Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in	Yes	P	P	P	P	P	X	X	P	P	P

	P = Permitted C = Conditional X = Prohibited	SITE PLAN	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
	general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements. See Section 1104.											
Natural Resource												
(65)	Farming or forestry An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats. See Section 1103.	No	P	P	P	P	P	P	P	P	P	P
(66)	Firewood processing An establishment that produces firewood for wholesale or retail sale from logs that are harvested off-site and delivered to the premises. This definition specifically excludes wood products manufacturing and forestry. See Section 3227.	Yes	X	X	X	X	C	C	X	X	X	C
(67)	Earth resource extraction An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening. See Section 3228.	Yes	X	X	X	X	C	C	X	X	X	C
(68)	Water extraction An establishment that pumps, collects, stores and/or transports groundwater, spring water or surface water for off-site commercial or industrial use. It may include on-site processing such as filtering, purifying and bottling. This definition specifically excludes water used for food and beverage manufacturing.	Yes	X	X	X	X	C	C	X	X	X	C
(69)	On-farm business An accessory use of a farm for a business that engages in agritourism, ag-education, direct marketing or value-added processing of products produced on the farm. See Section 3229.	No	P	P	P	P	P	P	P	P	P	P

220 Overlay Zoning Districts

2201 FLOOD HAZARD OVERLAY (FHO) DISTRICT

2201.A **Purpose.** The Flood Hazard Overlay District is intended to:

(1) Minimize and prevent 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;

(2) Ensure that the selection, design, creation, and use of development in this overlay district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to flooding;

(3) Manage special flood hazard areas in accordance with state and federal law;

(4) Make the Town of Warren, its landowners, residents and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available;

(5) Allow for the wise use of floodplain lands in a way that minimizes potential damage to existing structures and development located within this overlay district;

(6) Provide an adequate means of protecting the beneficial functions of undeveloped floodplains and development that is already located within floodplains;

(7) Avoid encroachments that may result in cumulative degradation of natural floodplain function leading to increased flood elevations, velocities, and river instability;

(8) Protect infill and redevelopment from inundation hazards; and

(9) Discourage new encroachments on undeveloped property that provides for floodwater and sediment storage.

2201.B **Precedence.** The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply. Proposed development within this overlay district may also be subject to the provisions of Section 2202.

2201.C **Warning.** The provisions of this section do not imply that lands outside of this overlay district will be free from flooding.

2201.D **District Boundaries.** The provisions of this section apply to all flood hazard areas identified on the most current flood insurance studies and maps published by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), which are adopted by reference into these regulations. The flood hazard area consists of the floodway and flood fringe (commonly referred to as the 100-year floodplain). Applicants may provide a FEMA Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), which will constitute proof of the location of the flood hazard area boundary. A Letter of Map Revision based on Fill (LOMR-F) issued on or after September 1, 1977 may not be used to remove lands from the jurisdiction of this section.

2201.E **Applicability.** A landowner must obtain a zoning permit for all development (as defined in Paragraph 2201.T(6)) located within this overlay district that is not exempted in Subsection 2201.H. The Administrative Officer must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.

2201.F **Application Requirements.** In addition to all other requirements of these regulations, an application for development within this overlay district must include:

(1) **A Project Review Sheet** completed by a Vermont Agency of Natural Resources Permit Specialist;

(2) **Base flood elevation** (BFE) for:

(a) Replacement, substantially improved or substantially damaged structures;

(b) Projects requiring elevation or dry-floodproofing above BFE; and

(c) Additions to existing historic structures.

(3) **Floodway data** with electronic input/output files and mapping showing cross-section locations certified by a registered professional engineer for development within the floodway that includes:

(a) **Hydraulic calculations** demonstrating no rise in BFE or velocity for proposed new or expanded encroachments within the floodway; and

(b) **A floodway delineation** that demonstrates that the proposed development, when combined with all existing and anticipated future development, will not increase the water surface elevation of the base flood by more than 1 foot at any point within the Town of Warren if FEMA has provided BFE data but not designated floodway areas.

(4) **A No Adverse Impact (NAI) volumetric analysis** and supporting data certified by a registered professional engineer for development that requires compensatory flood storage under Paragraph 2201.M(1).

2201.G **Referrals.** The Administrative Officer must send a copy of all complete applications for development within this overlay district to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. The Administrative Officer must not act on an application for development within this overlay district until the agency comments or the 30-day comment period elapses, whichever occurs first.

2201.H **Exempt Development.** The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

(1) **Agricultural and silvicultural practices** exempted under Section 1103;

(2) **Normal maintenance and repair** of existing development;

(3) **Demolition** of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure (for damaged structures where owners may be using FEMA mitigation funds, FEMA may require a damaged structure to remain in place until finds are granted);

(4) **Improvements** to existing buildings (interior or exterior) that cost less than $500;

(5) **Subdivision** of land;

(6) **Public water access and recreational trails** that do not require active management or alteration of the river or stream;

(7) **Planting projects** to restore natural and beneficial floodplain functions that do not involve grading or construction of structures;

(8) Development subject to a **Stream Alteration Permit** from the Vermont Agency of Natural Resources;

(9) Development subject to a **Certificate of Public Good** from the Vermont Public Utilities Commission; and

(10) **State** owned and operated facilities or institutions.

2201.I **Prohibited Development.** The following development is prohibited within this overlay district:

(1) **Fully enclosed areas below grade on all sides** (including below grade crawlspaces and basements) for new, replacement or substantially improved structures, or for structures that have incurred substantial damage;

(2) **Outdoor storage** of goods, materials, equipment or vehicles;

(3) **New critical facilities**;

(4) **New encroachments in the Resort Residential, Residential, Rural and Resource Protection districts**, except for:

(a) Changes to existing structures where the footprint is proposed to expand less than 500 square feet within this district;

(b) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and

(c) New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.

(5) **Expansion of existing structures within the floodway** where the footprint of the structure is proposed to expand laterally into the floodway more than 500 square feet; and

(6) **Any development within Zones AE and A1-A30** where FEMA has not determined floodway limits unless the applicant demonstrates that the cumulative impact of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1 foot at any point within the town by submitting technical data that conforms to standard hydraulic engineering principles prepared and certified by a qualified engineer.

2201.J **Pre-Existing Structures.** Within this overlay district, a landowner may only:

(1) Reconstruct a substantially damaged or destroyed structure in its original location if it is rebuilt to comply with all requirements of the National Flood Insurance Program and this section (also see Section 1208); or

(2) Re-occupy a structure that has been unused or uninhabited for more than 12 months if it is brought into compliance with all requirements of the National Flood Insurance Program and this section.

2201.K **Allowed Uses.** Except as prohibited in Subsection 2201.H, the uses allowed in the underlying district are allowed to the same extent within this overlay district provided that the applicant demonstrates compliance with Subsection 2201.L or Subsection 2201.M as applicable.

2201.L **Floodway Standards.** Within the floodway:

(1) New encroachments are prohibited except for the following, which must meet the requirements of Paragraph (2) below:

(a) Changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;

(b) New encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects; and

(c) New encroachments required to meet health, safety and accessibility standards under federal or state codes or regulations if no other practicable alternative is available.

(2) For new encroachments or development allowed under Paragraph (1) above that will result in a change of grade, applicants must provide either a:

(a) FEMA Conditional Letter of Map Revision (CLOMR) to demonstrate that the proposed development will not have an adverse impact; or

(b) Hydraulic analysis performed by a registered professional engineer in accordance with standard engineering practice certifying that the proposed development will:

(i) Not result in any increase in flood levels during the occurrence of the base flood;

(ii) Not increase base flood velocities; and

(iii) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

(3) The applicant must demonstrate that any new encroachments or development allowed under Paragraph (1) above have been designed in accordance with the standards of Subsection 2201.M except for the requirement for compensatory flood storage.

2201.M **Flood Fringe Standards.** Within the flood fringe:

(1) **Compensatory Flood Storage.** Development that displaces floodwater storage must provide compensatory storage in accordance with the following unless exempted in Paragraph (c) below:

(a) Applicants must provide either:

(i) Volumetric analyses and supporting data prepared and certified by a qualified engineer; or

(ii) A hydraulic analysis that demonstrates that a project will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer.

(b) Applicants must provide a statement from a qualified engineer certifying that the compensatory flood storage design will not materially impact adjacent properties by increasing base flood elevations or velocities.

(c) Upon the applicant obtaining a written statement of concurrence from the Vermont Agency of Natural Resources Regional Floodplain Manager, the Administrative Officer or Development Review Board may waive the compensatory flood storage requirement for:

(i) Designs that have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property;

(ii) Remediation of brownfield sites provided the applicant submits a hydraulic analysis that demonstrates that the remediation will not increase flood elevations and velocities on floodwaters prepared and certified by a qualified engineer;

(iii) A replacement structure provided there is no increase in the structure's footprint or an open foundation design is used; and

(iv) Roads, driveways, utilities and replacement on-site septic systems upon the applicant demonstrating that the placement of fill cannot be mitigated.

(2) **General Standards.** Applicants must demonstrate that the proposed development will be:

(a) Reasonably safe from flooding;

(b) Designed (or modified) and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;

(c) Constructed with materials resistant to flood damage;

(d) Constructed by methods and practices that minimize flood damage;

(e) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent

water from entering or accumulating within the components during conditions of flooding; and

(f) Adequately drained to reduce exposure to flood hazards.

(3) **Structural Standards.** Applicants must demonstrate that:

(a) **Residential.** New residential structures or existing residential structures to be substantially improved or replaced, or that have incurred substantial damage will be located such that the lowest floor is at least 2 feet above base flood elevation (BFE) as documented in the proposed and as-built condition with a FEMA Elevation Certificate.

(b) **Non-Residential.** New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage will:

(i) Meet the standards of Paragraph (a) above; or

(ii) Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that 2 feet above the BFE the structure is dry floodproofed in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect.

(c) **In Zone AO.** New structures, or existing structures to be substantially improved or replaced, or that have incurred substantial damage in Zone AO will have the lowest floor, including basement, elevated above the highest adjacent grade, at least 2 feet above the depth number specified on the town's FIRM, or at least 3 feet if no depth number is specified.

(d) **Critical Facilities.** Critical facilities that are to be replaced, substantially improved, or meet the definition of substantial damage will:

(i) Be constructed so that the lowest floor, including basement, will be elevated or dry-floodproofed at least 1 foot above the elevation of the 0.2% annual flood height (500-year floodplain), or 3 feet above BFE, whichever is higher; and

(ii) Have at least one access road connected to land outside the 0.2% annual chance floodplain that can accommodate emergency services vehicles, and the top of the access road will be no lower than 6 inches below the elevation of the 0.2% annual chance flood event.

(e) **Historic Structures.** For historic structures that would meet the definition of substantial improvement or substantial damage if not for their historic structure designation, the improved or repaired building will meet the following mitigation performance standards for areas below the base flood elevation:

(i) Any future damage to enclosures below the lowest floor must not result in damage to the foundation, utility connections, or elevated portions of the building or nearby structures;

(ii) Utility connections (e.g., electricity, water, sewer, natural gas) must be protected from inundation and scour or be easily repaired;

(iii) The building foundation must be structurally sound and reinforced to withstand a base flood event;

(iv) The structure's historic designation must not be precluded;

(v) The likelihood of flood waters entering the structure during the base flood must be reduced; and

(vi) There must be no expansion of uses below BFE except for parking, storage, building access, or, in the case of non-residential buildings, where the space is dry floodproofed.

(f) **Enclosed Areas Below BFE.** Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, will:

(i) Be solely used for parking of vehicles, storage, or building access, and such a condition will clearly be stated on any permits;

(ii) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters in accordance with accepted standards of practice for meeting NFIP requirements as certified by a registered professional engineer or architect; and

(iii) Include a signed agreement from the owner of the structure with the permit application stating that the enclosed area below the BFE will not be converted to another use not listed in Paragraph (i) above and that the Administrative Officer will be allowed to inspect the exterior and interior of the enclosed area as necessary to ensure compliance.

(4) **Small Accessory Structures.** Applicants will not be required to elevate an accessory structure with a footprint of 500 square feet or less to the base flood elevation provided that the applicant locates the structure on the building site so as to offer the minimum resistance to the flow of floodwaters and meets the criteria in Paragraph 2201.M(3)(f).

(5) **Fuel Storage Tanks.** Applicants must demonstrate that fuel storage tanks will be:

(a) Securely anchored to prevent flotation;

(b) Located on the landward or downstream side of the building;

(c) Only placed on a structure or platform that is designed to withstand anticipated flood loads and forces; and

(d) Elevated so that all inlets, fill openings, line connections and vents will be elevated at least 2 feet above BFE. If elevating the tank is not possible due to the location of the fuel line or hook-up serving an existing building:

(i) The tank vent pipe/valve must be located at least 2 feet above BFE; or

(ii) The tank may be located underground provided it will be securely anchored and protected from flood forces as certified by a qualified professional.

(6) **Utilities and Service Facilities.** For any new structure, replacement structure, substantially improved structure, or structure that has experienced substantial damage, applicants must demonstrate that outdoor utilities (electrical, heating, ventilation, plumbing, and air conditioning equipment) and other service facilities (such as sewer, gas, and water systems) will be located on the landward or downstream side of the building and/or behind structural elements, and will be located and constructed to minimize or eliminate flood damage.

(7) **Water and Wastewater Facilities.** Water supply systems must be designed to minimize or eliminate infiltration of flood waters into the system. Sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

(8) **Temporary Structures and Vehicles.** Temporary structures and vehicles must either:

(a) Be currently registered, licensed and ready for highway use, if a motor vehicle or trailer;

(b) Be located within this overlay district for less than 180 consecutive days; or

(c) Conform to all applicable provisions of this section for permanent structures.

(9) **Subdivisions and Planned Unit Developments (PUDs).** Applicants must design any subdivision or PUD that includes land within this overlay district so that all lots have a building envelope located outside the flood hazard area and so that all lots will be accessible over land located outside the flood hazard area.

2201.N **Variances.** The Development Review Board may grant variances within this overlay district as established in Section 4405. Any variance granted for development within the flood hazard area must include the following statement, "*The issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for $100 in coverage*."

2201.O **Substantial Improvement and Substantial Damage Determinations.** The Administrative Officer will make a determination of substantial improvement or substantial damage in accordance with current FEMA guidelines, which will establish the appropriate standards for repair and rebuilding under this section. The applicant may provide additional documentation including, but not limited to:

(1) A recent building appraisal completed by a qualified professional that documents the structure's market value, excluding land value, prior to the damage or improvement;

(2) A cost estimate provided by a qualified professional that includes material and labor costs and a detailed accounting of the proposed project; or

(3) In the case of substantial damage, an estimate of structure damage prepared by a state or local official using FEMA's Substantial Damage Estimator software.

2201.P **Certificate of Compliance.** The applicant must obtain a Certificate of Compliance for all development subject to the provisions of this overlay district in accordance with the provisions of Section 4206. The Administrative Officer must not issue a Certificate of Compliance for development within this overlay district until the applicant has submitted all required as-built documentation.

2201.Q **Administrative Records.** In addition to all other applicable requirements of these regulations, the Administrative Officer must file and maintain a record of:

(1) FEMA Elevation Certificates with the as-built elevation of the lowest floor, including basement, of all new, replacement, substantially improved, substantially damaged or flood-proofed principal buildings; and

(2) All floodproofing and other certifications required under this section.

2201.R **Violations.** In addition to all other applicable provisions of these regulations, the Administrative Officer must:

(1) Send a copy of any notice of violation issued for development within this overlay district to the State National Flood Insurance Program Coordinator; and

(2) Submit a declaration of any unresolved violation to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property in accordance with federal law.

2201.S **Appeals.** The applicant or other interested person may appeal any action or decision taken under this section in accordance with the provisions of Section 4402 or Section 4403 as applicable.

2201.T **Definitions.** The definitions below apply to terms used within this section. Any term not defined below will be as defined in Chapter 5.

(1) **Base Flood** means the flood having a 1% chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

(2) **Base Flood Elevation (BFE)** means the elevation of the water surface elevation resulting from the base flood. On the Flood Insurance Rate Maps, the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

(3) **Basement** means any area of the building having its floor elevation sub-grade (below ground level) on all sides.

(4) **Compensatory Storage** means a volume not previously used for flood storage that must be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, that would be displaced by the proposed project. Such compensatory volume must:

(a) Have an unrestricted hydraulic connection to the same waterway or water body; and

(b) Be provided within the same reach of the river, stream, or creek.

(5) **Critical Facilities** mean facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

(6) **Development** means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(7) **Encroachment** means activities or construction including fill, substantial improvements, structures and other development that may cause an increase in flood levels.

(8) **Fill** means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

(9) **Flood** means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters,

(ii) The unusual and rapid accumulation or runoff of surface waters from any source, and

(iii) Mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining:

(i) Caused by waves or currents of water exceeding anticipated cyclical levels, or

(ii) Suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(10) **Flood Fringe** means the portion of the flood hazard area that is outside of the floodway but still inundated by the base flood (the flood having a 1% chance of being equaled or exceeded in any given year).

(11) **Flood Hazard** means those hazards related to damage from flood-related inundation or erosion.

(12) **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. The hazard boundaries are available in paper, PDF, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

(13) **Flood Insurance Study (FIS)** means 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.

(14) **Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source (see definition of "flood").

(15) **Floodproofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(16) **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that flood hazard areas and floodways may be shown on separate map panels.

(17) **Grading** means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material will be considered "fill" and will not be considered grading.

(18) **Historic Structure** means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on the Vermont State Register of Historic Places; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(19) **Letter of Map Change (LOMC)** means a letter issued by FEMA officially removing a structure or lot from the flood hazard area based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area. A LOMC can include a Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), Letter of Map Revision based on Fill (LOMR-F), or a Letter of Map Revision for a Floodway (LOMR-FW).

(20) **Lowest Floor** means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

(21) **National Flood Insurance Program** means the National Flood Insurance Program under 42 U.S.C. Chapter 50 and implementing federal regulations in 44 C.F.R. Parts 59 and 60. The National Flood Insurance Program aims to reduce the impact of flooding on private and public structures. It does so by providing affordable insurance to landowners in communities that adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.

(22) **Natural and Beneficial Floodplain Functions** mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.

(23) **New Construction** means structures for which the "start of construction" commenced on or after August 1, 1986 and includes any subsequent improvements to such structures.

(24) **Person** means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

(25) **Public Water Access** means a public access to a water of the state and, except for toilet facilities, will not include structures as defined in this section.

(26) **Redevelopment** means construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other development in a previously developed area. The term includes substantial improvements and repairs to substantially damaged buildings.

(27) **Replacement Structure** means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

(28) **Special Flood Hazard Area** means the land in the floodplain subject to a 1% or greater chance of flooding in any given year. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current FIS and on the FIRM. Maps of this area are available for viewing in the town office or online from the FEMA Map Service Center (msc.fema.gov). FEMA has not determined base flood elevations in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of special flood hazard areas that are determined by detailed methods. Where floodways have been determined they may be shown on separate map panels from the FIRM.

(29) **Start of Construction** means the date the town issued a permit authorizing development, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means any of the following:

(a) The first placement of permanent construction of a structure on a site, which includes the pouring of slab or footings, the installation of piles, the construction

of columns, or any work beyond the stage of excavation, but does not include:

(i) Land preparation, such as clearing, grading and filling

(ii) Installation of streets and/or walkways;

(iii) Excavation for a basement, footing, piers, or foundations or the erection of temporary forms; or

(iv) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(b) The placement of a manufactured home on a foundation.

(c) The first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

(30) **Storage** means the aggregation of materials, items, or objects whether natural or human-made:

(a) That is kept as a stockpile, collection, or inventory;

(b) Where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose;

(c) Whether set upon the land or within a container, structure, or facility; and

(d) That would not otherwise comply with the provisions of this section.

(31) **Structure** means a walled and roofed building, as well as a manufactured home, including gas or liquid storage tanks.

(32) **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(33) **Substantial Improvement** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure on or after September 1, 1977, the cost of which over 3 years, or over the period of a common plan of development, cumulatively equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

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

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(34) **Violation** means the failure of a structure or other development to be fully compliant with the provisions of this section. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3 is presumed to be in violation until such time as that documentation is provided.

2202 RIVER CORRIDOR OVERLAY (RCO) DISTRICT

2202.A **Purpose.** The River Corridor Overlay District is intended to:

(1) Minimize and prevent 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 fluvial erosion;

(2) Ensure that the selection, design, creation, and use of development in this overlay district is reasonably safe and is accomplished in a manner that minimizes or eliminates the potential for loss and damage to life and property due to fluvial erosion;

(3) Provide rivers and streams with the lateral space necessary to maintain or establish floodplain access and minimize erosion hazards through natural physical processes;

(4) Minimize potential damage to structures and development from fluvial erosion; and

(5) Limit encroachments in undeveloped river corridors.

2202.B **Precedence.** The provisions of this section will take precedence where they impose a greater restriction than another provision of these regulations. Where there is a conflict between the provisions of this section, the most restrictive provision will apply. Proposed development within this overlay district may also be subject to the provisions of Section 2201.

2202.C **Warning.** The provisions of this section do not imply that lands outside of this overlay district will be free from fluvial erosion.

2202.D **District Boundaries.** The provisions of this section apply to all land identified as a river corridor on the most current Statewide River Corridor Maps published by the Vermont Agency of Natural Resources (ANR), which are adopted by reference into these regulations, including refinements to that data based on field-based assessments. Applicants may request:

(1) That ANR update the river corridor map as provided for in the most current *Flood Hazard Area and River Corridor Protection Procedur*e.

(2) A letter of determination from ANR, which will constitute proof of the location of the river corridor boundary.

2202.E **Applicability.** A landowner must obtain a zoning permit for all development located within this overlay district not exempted in Subsection 2202.H. The Administrative Officer must condition all permits for development within this overlay district on the applicant obtaining all necessary state and federal permits prior to the start of construction.

2202.F **Application Requirements.** In addition to all other requirements of these regulations, an application for development within this overlay district must include a Project Review Sheet completed by a Vermont Agency of Natural Resources Permit Specialist.

2202.G **Referrals.** The Administrative Officer must send a copy of any complete application for development within this overlay district to the Regional Floodplain Manager at the Vermont Agency of Natural Resources. The Administrative Officer must not act on an application for development within this overlay district until the agency comments or the 30-day comment period elapses, whichever occurs first.

2202.H **Exempt Development.** The following development is exempt from the provisions of this section (a zoning permit or development approval may still be required under other provisions of these regulations):

(1) **Agricultural and silvicultural practices** exempted under Section 1103;

(2) **Normal maintenance and repair** of existing development;

(3) **Demolition** of a structure or portion of a structure provided that there is no change in elevation under or adjacent to the removed structure or portion of a structure;

(4) **Improvements** to existing buildings (interior or exterior) that cost less than $500;

(5) Subdivision of land;

(6) **Public water access and recreational trails** that do not require active management or alteration of the river or stream;

(7) **Planting projects** to restore natural and beneficial floodplain functions that do not involve grading or construction of structures;

(8) Development subject to a **Stream Alteration Permit** from the Vermont Agency of Natural Resources;

(9) Development subject to a **Certificate of Public Good** from the Vermont Public Utilities Commission; and

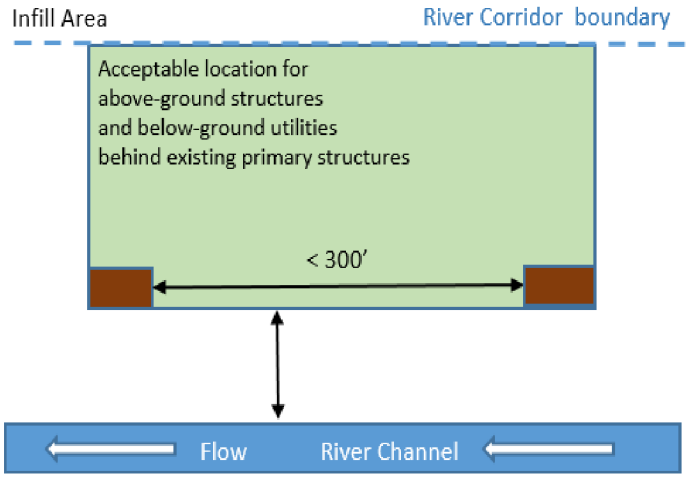
(10) **State** owned and operated facilities or institutions.

2202.I **District Standards.** Development is allowed within this overlay district to the same extent as in the underlying district provided that the applicant demonstrates that:

(1) The proposed development cannot be reasonably accommodated on the portion of the lot outside this overlay district.

(2) The proposed development will meet either Paragraph (a), (b) or (c) below:

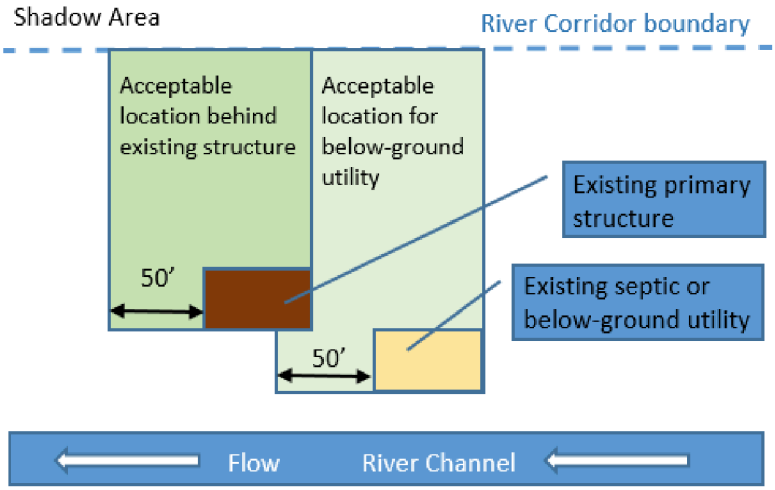
(a) Development must be located no closer to the channel than the adjacent existing primary structures with a gap that is no more than 300 feet.



(b) An addition to an existing structure or an accessory structure to an existing structure, including underground utilities, must be located:

(i) In the shadow area directly behind and further from the channel than the existing structure; or

(ii) Within 50 feet to the downstream side and no closer to the top of bank than the existing structure.



(c) A qualified engineer must certify that the proposed development will:

(i) Not be placed on land with a history of fluvial erosion damage or be imminently threatened by fluvial erosion;

(ii) Not cause the river or stream reach to depart or further depart from the channel width, depth, meander pattern and slope associated with natural river or stream processes and equilibrium conditions; and

(iii) Not result in an immediate need or anticipated future need for stream channelization solely as a result of the proposed development.

2202.J **Vegetated Buffer.** Natural woody vegetation will be maintained or established within the portions of the river corridor not developed in accordance with Subsection 2202.I except that:

(1) Land used for farming or forestry in accordance with Section 1103 is not subject to this requirement;

(2) Landowners may maintain areas of lawn, garden, landscaping or beach that were in existence as of [add effective date] or that are within 20 feet of a principal building;

(3) Landowners may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height;

(4) Landowners may create and maintain one footpath that does not exceed 6 feet in width (including stairs, landings and platforms) on a parcel to provide water access; and

(5) Water-dependent structures or uses, streambank or shoreline stabilization projects, green stormwater infrastructure (GSI) practices, utility and vehicular crossings, and any development authorized by a state permit will be allowed within the riparian buffer to the extent allowed in the applicable zoning district.

2202.K **Certificate of Compliance.** The applicant must obtain a Certificate of Compliance for all development subject to the provisions of this overlay district in accordance with the provisions of Section 4206.

2202.L **Violations.** In addition to all other applicable provisions of these regulations, the Administrative Officer must send a copy of any notice of violation issued for development within this overlay district to the Regional Floodplain Manager at the Vermont Agency of Natural Resources.

2202.M **Definitions.** The definitions below apply to terms used within this section. Any term not defined below will be as defined in Chapter 5.

(1) **Channel** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

(2) **Equilibrium Condition** means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

(3) **Fluvial Erosion** means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

(4) **Natural and Beneficial Floodplain Functions** mean the functions associated with the natural or relatively undisturbed floodplain that includes moderating flooding, retaining flood waters, and reducing erosion, sedimentation and flood-related damage. Ancillary beneficial functions include support of ecosystem services such as wildlife habitat, water quality, and groundwater recharge.

(5) **River** means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. It does not mean constructed drainageways, including water bars, swales, and roadside ditches.

(6) **River Corridor** means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures (10 V.S.A. § 1422).

(7) **Top of Bank** means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

(8) **Top of Slope** means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

(9) **Watercourse** means any perennial stream and shall not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure.

3 DEVELOPMENT STANDARDS

300 General

3001 APPLICABILITY

3001.A The standards of this subchapter apply to all land development unless specifically stated otherwise in these regulations.

3002 ACCESS

3002.A **Applicability.** Land proposed for development must have vehicular access from a maintained public or private road in accordance with the provisions of this section. For a lot without the minimum frontage on a maintained public or private road required in the applicable zoning district, also see Subsection 2008.C.

3002.B **Class 4 Roads and Other Unimproved Town Rights-of-Way.** A Class 4 town road or other unimproved town right-of-way is not a maintained road and cannot be used to meet the access requirements of these regulations. No provision of these regulations will be interpreted to require the Town of Warren to construct a road, maintain a Class 4 town road or other unimproved right-of way, or to upgrade a Class 4 town road or other unimproved town right-of-way to a Class 3 town road so that it may serve to provide access to adjoining property. Applicants may propose to construct a road, upgrade a Class 4 town road or other unimproved town right-of-way to a Class 3 town road at their expense and in accordance with town policies and standards so that it may serve to provide access to proposed development.

3002.C **Access Permit.** An applicant for development to be served by a new or modified access on a town road or state highway must provide the Administrative Officer with a copy of an access permit or letter from the town or the Vermont Agency of Transportation (VTrans) as applicable before the Administrative Officer may issue a zoning permit.

(1) Any application for development that requires access to or work within a town highway will be referred by the Administrative Officer to the Warren Road Foreman for review. An application for development that requires access to a state highway must be referred by the applicant to the VTrans District Project Supervisor.

(2) If the proposed development requires site plan or subdivision review, as part of a complete application the applicant must provide a letter from the Warren Road Foreman or VTrans as applicable, which confirms that access to the proposed development has been reviewed, indicates whether an access permit will be required and, if so, sets out any conditions that may be attached by the town or state.

(3) An access permit should not be issued by the Warren Select Board or VTrans until after the proposed development receives site plan or subdivision approval from the town; otherwise, a site plan or subdivision amendment may be required under these regulations for any change to the access as approved by the Administrative Officer or Development Review Board.

3002.D **Other Ordinances.** If there is a conflict between a provision of this section and any access or highway ordinance or public works specifications duly adopted by the town (or in the case of a state highway, a VTrans standard), the provision of the town ordinance or public works specifications (or VTrans standard) will take precedence.

3002.E **Access.** A new or modified road cut, whether located on a public or private development road, must conform to the following:

(1) **Access Management.** Applicants must implement proper access management techniques in the design of roads and driveways. All road cuts must be designed to:

(a) Have sight distances that are not less than 150 feet unless otherwise recommended by the Road Foreman or VTrans District Permit Coordinator;

(b) Restrict access to the permitted location and prevent uncontrolled access along the property frontage;

(c) Facilitate the movement of vehicles off the road and to prevent vehicles from queuing on the road;

(d) Prevent backing maneuvers within the road right-of-way;

(e) Provide facilities for safe crossing and use by pedestrians and bicyclists, in conformance with state and federal Americans with Disabilities Act (ADA) standards;

(f) Prevent water from entering onto or interfering with drainage systems on intersecting roads;

(g) Meet applicable drainage and culvert standards under the town's Municipal Roads General Permit (MRGP) where applicable; and

(h) Meet associated driveway or development road standards (under Section 3008 or Subsection 3308.D) as applicable.

(2) **Number**

(a) A lot must not be served by more than one access.

(b) Subdivision of a lot does not create a right to more than one access.

(c) Shared access is encouraged and may be required by the Development Review Board for development subject to major site plan or subdivision review as necessary to limit highway access points.

(d) If the proposed development requires site plan or subdivision review and includes modifying or resurfacing an access, the applicant must eliminate any additional access.

(e) Notwithstanding (a)-(d) above, the Development Review Board may approve a waiver allowing more than one access upon the applicant demonstrating that the additional access is necessary to:

(i) Accommodate unique physical conditions on the property;

(ii) Meet minimum standards for emergency access;

(iii) Provide access that conforms to the minimum standards of the Americans with Disabilities Act;

(iv) Provide shared or cross-access;

(v) Provide access for service vehicles (ex., fuel delivery); or

(vi) Improve the safety of traffic circulation within the site.

(3) **Width**

(a) The width of an access as measured at the edge of the road right-of-way must not exceed the distance specified below unless otherwise required as a condition of the access permit.

(i) 12 feet for access serving single- and two-family dwellings;

(ii) 18 feet for access serving multi-family dwellings and non-residential uses not served by trailer trucks;

(iii) 24 feet for access serving non-residential uses served by trailer trucks.

(b) If the proposed development requires site plan or subdivision review and includes modifying or resurfacing the access, the applicant must reduce the width of any existing access that exceeds the distance specified above.

(4) **Sidewalks**

(a) Where a sidewalk exists or will be constructed along the frontage, it must continue across the access.

(b) If a proposed development that requires site plan or subdivision review includes modifying or resurfacing an access, the applicant must replace or extend the sidewalk across any existing access where the sidewalk is missing.

(5) **Spacing**

(a) A new access must be aligned with any existing access on the opposite side of the road whenever feasible.

(b) A new access must meet the following spacing requirements from highway intersections located on either side of the road, as measured from the nearest edge of the proposed access to the intersecting highway right-of-way, unless otherwise required as a condition of the access permit.

(i) Any new access serving a single- or two-family dwelling must be offset from the highway right-of-way by at least 50 feet.

(ii) Any new access serving development other than a single- or two-family dwelling must be offset from the highway right-of-way by at least 150 feet.

(c) A new access may be located within or cross a required setback area however, except for a shared access, must be located at least 5 feet from side and rear lot lines, unless waived by the Development Review Board due to physical or legal site constraints.

(6) **Sight Distance.** Trees, shrubs, hedges, fences, walls, signs, and similar structures must not obscure vision above a height of 3 feet within the sight triangle of an access or intersection. This will not be interpreted to apply to buildings constructed in accordance with zoning district standards.

3003 ACCESSORY STRUCTURES

3003.A **Applicability.** This section applies to any structure that is clearly related, incidental, and subordinate to the principal structure or use located on the same lot. A principal structure or use may include one or more accessory structures in accordance with this section.

3003.B **General Standards.** The Administrative Officer may issue a zoning permit for an accessory structure upon finding that the applicant has demonstrated that the proposed structure will:

(1) Be held in common ownership with the principal structure or use;

(2) Meet all setback and coverage requirements for the applicable zoning district;

(3) Within Village Zoning Districts, be located behind the frontline of the principal building;

(4) Meet riparian setback and buffer requirements (see Section 3019);

(5) Where applicable, be located within a building envelope designated in accordance with Subsection 3307.C; Not exceed the maximum height limit for the applicable zoning district unless otherwise allowed, as specified in these regulations (also see Subsection 2008.F); and

(6) Meet other standards of these regulations applicable to the proposed structure, including but not limited to site plan review standards. Where major site plan or conditional use approval from the Development Review Board is required, no zoning permit will issued for an accessory structure prior to board approval.

3004 ACCESSORY USES

3004.A **Applicability.** This section applies to any use that is clearly related, incidental, and subordinate to the principal (primary) use of the lot. If the principal use is discontinued, all related accessory uses must terminate. A principal use may include allowed accessory uses in accordance with this section.

3004.B **General Standards.** The Administrative Officer may issue a zoning permit for an accessory use upon finding that the applicant has demonstrated that the proposed accessory use will:

(1) Support and further the purposes of the related principal use;

(2) Be in common ownership and operation with the related principal use;

(3) Be subordinate in size and intensity to the related principal use;

(4) Meet the performance standards of Section 3105; and

(5) Meet any other standards of these regulations applicable to the proposed use, including but not limited to site plan review standards.

3004.C **Non-Residential Uses.** For non-residential uses, the total area devoted to one or more accessory uses on the lot must not exceed 40% of the area devoted to the principal use.

3005 CAMPING AND CAMPING UNITS

3005.A **Applicability.** Except as specifically authorized in this section, any parcel of land that is occupied by or designed to accommodate more than 3 camping units (tents, tipis, yurts, recreational vehicles, tiny houses on permanent chassis, cabins, lean-tos, etc.) will be considered a campground and subject to all applicable provisions of these regulations as they pertain to campgrounds (see Section 3214).

3005.B **RVs, Tiny Houses, and Other Drivable or Towable Camping Units.** Except as specifically authorized in this section, an RV, tiny house, or other camping unit designed to be driven or towed will, for purposes of these regulations, be considered a dwelling unit under Sections 3010and 3015 if:

(1) Skirting or insulation is installed around the base of the unit;

(2) The wheels are removed or the unit is placed on a foundation;

(3) A deck, stairs or other accessory structure is attached to the unit;

(4) The unit is connecting to an onsite water or wastewater system; or

(5) A special permit is required to transport the unit on Vermont roads.

3005.C **Camping Unit as a Primitive Camp.** A landowner may apply for a zoning permit to use a camping unit as a primitive camp in accordance with Section 3206.

3005.D **Camping Unit as a Temporary Dwelling.** The Administrative Officer may issue a temporary permit in accordance with Section 3023 authorizing a property owner to occupy a camping unit on a lot during the period when a permanent dwelling is under construction or renovation on that lot.

3005.E **Camping Unit as Worker Housing.** See Section 3203.

3005.F **Special Event and On-Resort Camping.** Camping in conjunction with special events exempted in Paragraph 1101.C(25) will also be exempt from permitting under these regulations provided that event camping is limited to 4 consecutive days and not more 12 days in any calendar year. A property owner may obtain a zoning permit to allow for more frequent or extended camping outside of a permitted campground as an accessory use to a resort provided that the area used for camping:

(1) Is indicated on the resort master plan, and is designated on the site plan;

(2) Does not have permanent improvements such as individual RV hook-ups to accommodate the camping use;

(3) Provides potable water, toilet, and trash disposal facilities; and

(4) Is located and managed to ensure adequate emergency service access.

3006 CONSTRUCTION-RELATED STRUCTURES AND USES

3006.A **Applicability.** Temporary construction-related structures and uses are permitted in any district on the site of permitted development or in an approved staging area in accordance with the provisions of this section. Construction-related structures and uses may include, but are not limited to, temporary dwelling units, temporary access and driveways, construction offices, construction trailers, construction dumpsters, storage buildings, portable toilets, fences and signs.

3006.B **Removal.** Construction-related structures must be removed from the property promptly upon completion of work and before the Administrative Officer may issue a final certificate of compliance in accordance with Section 4206.

3006.C **Staging Areas.** The Administrative Officer may issue a zoning permit for the temporary use of land in the Rural and General Business zoning districts as a staging area for an off-site construction project. The Development Review Board may allow the temporary use of a property in any other district as a staging area for an off-site construction project as a conditional use.

3007 DEMOLITION

3007.A Applicability. All demolition must conform to the standards of this section. Any demolition, including demolition that does not require a zoning permit under Paragraph 1101.C(7), not conforming to the standards of this section will be considered a violation of these regulations.

3007.B **General Standards.** Within 30 days after demolition is complete:

(1) All structural materials and debris must be removed from the site;

(2) The site must be restored to a natural grade; and

(3) Groundcover must be re-established or other appropriate measures taken to prevent erosion.

3008 DRIVEWAYS

3008.A **Applicability.** New, extended, or modified driveways serving proposed development, including the conversion or upgrade of an existing driveway, logging, or farm road, must conform to the standards of this section. A driveway must not serve more than 3 lots or principal uses. A vehicular travel way proposed to serve more than 3 lots or principal uses or that is located within a public right-of-way will be considered a road and must conform to the standards of Subsection 3308.D).

3008.B **Permit.** A property owner must obtain a zoning permit before constructing, extending, or modifying a driveway. Normal repair and maintenance that does not change the dimensions or grade of an existing driveway are exempt under Paragraph 1101.C(2). The Administrative Officer may issue a zoning permit for a driveway separate from the permit for any development served by the driveway.

3008.C **Other Ordinances.** If there is a conflict between a provision of this section and a provision of any other access or highway ordinance, or public works specifications duly adopted by the Town of Warren, the provisions of the ordinance or public works specifications will take precedence.

3008.D **Design Standards.** Driveways must meet current VTrans B-71 standards and design standards below. In the case of a conflict between a B-71 standard and these regulations, the town standard will take precedence except within the state highway right-of-way.

(1) **Angle.** Driveways must intersect the road at an angle as close to 90 degrees as feasible given site-specific conditions. Driveways must not intersect the road at an angle of less than 75 degrees if designed for two-way traffic or 60 degrees if designed for one-way traffic.

(2) **Grade.** Driveways must maintain a:

(a) Slope between -2% and -4% (pitching away from the road) for the first 35 feet from the edge of the road surface and at least 20 feet from the centerline of any driveway culvert.

(b) A slope that does not exceed an average of 12% as measured from the edge of the road right-of-way to the end of the driveway with no portion exceeding a slope of 15% as measured over any 50-foot section.

(3) **Width.** In accordance with B-71 standards, residential driveways serving single- or two-family dwellings must have a minimum width of 12 feet, and driveways serving larger residential and nonresidential development must have a minimum width of 24 feet as necessary to accommodate two-way ingress and egress, exclusive of any parking, pull-off or turnaround areas. The Development Review Board may approve a waiver to allow for a driveway wider than the minimum required only if the applicant can demonstrate that the additional width is necessary to:

(a) Accommodate unique physical conditions on the property;

(b) Serve trailer trucks;

(c) Meet minimum standards for emergency access;

(d) Meet the minimum standards of the Americans with Disabilities Act; or

(e) Provide improved traffic circulation on- or off-site.

(4) **Spacing.** Driveways may be located within side or rear setback areas however, except for shared driveways, must be located a minimum of 5 feet from side and rear lot lines. A driveway shared between two or three adjacent parcels under a shared maintenance agreement may be located on common lot lines.

(5) **Clearance.** Driveways must be designed and maintained with a minimum horizontal clearance equal to the width of the driveway as approved, and a minimum vertical clearance of no less than 14 feet.

Drainage. Driveways must meet drainage and culvert requirements under Warren's Municipal Roads General Permit (MRGP) where applicable, and:

(a) Be designed with swales or ditches that capture and direct run-off to vegetated areas, retention areas, and/or other stormwater practices before it reaches the

road right-of-way in accordance with Section 3021;

(b) Not discharge run-off or eroded material onto the road or adjoining properties; and

(c) Not block the flow of drainage within public rights-of-way. Where a culvert is necessary to carry drainage under the driveway it must:

(i) Be at least 18 inches in diameter and sized to convey anticipated peak stormwater flows;

(ii) Extend at least 2 feet beyond the edge of the driveway and be adequately constructed to minimize erosion and damage to the pipe at the inlet and outlet;

(iii) Be aligned with the centerline of the swale; and

(iv) Be installed and regularly maintained by the property owner.

(6) **Pull-Offs.** A driveway longer than 400 feet with a drivable width of less than 20 feet must be constructed with pull-off areas to accommodate emergency vehicles that are at least 12 feet wide and 50 feet long and that are not more than 450 feet apart.

(7) **Turnarounds.** A driveway longer than 800 feet must provide a turnaround area not more than 50 feet from the principal building with a minimum turning radius of 30 feet to accommodate emergency vehicles. This requirement may be waived if either:

(a) The building(s) served by the driveway will have a sprinkler system; or

(b) A fire pond that meets Fire Department requirements will be located within 450 feet of the building(s) served by the driveway.

(8) **Snow Storage.** A driveway longer than 800 feet must be designed with one or more areas for snow storage that total not less than 10% of the surface area of the driveway. Required pull-offs and turnarounds must not be used for snow storage. Meltwater from stored snow must be directed to vegetated areas, retention areas, and/or other stormwater practices before it reaches the road right-of-way in accordance with Section 3021.

(9) **Shared Driveways.** Shared driveways are encouraged and may be required by the Development Review Board for development subject to major site plan or subdivision review as necessary to minimize highway access points.

(a) Before the Administrative Officer may issue a zoning permit for a new principal structure or use to be served by a shared driveway, the applicant must demonstrate that a Shared Driveway Agreement has been recorded in the town land records.

3009 DRIVE-THROUGH FACILITIES

3009.A Any drive-through facilities allowed under these regulations must be designed in accordance with the following:

(1) Stacking lanes (where vehicles queue for service) and service areas must be located to the side or rear of the building.

(2) Stacking lanes must be clearly signed, marked, and separated from travel lanes.

(3) Stacking lanes must not block access to service drives, parking spaces or loading areas.

(4) Drive-through traffic must not cause congestion or other unsafe conditions within the site or on the road.

(5) One or more designated pedestrian crossings must be provided across any stacking lane that separates parking from the building.

(6) Stacking lanes and service areas must not be located within district setbacks.

(7) Menu boards must conform to the standards of Subsection 3107.M.

(8) Drive-through facilities must be screened in accordance with Section 3106 to prevent adverse impacts, including but not limited to noise and light trespass, on adjacent properties.

3010 DWELLING UNITS

3010.A **Applicability.** The standards of this section apply to any structure or portion of a structure used or intended to be used as a dwelling unit.

3010.B **Foundation.** A dwelling unit must be within a structure located on and attached to a permanent foundation or, for a manufactured home or other structure built on a permanent chassis, on footings or a pad that meets minimum HUD requirements (see Section 3015). The foundation must adequately anchor, support, and protect the structure and related utilities, infrastructure and services, including electrical, heating, ventilation, and plumbing systems.

(1) The Administrative Officer or Development Review Board may require the submission of plans stamped by a state licensed engineer or architect prior to the issuance of a zoning permit as necessary to ensure compliance with this requirement.

3010.C **Fire and Building Safety.** All dwelling units other than owner-occupied single-family homes and accessory dwelling units that conform to state requirements (see Section 3205) must meet the Vermont Fire and Building Safety Code, including any dwelling unit intended for use as a short-term rental. The Administrative Officer may require a property owner to provide a copy of the applicable state permit(s) prior to issuing a Certificate of Compliance for a dwelling unit subject to Fire and Building Safety Code or as part of an enforcement action under Subchapter 0.

3010.D **Minimum Unit Size.** The minimum size of a dwelling unit must not be less than:

(1) 150 square feet for a studio or efficiency unit (one open living area that includes cooking, living and sleeping quarters, as well as sanitation facilities in accordance with Subsection 3010.E);

(2) 220 square feet for a one-bedroom unit; or

(3) 220 square feet plus an additional 70 square feet for each additional bedroom (290 sf for two-bedroom, 360 sf for three-bedroom, etc.).

3010.E **Cooking and Sanitation Facilities.** All dwelling units must have safe, functioning cooking and sanitation facilities in accordance with the following:

(1) A dwelling unit must provide permanent bathroom facilities, at minimum consisting of a toilet, sink, and shower or bathtub. The toilet and shower or bathtub must be within a room or enclosure that is fully separated from other living spaces by walls and one or more doors.

(2) A dwelling unit must contain permanent kitchen facilities. A kitchen must be a room or portion of a room in which there is a sink, refrigerator, and one or more appliances for heating food.

3010.F **Parking.** All dwelling units must have parking in accordance with Section 3104.

3010.G **Water Supply and Wastewater Disposal.** All dwelling units must have safe, functioning water supply and wastewater disposal systems in accordance with Section 3025.

3010.H **Trash Disposal.** All dwelling units must include, or have convenient access to secured, animal-proofed trash, recycling, and compost storage areas in accordance with Section 3108.

3011 ENERGY GENERATION FACILITIES

3011.A **Applicability.** A property owner may obtain a zoning permit for an energy generation facility not exempted in Subchapter 110 in any district in accordance with the standards of this section. The standards of Subsection B through Subsection D apply to energy generation facilities not exempted in Subchapter 110. The standards of Subsection E apply to solar electric generation facilities regulated by the Public Utilities Commission.

3011.B **Setbacks.** An energy generation apparatus that is not mounted on a building must be set back a distance equal to its height or more from all property lines or the district minimum setback requirement, whichever is greater. Any guy wires must be located outside the minimum setbacks for the applicable district.

3011.C **Height.** The height of an energy generation apparatus must conform to the following:

(1) The height of ground-mounted solar energy generating apparatus must not exceed 24 feet.

(2) The height of a ground-mounted wind energy generating apparatus (inclusive of the rotors) must not exceed the greater of 125 feet or 40 feet above any obstructions within a 500-foot radius.

(3) A ground-mounted wind energy generating apparatus must be installed so that the hub is not less than 50 feet above the ground and that the clearance between the ground and the tip of the rotor at its lowest point is not less than 30 feet.

(4) An energy generating apparatus mounted on a building roof must not extend more than 12 feet above the roof surface.

3011.D **Removal.** A facility that has been out-of-service for more than 12 months will be considered discontinued and the owner must remove it. It will be the property owner's responsibility to demonstrate that a facility is not out-of-service.

3011.E **Screening Requirements.** A solar electric generation facility regulated by the Public Utilities Commission must meet the screening requirements of Subsection 3106.E for utilities and service areas.

3012 EROSION PREVENTION AND SEDIMENT CONTROL

3012.A **Purpose.** This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction and minimize stormwater runoff, soil erosion and sedimentation of downstream water bodies.

3012.B **Applicability.** All construction or demolition activities that will disturb soil must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies as set forth in the general standards below.

3012.C **Projects Subject to State Permitting.** Development that obtains a state construction general or individual permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.

3012.D **Other Ordinances.** If there is a conflict between a provision of this section and more specific provisions under any other access, highway, or stormwater management ordinance or public works specifications duly adopted by the Town of Warren, the applicable ordinance or specifications will take precedence.

3012.E **General Standards.** All construction, demolition, and property maintenance activities that will disturb soil must at minimum be undertaken in accordance with the practices below (for further guidance see the Vermont Agency of Natural Resource's *Low Risk Site Handbook for Erosion Prevention and Sediment Control*). Site disturbance must not occur between October 15th and April 15th unless the applicant submits and implements a professionally prepared erosion prevention and sediment control plan that provides specific measures for winter construction.

(1) Limit the size of the disturbance area to the minimum necessary to accommodate the proposed construction or demolition.

(2) Protect any trees to be preserved within the disturbance area by fencing that at a minimum encloses the area around their drip line.

(3) Mark site boundaries to identify the limits of disturbance (including storage and access areas) with flags or fencing.

(4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.

(5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto roads.

(6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction/demolition activities and between disturbed soil and any drainage feature, stormwater inlet or water body.

(7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to neighboring properties, public rights-of-way or surface waters.

(8) Treat and filter any water pumped out of the disturbance area before allowing it to flow off the site or to be discharged to a storm drain or surface water.

(9) Slow any concentrated flows of runoff by installing stone check dams in drainage channels.

(10) Stabilize exposed soil with seed and mulch or erosion control matting within 48 hours after completing work in an area.

(11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.

(12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.

(13) Till any compacted soil prior to the final seeding and mulching.

(14) Stockpile the topsoil removed during construction/demolition and spread it back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it must be amended as needed.

3012.F **Small Projects.** Applicants who are proposing construction or demolition activities that will disturb more than 5,000 square feet but less than 10,000 square feet of soil must comply with applicable standards under 3012.E.

3012.G **Large Projects.** Applicants who are proposing construction or demolition activities that will disturb 10,000 square feet or more of soil must submit and implement a professionally prepared erosion control plan in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

3013 FENCES, WALLS, AND BERMS

3013.A **Applicability.** The provisions of this section apply to all fences and walls not exempted in Subchapter 110. For agricultural fences, see Section 1103.

3013.B **Setbacks.** Fences and non-retaining walls exempted in Subchapter 110 are not subject to setback requirements. Higher fences, walls or berms may be located within side or rear setbacks when the adjoining property owners submit a joint application for the boundary fence, wall or berm. In the case of a fence or wall being constructed on top of a berm, the height of the combined fence or wall and berm will be used to determine setback requirements.

3013.C **Fences and Non-Retaining Walls.** The maximum height of fences and non-retaining walls will be 8 feet unless otherwise approved by the Development Review Board in order to provide adequate screening or security. The height of a fence or non-retaining will be measured as follows:

(1) If the fence or wall is designed to maintain a level elevation along its top edge, the height will be the average as measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below the two points along the fence or wall where the finished grade is the lowest and the highest; or

(2) If the fence or wall is designed to follow the grade or otherwise not maintain a level elevation along its top edge, the height will be measured from the highest part of the fence or wall (including any structural or decorative elements) to the finished grade immediately below at the point along the fence or wall where that distance is the greatest.

3013.D **Retaining Walls.** Retaining walls must be located and designed as follows:

(1) No individual retaining wall may exceed 16 feet in height except that pre-existing retaining walls more than 16 feet in height may be repaired and reconstructed to their pre-existing height.

(2) The height of a retaining wall will be measured from the grade at the base of the face of the wall to the grade at the back of the wall immediately above at the location along the wall where those two grades are the furthest apart.

(3) Terracing of retaining walls is encouraged. To be considered separate walls, two retaining walls must be separated by a horizontal distance of at least 5 feet.

3013.E **Materials and Design.** Unless otherwise approved by the Development Review Board, a fence or wall:

(1) Must be constructed of permanent material such as wood, metal, stone, concrete, brick or other materials of similar durability;

(2) Must not be designed to inflict, or constructed of materials capable of inflicting, significant physical injury except as required to meet state or federal regulations (e.g., barbed wire, razor wire, glass shards, etc.); and

(3) Must be constructed so that the 'finished', 'presentation' or 'good' side faces out towards the property lines.

3013.F **Berms.** Berms located within setbacks, constructed in conjunction with a fence or wall, or used to meet the landscaping or screening requirements of these regulations must be designed as follows:

(1) A berm must have a curvilinear, naturalistic shape with sloped sides and a flat or slightly rounded top;

(2) The sides of a berm must not exceed a 2:1 slope (horizontal-to-vertical);

(3) The top of a berm must have a minimum width that is at least ½ the height of the berm; and

(4) A berm must be stabilized with groundcover or other vegetation to prevent erosion and sedimentation.

3014 GRADING, EXCAVATION, FILL AND STORAGE OF EARTH MATERIALS

3014.A **Applicability.** The provisions of this section apply to all grading, excavating or filling of land and storage of earth materials not exempted in Subchapter 110 or associated with a lawful earth resource extraction operation. A property owner must obtain a zoning permit for grading, excavating, filling of land or storing of earth materials in accordance with the provisions of this section. Grading, excavating or filling associated with proposed land development is also subject to the standards of this section.

3014.B **Waterways or Wetlands.** Grading, excavation, fill and storage of earth materials is prohibited within surface waters, wetlands and any required buffers to surface waters or wetlands unless the activity will be subject to state permitting and the applicant demonstrates that he/she has obtained all required state permits.

3014.C **Flood Hazard Areas.** See Section 2201 for grading, excavation, fill and storage of earth materials within the Flood Hazard Overlay District.

3014.D **Fill Material.** The use of any material other than uncontaminated natural soil for fill is prohibited unless the proposed fill will be subject to state permitting, in which case the conditions of the state permit regarding the fill material will prevail.

3014.E **General Standards.** Grading, excavation, and fill must conform to the following unless otherwise approved by the Administrative Officer or Development Review Board as an element of other proposed development including, but not limited to, construction of roads, driveways, buildings, ponds, stormwater practices, fences or retaining walls and upon the applicant submitting plans stamped by an engineer:

(1) Grading, excavation or fill is prohibited within side and rear setbacks, unless waived by the Development Review Board as necessary to accommodate site specific physical constraints, and upon finding that this will result in no adverse impacts to adjoining properties;

(2) Cut-and-fill slopes must not exceed a slope of 2:1 (horizontal-to-vertical) ratio;

(3) Cut-and-fill slopes will be rounded off to eliminate any sharp angles at the top or bottom;

(4) Any proposed regrading will blend in with the natural contours of the surrounding land;

(5) Grading, excavation or fill must not affect existing drainage patterns on adjacent lots or public rights-of-way; and

(6) Town notification regarding location and timing may be required as a condition of approval for any activity that requires blasting to remove outcroppings or exposed bedrock.

3014.F **Material Storage.** Stockpiles of earth materials (soil, compost, sand, gravel, crushed stone, etc.) must be properly managed to prevent erosion and sedimentation in accordance with the provisions of Section 3012. Stockpiles must not be located on land with slopes greater than 10%. A property owner must obtain a zoning permit and complete and conform to the conditions specified in the *Town of Warren Small Project Erosion Prevention and Sediment Control Checklist* prior to storing more than 100 cubic yards of material on a site for more than 15 days.

3015 MANUFACTURED HOMES AND TINY HOUSES

3015.A **Applicability.** The provisions of this section apply to all manufactured homes, tiny houses or other structures built on a permanent chassis intended to be occupied as a dwelling unit (also see minimum standards for dwelling units in Section 3009.A(8)).

3015.B **Manufactured Home Installation.** All manufactured homes to be used as a dwelling unit must be installed by a licensed installer in compliance with HUD's *Model Manufactured Home Installation Standards* and the following:

(1) All wheels, hitches, axles, transporting lights and removable towing apparatus must be removed prior to installation of the manufactured home.

(2) The foundation must have continuous skirting or backfill, leaving no uncovered open areas except for access to vents and crawl spaces.

(3) The applicant must provide the Administrative Officer with a copy of the certification signed by the licensed installer prior to occupying the home.

3015.C **Installation of Tiny Houses or Other Structures.** All tiny houses or other structures built on a chassis to be used as a dwelling unit must be installed as follows:

(1) All wheels, hitches, axles, transporting lights and removable towing apparatus must be removed prior to installation of the structure.

(2) The structure must be located on a permanent foundation that meets the minimum foundation requirements of HUD's *Permanent Foundations Guide for Manufactured Housing*.

(3) The foundation must have continuous skirting or backfill, leaving no uncovered open areas except for access to vents and crawl spaces.

3015.D **Individual Lots.** A manufactured home, tiny house or other structure built on a chassis to be located on an individual lot for use as a dwelling unit will be treated the same as any other single-family dwelling under these regulations.

3015.E **Multi-Unit Developments.** The following standards apply to a residential development intended to accommodate multiple manufactured homes, tiny houses or other structures built on a chassis, including a mobile home park, as defined by the state. Such a development:

(1) Will be allowed in all districts where multi-family dwellings are allowed;

(2) Must conform to the residential density standards of the zoning district in which they are located;

(3) Must be designed, reviewed and approved as a planned unit development in accordance with Section 3405;

(4) Must be designed so that each dwelling unit will be located on a delineated site as shown on the approved site plan that is not less than 4,000 square feet in area;

(5) Must be designed so that each dwelling unit will be located no closer than 30 feet to any other dwelling unit within the development; and

(6) Must be accessed from a single access unless otherwise approved by the Development Review Board to provide adequate emergency access, or to improve traffic safety or connectivity to adjoining roads.

3015.F **Water Supply and Wastewater Disposal**. All manufactured homes, tiny houses or other structures built on a permanent chassis intended to be occupied as a dwelling unit must have safe, functioning water supply and wastewater disposal systems in accordance with Section 3025.

3016 PERSONAL STORAGE

3016.A The Administrative Officer may issue a zoning permit for a building to be used for non-commercial storage of the property owner's personal or household goods as the principal use/structure on an adjoining lot in common ownership in any district in accordance with the dimensional standards of the applicable zoning district and all other applicable provisions of these regulations. This provision must not be interpreted to allow for any type of commercial storage unit or the placement of a portable structure, vehicle or trailer as a personal storage building.

3017 PONDS

3017.A **Applicability.** The provisions of this section apply to any constructed pond not exempted in Subchapter 110. A property owner must obtain a zoning permit to construct, expand or modify such a pond in accordance with the provisions of this section.

3017.B **Waterways or Wetlands.** Construction of a pond within wetlands and any required buffers to surface waters or wetlands is prohibited unless the applicant demonstrates that he/she has obtained all required state permits.

3017.C **General Standards.** Ponds must conform to the following unless otherwise approved by the Development Review Board as an element of proposed development subject to a development approval:

(1) Ponds are prohibited within zoning district setbacks;

(2) Ponds that will use a berm or other structure to impound water at a level above the natural grade of the site must be designed by a qualified professional and must be maintained in accordance with the approved design;

(3) Ponds must have a grassed spillway system capable of handling stormwater overflow from the pond;

(4) Stormwater overflow must not be discharged in a manner that would adversely impact downslope properties, public rights-of-way or surface waters; and

(5) Landowners must manage and maintain ponds to not create a nuisance or hazard.

3018 PORTABLE STRUCTURES

3018.A Property owners must obtain a zoning permit to locate portable structures and structures not located on a permanent foundation on their property to the same extent as comparable structures on a permanent foundation (see Subchapter 110 for a list of structures that do not require a zoning permit and Section 3023 if the structure will be in place less than 6 months).

3019 RIPARIAN BUFFERS

3019.A **Purpose.** This section is intended to protect and enhance the overall quality, natural function and ecological health of the town's surface water resources by mitigating the impact of development within riparian areas.

3019.B **Applicability.** The provisions of this section apply to all land within 50 feet of mapped surface waters, as measured from the top of bank, top of slope, or mean water level as applicable. Where this land is also within the Flood Hazard or River Corridor Overlay Districts, the provisions of Section 2201 and/or Section 2202, as applicable, will take precedence over the provisions of this section.

3019.C **General Standards.** Development is prohibited and woody vegetation must be maintained or established within riparian buffers except that:

(1) Public outdoor recreation uses and trails will be allowed to the extent allowed in the applicable zoning district.

(2) A property owner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the riparian buffer.

(3) On previously developed single- and two-family residential lots, natural woody vegetation will not have to be re-established on pre-existing areas within the riparian buffer being maintained as lawns or gardens.

(4) A property owner may clear and maintain a cleared path or trail not more than 6 feet wide across the buffer to provide water access.

(5) A property owner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will:

(a) Not significantly compromise the resource protection functions of naturally vegetated riparian buffers; and

(b) Adequately treat the stormwater so that it meets water quality standards before it is discharged to the surface water body.

(6) Water-dependent structures or uses, streambank or shoreline stabilization projects, and any development authorized by a state permit will be allowed within the riparian buffer to the extent allowed in the applicable zoning district as a conditional use in accordance with Subsection 3019.E. The property owner must provide the Administrative Officer with a copy of the state permit prior to the start of construction.

3019.D **Nonconforming Sites.** Pre-existing development within riparian buffers will be regulated in accordance with the following:

(1) The pre-existing development within the buffer may continue.

(2) A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district if there will be no extension of the development footprint within the buffer.

(3) Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the riparian buffer; and

(4) Conditional use approval in accordance with Subsection 3019.E will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the riparian buffer.

3019.E **Conditional Use Criteria.** In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for land development within a riparian buffer must demonstrate that:

(1) The proposed land development cannot reasonably be accommodated on any portion of the parcel outside the riparian buffer.

(2) The footprint of the proposed land development within the riparian buffer is the minimum necessary to accommodate the proposed use or structure.

(3) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the surface water, drainage, erosion, sedimentation and downstream flooding.

(4) There will be (listed in order of preference):

(a) No net increase in impervious surface within the riparian buffer;

(b) A de minimus increase in the amount of impervious surface within the riparian buffer; or

(c) Mitigation for any additional impervious surface within the riparian buffer. Preferred mitigation is re-vegetation of an area adjacent to the riparian buffer equivalent or greater in size than the area to be impacted by proposed development. The Development Review Board may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.

3020 STEEP SLOPES

3020.A **Purpose.** This section is intended to avoid property damage, personal injury and infrastructure damage, and minimize the potential for erosion, slope failure, sedimentation of surface waters, increased runoff, flooding and contamination of surface waters resulting from development on steep slopes.

3020.B **Applicability.** The provisions of this section apply to any development requiring a permit under these regulations that will clear or disturb steep slopes except for de minimus clearing or disturbance associated with recreational trails and paths.

3020.C **Definition and Measurement.** For the purposes of these regulations, steep slopes will be defined as 1,000 square feet or more of contiguous land area with a naturally occurring slope

of 20% or greater, including land extending beyond the parcel or project site. The Steep Slope Map will be used to initially identify areas that may meet this definition. If an applicant is proposing to clear or disturb land within the mapped areas, it will be his/her responsibility to show the presence and extent of steep slopes within the project area using either the most recent lidar data available from the Vermont Center for Geographic Information or a topographic survey stamped by a licensed Vermont surveyor by submitting a grading plan depicting the areas characterized by steep slopes, the existing contours at an interval of not greater than 5 feet, and any proposed contours at an interval of not greater than 2 feet.

3020.D **General Standards.** A property owner must obtain conditional use approval for any development that will clear or disturb steep slopes. The applicant must provide a professionally prepared erosion prevention and sediment control plan, stormwater management plan, and engineered site plan, subject to an independent technical review by a town-retained engineer unless waived by the Development Review Board (see Section 4103). A slope stability analysis may also be required for construction on or near slopes that exceed 20%.

(1) In addition to all other applicable criteria, the applicant must demonstrate that the proposed land development:

(a) Cannot reasonably be accommodated on a portion of the lot not characterized by steep slopes (siting in order to capture a view will not be considered a valid reason to develop steep slopes);

(b) Has been sited and designed to avoid and minimize impacts to steep slopes to the maximum extent feasible;

(c) Has been designed and engineered with appropriate erosion control measures and stormwater management practices so that there will be no off-site water quality or flooding impacts (see Section 3012 and Section 3021);

(d) Conforms to the standards of Section 3014;

(e) Has been designed and engineered to provide safe and adequate vehicular access, including for emergency and service vehicles (see Section 3002, Section 3008 and Subsection 3308.D as applicable); and

(f) Has been designed to minimize terracing for buildings sites and grading outside the building footprint through use of structures intended to fit the slope (ex., reduced footprints and stilt or step-down designs).

3020.E **Liability.** Property owners are responsible for any stormwater runoff, erosion, sedimentation or other damage to downslope property or surface waters resulting from clearing, construction activities or development on steep slopes. As established in Section 1009, the provisions of this section do not create any liability on the part of the Town of Warren.

3021 STORMWATER MANAGEMENT

3021.A **Purpose.** This section is intended to:

(1) Manage the quantity and quality of stormwater runoff, pre-and post-development;

(2) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible;

(3) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation;

(4) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by development;

(5) Protect surface waters, aquatic systems, and other natural resources on and off site from degradation as a result of development;

(6) Minimize hazards from flooding and streambank erosion; and

(7) Prevent damage to, and reduce public expenditures associated with maintaining municipal infrastructure resulting from inadequate stormwater controls.

3021.B **Applicability.** The provisions of this section apply to any land development that requires major site plan, conditional use, or subdivision review by the Development Review Board, including any development that will increase the amount of impervious surface on a lot by 2,500 square feet or more.

(1) **Projects Subject to State Permitting.** Development that results in a total impervious surface of 0.5 acres (21,780 square feet) or more, if covered under a state stormwater permit, will be presumed to have met the requirements of this section. Any zoning permit or approval will be conditioned upon the applicant submitting a copy of the state permit to the Administrative Officer prior to the start of construction.

3021.C **Applicable Regulations.** Stormwater management plans and proposed methods specific to managing stormwater runoff required under this section must be consistent with other applicable provisions of these regulations, and other municipal ordinances and public works specifications in effect at the time of application.

(1) These include, but may not be limited to:

(a) Erosion Prevention and Sediment Control (Section 3012);

(b) Grading, Excavation, Fill, and Storage of Materials (Section 3014);

(c) Riparian Buffers (Section 3019);

(d) Steep Slopes (Section 3020);

(e) Wetlands (Section 3026); and

(f) Public works standards adopted by the Town of Warren, including road and driveway drainage standards under the town's Municipal Roads General Permit.

(2) Proposed stormwater management methods may be incorporated on required site plans, subdivision plans, associated plans (ex., erosion prevention and sediment control, grading and excavation), or on plans specific to stormwater management.

(3) The Development Review Board may require an applicant to submit a stormwater management plan prepared by a professional engineer for proposed development with potential impacts to steep slopes, riparian buffers, surface waters, wetlands, or other natural resource areas; or to municipal properties, rights-of-way, or infrastructure.

(4) If there is a conflict between a provision of this section and other municipal regulations in effect, the more restrictive will take precedence.

3021.D **General Standards.**

(1) Proposed development that will increase the amount of impervious surface of a lot must incorporate and implement measures to reduce, manage, and treat stormwater runoff as necessary to avoid, or to minimize and mitigate adverse impacts to nearby properties, public infrastructure, and surface waters.

(2) Factors to be considered in determining the types of stormwater management measures necessary include pre-development site and runoff conditions, existing vegetation and ground cover, slope and drainage patterns, soil types, the percentage of impervious surface coverage, distances to streams and other surface waters, and potential impacts to adjoining properties and infrastructure. Guidance available to identify stormwater management practices most suitable for use given existing site conditions and the type of proposed development include:

(a) *The Vermont Stormwater Management Manual* as most recently amended, and for smaller projects:

(b) *The Vermont Low Impact Development Guide for Residential and Small Sites,*

(c) *The Vermont Green Stormwater Infrastructure (GSI) Simplified Sizing Tool for Small Projects*, and

(d) *The Vermont Guide to Stormwater Management for Homeowners and Small Businesses*.

3021.E **Specific Standards**. Proposed development and associated stormwater management measures must be sited and designed to:

(1) Avoid or, where necessary, minimize and mitigate impacts to functional hydrologic areas and features on and off site, including but not limited to steep slopes and ridgelines, surface waters, wetlands, floodways and floodplain areas, river corridors, riparian buffers, forested areas, and well-drained soils.

(2) Minimize the disturbance of natural surface and groundwater drainage features and patterns, surface flow characteristics and discharge points, and vegetated infiltration and evapotranspiration areas. Existing site hydrology must not be modified so as to disrupt onsite or adjacent surface waters during or post-construction.

(3) Follow the natural contours of the site to the maximum extent feasible, through development siting and the use of selective grading methods that preserve existing topography and, where needed, evenly distribute runoff and minimize concentrated flow.

(4) Maximize retention of native forest cover and vegetation and restore disturbed vegetation required to intercept, evaporate, and transpire precipitation. Applicants may be required to preserve or re-establish and maintain riparian buffers, trees, groundcover, or other pervious surfaces in one or more areas as necessary to provide or improve stormwater infiltration and management.

(5) Minimize the amount of additional impervious surface, for example by redeveloping and reusing previously developed sites, minimizing parking areas and the width of streets and driveways, and installing and maintaining pervious surfaces and landscaping that provides infiltration.

(6) Guide stormwater from on-site impervious surfaces including, but not limited to roofs, roads, driveways, parking areas, sidewalks, and walkways to vegetated areas, retention areas, and/or other pervious surfaces to promote on-site water retention and infiltration.

(7) Incorporate, to the maximum extent feasible given site-specific conditions, nonstructural Low Impact Design (LID) techniques that protect, enhance or mimic the site's natural hydrologic functions, and structural Green Stormwater Infrastructure (GSI) practices that reduce the volume and water quality impacts of stormwater runoff.

(8) Pervious paving will not be allowed as an acceptable stormwater management practice unless the applicant provides a stormwater management plan prepared by a professional engineer that includes maintenance protocols for the pervious paving.

3022 SWIMMING POOLS

3022.A **Applicability.** The standards of this section apply to swimming pools not exempted in Subchapter 110.

3022.B **General Standards.** A property owner may apply for a zoning permit to install a swimming pool in accordance with the following:

(1) Pools are prohibited within district setbacks;

(2) Pools must be located behind the frontline of the building (in the side or rear yard) in the village and residential districts;

(3) Pools must be fully enclosed by a barrier at least 4 feet high that surrounds and obstructs access to the pool;

(4) Access gates must be self-closing, self-latching and lockable;

(5) Access steps or ladders must be capable of being secured, locked or removed when the pool is not in use.

3023 TEMPORARY STRUCTURES AND USES

3023.A The Administrative Officer may issue a zoning permit for a temporary structure or use not exempted in Subchapter 110.

3023.B A temporary structure or use will be subject to all applicable standards of these regulations for a comparable permanent structure or use including, but not limited to, the dimensional standards of the applicable district and the performance standards of Section 3105.

3023.C The permit for a temporary structure or use will be limited to a maximum of 1 year. A temporary permit cannot be extended under the provisions of Subsection 4203.B.

3024 UTILITY FACILITIES

3024.A **Applicability.** The standards of this section apply to utility facilities not exempted in Subchapter 110.

3024.B **District Standards.** Minimum lot size and frontage requirements will not apply to lots housing utility facilities.

3024.C **Site Security.** Utility facilities must be designed and maintained to prevent unauthorized access as necessary to protect public safety.

3024.D **Screening Requirements.** A site housing a utility facility must meet the screening requirements of Subsection 3106 for utilities and service areas.

3025 WATER SUPPLY AND WASTEWATER DISPOSAL

3025.A All proposed development requiring a zoning permit or development approval under these regulations must conform to applicable state regulations regarding the provision of potable water and disposal of wastewater.

3025.B The Administrative Officer or Development Review Board may condition the issuance of a final approval, zoning permit, or certificate of compliance under these regulations on the issuance of state wastewater and potable water supply permits.

3025.C Proposed development to be connected to the Warren Municipal Wastewater System must also comply with all provisions of the Town's Sewer Use Ordinance and receive a final approval and a commitment of reserve capacity from the town prior to the issuance of a zoning permit.

3026 WETLANDS

3026.A **Purpose.** This section is intended to protect and enhance the overall quality, function and ecological health of the town's natural environment by mitigating the impact of development within wetlands and wetland buffers.

3026.B **Applicability.** The provisions of this section apply to all mapped wetlands and land within 100 feet of Class 1 wetlands, 50 feet of Class 2 wetlands and 25 feet of all other wetlands. Mapped wetlands will be interpreted as those shown on the most recent Vermont Significant Wetlands Inventory or as determined through a field delineation by a qualified wetland scientist.

3026.C **General Standards.** Development is prohibited and natural vegetation must be maintained or established within wetlands and wetland buffers except that the following may be allowed as a conditional use (see Subsection 3026.E):

(1) Public outdoor recreation and public trails will be allowed to the extent allowed in the applicable zoning district.

(2) A property owner may remove dead, diseased or unsafe trees and invasive or nuisance species, and may prune tree branches within the bottom one-third of a tree's height within the wetland or wetland buffer.

(3) A property owner may use the vegetation within the riparian buffer in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the resource protection functions of naturally vegetated riparian buffers.

(4) Water-dependent structures or uses, streambank or shoreline stabilization projects, and any development authorized by a state permit will be allowed within a wetland or wetland buffer to the extent allowed in the applicable zoning district as a conditional use in accordance with Subsection 3026.E.

3026.D **Nonconforming Sites.** Pre-existing development within wetlands or wetland buffers will be regulated in accordance with the following:

(1) The pre-existing development within the wetland or wetland buffer may continue.

(2) A pre-existing building, developed site, or portion of a building or site within a wetland or wetland buffer may be used for any purpose allowed in the zoning district if there will be no extension of the development footprint within the wetland or wetland buffer.

(3) Redevelopment and new construction may be allowed within the footprint of any existing impervious surface within the wetland or wetland buffer.

(4) Conditional use in accordance with Subsection 3026.E will be required if the applicant is proposing construction, new impervious surface or other physical modifications to the site or structure(s) that have the potential to adversely impact the natural functions of the wetland or wetland buffer.

3026.E **Conditional Use Criteria.** In addition to all other applicable criteria of these regulations, an applicant seeking conditional use approval for development or redevelopment within wetlands or wetland buffers must demonstrate that:

(1) The proposed land development cannot reasonably be accommodated on any portion of the lot outside the wetland or wetland buffer.

(2) The proposed land development is necessary for the continued reasonable use of the property.

(3) The footprint of the proposed land development within the wetland or wetland buffer is the minimum necessary to accommodate the proposed use or structure.

(4) The proposed land development will not have new or greater (as compared to existing conditions) adverse impact on the natural functions and quality of the wetland and wetland buffer.

(5) There will be (listed in order of preference):

(a) No net increase in impervious surface within the wetland or wetland buffer;

(b) A de minimus increase in the amount of impervious surface within the wetland or wetland buffer; or

(c) Mitigation for any additional impervious surface within the wetland or wetland buffer. Preferred mitigation is creation of a wetland area contiguous with the subject wetland that is equivalent or greater in size than the area to be impacted by proposed development. The Development Review Board may require the applicant to submit a professionally prepared environmental impact assessment and mitigation plan.

(d) The applicant has contacted the Vermont Department of Environmental Conservation for a determination of whether a state wetland permit is required and, if required, has obtained or intends to obtain a state permit. If a state permit is required but has not been obtained, the Development Review Board must condition any approval on the applicant providing a copy of the state permit prior to the Administrative Officer issuing a zoning permit for the proposed development.

310 Site Design and Performance Standards

3101 LANDSCAPING

3101.A **Purpose.** The provisions of this section are intended to:

(1) Enhance the appearance and quality of development in Warren;

(2) Provide shade, and reduce heat and glare;

(3) Control soil erosion and stormwater runoff;

(4) Screen potentially incompatible land uses and utilitarian site features; and

(5) Calm traffic and improve pedestrian safety and comfort.

3101.B **Applicability.** Proposed development subject to major site plan (see Subsection 4305.C) or major subdivision approval, including planned unit developments, must provide landscaping as specified in this section. These are the minimum standards for landscaping and the Development Review Board may require additional landscaping as deemed necessary to further the purposes of this section.

3101.C **General Standards.** All landscaping required under these regulations must conform to the following:

(1) **Landscape Plan.** Applicants must submit a landscape design and maintenance plan prepared by a licensed landscape architect or a certified horticulturist. Landscape plans must consist of mixed, layered plantings of trees, shrubs and ornamental plants selected based on site conditions and plant function.

(2) **Plant Materials.** Plant materials must meet the specifications in Figure 3-01. Warren strongly encourages use of native species and prohibits intentional use of invasive, nuisance or noxious species as identified by the Vermont Agency of Agriculture and the Vermont Agency of Natural Resources.

(3) **Time of Planting.** If landscaping cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, the applicant may install the landscaping within 6 months of the end of construction and the Administrative Officer may issue a temporary Certificate of Compliance in accordance with Subsection 4206.F.

(4) **Performance Bond.** The applicant must submit a performance bond to ensure that landscaping will be installed and established in accordance with the approved plans. The performance bond will be held for three years unless otherwise established by the Development Review Board in the conditions of approval. See Section 4104.

(5) **Planting and Maintenance.** Landscaping must be:

(a) Installed in accordance with accepted nursery and horticultural standards;

(b) Watered as necessary;

(c) Mulched as appropriate to retain soil moisture and prevent soil erosion or compaction, but not to a depth greater than 3 inches;

(d) Maintained in an attractive, healthy condition and as shown on the approved plans as follows:

(i) Dead or dying plants must be replaced within one growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 3-01.

(ii) Invasive, nuisance, noxious and other "volunteer" plants or weeds must be removed.

(iii) Trash and debris must not be allowed to accumulate in landscaped areas.

(iv) Plants must be pruned or cut back as called for in the approved plans and in accordance with accepted nursery and horticultural standards.

(6) **Inspection.** The Administrative Officer will inspect the site to determine that the plant materials are healthy and that the landscaping is functioning as intended after three growing seasons as a condition of approval unless otherwise approved by the Development Review Board. The performance bond will be released following a satisfactory inspection.

Figure 3-01. **Planting Specifications**

Plant Material	Maximum Crown/Spread (at maturity)	Maximum Height (at maturity)	Minimum Size (at planting)	Minimum Height (at planting)	Minimum Soil Volume (per plant)	Equivalent Planting Units
Large Tree	40 ft or more	40 ft or more	2½ in caliper for single-trunk deciduous	6 ft for multi-trunk deciduous & evergreen	1,000 cf	1.0
Medium Tree	<40 ft	30 ft or more			500 cf	0.8
Small Tree	n/a	<30 ft			250 cf	0.6
Large Shrub	8 ft or more	8 ft or more	#3 container	30 in	120 cf	0.5
Medium Shrub	<8 ft	4 ft or more	#2 container	24 in	60 cf	0.3
Small Shrub	n/a	<4 ft	#1 container	18 in	15 cf	0.1

Notes

Minimum soil volume will not include any soil below 4 feet in depth (ex. 1,000 cf could equal an area 20' wide by 25' long by 2' deep or an area 10' wide by 25' long by 4' deep).

Minimum soil volume per plant may be reduced by 40% for planting areas that are landscaped with multiple plants and that are not less than 10 ft in any dimension.

Existing, healthy, mature plant materials that will be preserved may be counted towards landscaping requirements at a rate of 120% of the applicable equivalent planting units.

Perennial ornamental plants may be substituted for not more than 30% of the total number of required equivalent planting units at a rate of 0.1 equivalent planting units per plant. Minimum size at planting must be a #1 container or equivalent.

3101.D **Front Yard Standards.** Proposed development subject to major site plan approval must provide landscaping between the edge of the road right-of-way and the frontline of the principal building unless the principal building is/will be within 4 feet from the edge of the sidewalk as follows:

(1) **Function.** Front yard landscaping must be designed to:

(a) Highlight and enhance entrances to the site and/or free-standing signs located within the front setback;

(b) Provide direction to and enhance building entrances;

(c) Provide visual breaks along blank building facades;

(d) Enhance and shade sidewalks and walkways;

(e) Screen parking areas or other utilitarian site elements; and/or

(f) Intercept and filter stormwater runoff.

(2) **Specifications.** Front yard landscaping must conform to the planting specifications in Figure 3-01.

(3) **Quantity.** Front yards that are at least 20 feet deep must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 30 feet of lot frontage (exclusive of street trees). Front yards that are less than 20 feet deep must be landscaped with not less than 1.0 EPU for every 60 feet of lot frontage (exclusive of street trees).

(4) **Green Stormwater Infrastructure.** Warren strongly encourages applicants to design front yard landscaping to also function as green stormwater infrastructure (GSI).

3101.E **Streetscape Standards.** Proposed development subject to major site plan or subdivision approval must provide street trees along existing and proposed roads in accordance with the following:

(1) **Location.** Street trees must be planted as follows:

(a) Within 5 feet of the edge of the road right-of-way unless otherwise recommended by the Road Foreman or VTrans District Permit Coordinator as applicable; and

(b) In a planting strip or a tree well that is not less than 5 feet in any dimension unless otherwise recommended by the Warren Road Foreman or VTrans District Permit Coordinator as applicable.

(2) **Specification, Size and Spacing.** Street trees must conform to the planting specifications in Figure 3-01, and be sized and spaced as follows:

(a) Where there are no existing or proposed overhead utility lines, street trees must be large trees.

(b) Where there are existing or proposed overhead utility lines with at least 35 feet of vertical clearance, street trees must be medium trees.

(c) Where there are existing or proposed overhead utility lines with less than 35 feet of vertical clearance, street trees must be small trees.

(d) Street trees must be planted with a reasonably even, linear spacing as specified below:

(i) Large trees must be planted at a minimum ratio of one for every 50 feet of frontage.

(ii) Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage.

(e) The Development Review Board may modify the above requirements and allow the

applicant to:

(i) Plant medium or small trees if buildings or other obstructions will conflict with large trees as they mature;

(ii) Shift the spacing and/or size of street trees to accommodate site features and underground utilities, or to maintain sight distance.

(3) **Preservation of Existing Trees.** Warren strongly encourages preservation of existing, healthy, mature trees. The Development Review Board may waive the location, spacing and alignment standards above to allow existing healthy trees within 15 feet of the edge of the road right-of-way to meet street tree requirements.

3101.F **Parking Area Standards.** Proposed development subject to major site plan approval must landscape existing and proposed off-street surface parking areas in accordance with the following:

(1) New or expanded parking areas with a total surface area of 2,500 square feet or more must include landscaped areas that at minimum are equal to at least 10% of the total parking lot surface area, unless otherwise approved by the DRB in association with an approved subdivision or PUD master plan.

(2) **Large Parking Areas.** Surface parking areas with 60 or more parking spaces must be broken into two or more distinct units of not more than 30 parking spaces each, separated by not less than 20 feet of greenspace. Required greenspace may include landscaping, pedestrian walkways, snow storage, and green stormwater infrastructure (GSI) as shown on the site plan.

(3) **Function.** Parking lot landscaping must be located along the lot perimeter or within planting islands and required greenspace, as necessary to:

(a) Screen parked vehicles from view at the road and from adjoining properties;

(b) Intercept and filter stormwater runoff;

(c) Shade parking spaces, sidewalks, and walkways; and

(d) Provide visual breaks within or along rows of parking.

(4) **Dimensions.** Planting areas must be designed to be not less than 10 feet in any horizontal dimension and to provide plants with the soil volume, depth and moisture necessary for healthy growth.

(5) **Expansion of Pre-Existing Parking Areas.** Applicants proposing to expand an existing parking area by:

(a) Less than 2,500 square feet must meet the landscaping requirements of this section for the new spaces.

(b) 2,500 square feet or more must bring the entire parking area (existing and new spaces) into conformance with the landscaping requirements of this section. This will be calculated based on the cumulative increase in parking area from [EFFECTIVE DATE].

(6) **Green Stormwater Infrastructure.** Warren strongly encourages applicants to design parking area greenspace and planting areas to also function as green stormwater infrastructure (GSI) that provides for collection, infiltration, and evapotranspiration of stormwater runoff).

3102 OUTDOOR LIGHTING

3102.A **Purpose.** The provisions of this section are intended to:

(1) Ensure that outdoor lighting is designed to maintain safety and security;

(2) Minimize the adverse, obtrusive and disruptive aspects of outdoor lighting;

(3) Reduce energy use by directing appropriate amounts of light where and when it is needed, and using energy-efficient light sources; and

(4) Prevent light trespass, glare and sky glow by requiring light fixtures to be appropriately shielded and aimed.

3102.B **Applicability.** All outdoor lighting not exempted in Subchapter 110 must be installed, used and maintained in accordance with the provisions of this section. These are the minimum standards for outdoor lighting. The Development Review Board may specify additional requirements for outdoor lighting as necessary to further the purposes of this section including, but not limited to, time limits, bulb types, fixture height, and use of sensors.

3102.C **General Standards.** All outdoor lighting must conform to the following:

(1) **Lighting Plan.** Applicants for major site plan approval (see Subsection 4305.C) must submit a lighting plan prepared by a professional lighting engineer or designer if outdoor lighting will be altered or installed.

(2) **Undergrounding.** All electrical lines serving outdoor light fixtures must be buried unless otherwise approved by the Development Review Board upon the applicant demonstrating that undergrounding is not feasible given site-specific conditions (i.e., ledge, wetlands, etc.).

(3) **Shielding.** All outdoor light fixtures not exempted in Subchapter 110 must be shielded to prevent or minimize sky glow as specified below. Shielded fixtures must be installed and maintained in such a manner that the shielding is effective.

(a) Light fixtures with an initial output greater than 3,000 lumens must be both fully shielded and full cut-off; and

(b) Light fixtures with an initial output of 3,000 lumens or less must be fully shielded but do not have to be full cut-off.

(4) **Total Output**

(a) Total output from all light fixtures on a site must not exceed:

(i) 2.5 lumens per square foot of developed lot area in the General Business and Resort Mixed Use districts; or

(ii) 1.25 lumens per square foot of developed lot area in all other districts.

(b) For lots 2 acres or less in area, total lot area may be substituted for developed lot area for the purposes of calculating total light output allowed on the property.

(5) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are prohibited.

(6) **Spot Light Aiming.** Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. Use of flood or similar high-intensity lighting is discouraged.

(7) **Energy Efficiency.** Light fixtures with an initial output greater than 2,000 lumens must have a lamp efficacy of at least 60 lumens per watt (most LED and some fluorescent bulbs will meet this LPW standard) or must be controlled by a motion sensor.

(8) **Freestanding Lights.** Freestanding light fixtures:

(a) Must not exceed 30 feet in height in the General Business and Resort Mixed Use districts, and 24 feet in height in all other districts. Use of fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.

(b) May be located within front setbacks but are prohibited within side or rear setbacks unless lighting driveways, parking areas or other facilities shared between adjoining lots.

(9) **Glare and Light Trespass.** Outdoor light fixtures must be located, oriented and shielded as necessary to prevent glare and light trespass on adjacent property or rights-of-way.

(10) **Internally Illuminated Architecture and Signs.** The initial lamp output of any architectural element (ex. wall, fascia or canopy edge) or sign that is internally illuminated will be included in the calculation of lumens per square foot on the site.

(11) **Time Limits.** Outdoor lighting must be extinguished by 10 p.m. unless otherwise approved by the Development Review Board upon finding the lighting necessary to accommodate a use occurring after 10 p.m., protect public safety or secure the property. The Development Review Board may further limit when outdoor lighting may be used, or require use of timers or sensors, as deemed necessary to further the purposes of this section.

3102.D **Special Use Lighting.** There are additional lighting standards for the following uses:

(1) **Recreation Facilities.** Lighting for outdoor recreation facilities must conform to the following:

(a) Lighting for outdoor recreation facilities (including ski slopes) will be exempt from the lumens per square foot limit specified in Paragraph 3102.C(4) provided that the facility lighting is designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

(b) Light fixtures must be fully shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass.

(c) Light fixtures must be installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal.

(d) All lighting must be extinguished within 30 minutes of the cessation of facility use. The Development Review Board may further limit when outdoor lighting may be used as deemed necessary to achieve the purposes of this section.

(2) **Display Areas.** Lighting for outdoor retail display areas:

(a) Must be fully shielded.

(b) Will be exempt from the lumens per square foot limit specified in Paragraph 3102.C(4) provided that:

(i) The total light output does not exceed 60 lumens per square feet of display area.

(ii) The lights are only illuminated when the establishment is open to customers.

(3) **Fueling Station or Drive-Through Canopies.** Lighting for fueling station or drive-through canopies:

(a) Must be fully shielded and use flat lenses if mounted on or recessed into the lower surface of the canopy.

(b) Must not exceed a total light output of 60 lumens per square foot of canopy.

(c) Will be counted towards the site's lumens per square foot limit as specified in Paragraph 3102.C(4).

3102.E **Pre-Existing Outdoor Lighting.** Existing light fixtures must be included in the calculation of total light output on a site. Applicants seeking major site plan approval who are proposing to add additional fixtures must bring all existing outdoor lighting into conformance with the provisions of this section.

3102.F **Waivers.** The Development Review Board may waive or modify outdoor lighting standards in accordance with Section 4404 upon the applicant demonstrating a need for lighting specific to the proposed use and function of the site that does not conform to the standards of this section (i.e., meeting state or federal code requirements).

3103 OUTDOOR USE AREAS

3103.A **Applicability.** Outdoor service, work, display, storage, eating or gathering areas associated with land uses subject to site plan approval must conform to the standards of this section.

3103.B **General Standards.** Outdoor use areas must:

(1) Be shown on the site plan and must not be expanded beyond the area depicted unless the site plan is amended in accordance with these regulations;

(2) Not be located on or extend into public rights-of-way or property except as approved by the Warren Selectboard;

(3) Not be located within required setbacks except as provided for in Subsection 3103.D; and

(4) Be screened with a fence in accordance with Subsection 3106.G and a vegetated buffer in accordance with Subsection 3106.D if located within 20 feet of a property line with a residential lot.

3103.C **Display or Storage Areas.** Outdoor display or storage areas must be designated on the site plan in accordance with the following:

(1) Display and storage areas must not be closer than 40 feet to the edge of the road right-of-way unless otherwise approved by the Development Review Board.

(2) In addition to the front yard landscaping required under Subsection 3101.D, the applicant must landscape the area between the road and the display or storage area with not less than 1.0 equivalent planting unit for every 1,000 square feet of display area. The Development Review Board may waive or reduce the landscaping requirements if the display or storage area will be screened as viewed from the road by existing vegetation, buildings and/or change in elevation.

(3) Merchandise must not be displayed or stored within travel ways (driveways, parking aisles, sidewalks, etc.), fire lanes, loading areas, service areas, or required customer/employee parking spaces.

(4) Merchandise must be displayed in a static position at ground level (no raised, rotating or moving platforms, pedestals, ramps, mounds, etc.).

(5) Any area used for display or storage must be paved. The Development Review Board may waive this requirement upon the applicant demonstrating that a non-paved surface will be suitable to accommodate the type and amount of goods, type, amount and frequency of traffic, and/or time of the year or length of time that the area will be used without causing erosion or other damage. This will include allowing for surfaces designed to function as a green stormwater infrastructure (GSI) (see Section 3021).

(6) Any area used for display or storage will be considered an impervious surface and included in the calculation of lot coverage. The Development Review Board may waive this requirement upon the applicant demonstrating that a display or storage area has been specifically designed and will be maintained to function as a pervious surface in accordance with green stormwater infrastructure practices (see Section 3021).

(7) Any area used for the display or storage of vehicles being offered for sale will not be subject to the provisions of Section 3104.

(8) See special lighting standards for display areas in Paragraph 3102.D(2).

3103.D **Front Yard Standards.** Within the Village Business, Village Mixed Use and Resort Mixed Use districts, the Development Review Board may allow use of land between the building frontline and the edge of the right-of-way or sidewalk for outdoor eating, gathering and display areas.

3103.E **Conditions of Approval.** The general standards of Subsection 3103.B are minimum requirements. The Development Review Board may place limits or conditions on activities and uses outside an enclosed structure, including but not limited to, hours of operation, lighting, noise, screening and storage, as necessary to further the purposes of these regulations.

3104 PARKING AND LOADING AREAS

3104.A **Purpose.** The provisions of this section are intended to:

(1) Ensure that development provides adequate arrangements for off-street parking and loading to avoid congestion and hazards on surrounding roads;

(2) Avoid creating excess parking and loading areas that result in adverse impacts such as increased flooding and land consumption, and decreased water quality and pedestrian-friendliness;

(3) Promote greening and quality design of parking and loading areas to improve stormwater performance and contribute to attractive streetscapes and property frontages in Warren.

3104.B **Applicability.** All development must provide off-street parking and all nonresidential or mixed-use development must provide loading areas in accordance with this section.

3104.C **Parking as a Principal Use.** The Development Review Board may allow shared, off-site, public or commercial paid parking, whether surface or structured, as the principal use of a parcel. A parking lot as a principal use:

(1) Will not be subject to the provision of Subsection 3104.D.

(2) Must comply with the minimum setback requirements of the district.

(3) Must meet minimum parking area landscaping and screening requirements in accordance with Subsections 3104.F and 3104.H. Additional vegetated screening or fencing along the lot perimeter may be required as necessary to adequately mitigate adverse physical or visual impacts to adjoining roads and properties.

(4) Must incorporate stormwater management in parking lot design, construction, and long-term maintenance, including green stormwater infrastructure (GSI) practices as appropriate.

3104.D **Amount of Parking and Loading Space.** All development must provide adequate off-street parking and loading areas to fully meet the needs of the proposed use(s) in accordance with the following:

(1) **Minimum Number of Parking Spaces.** The minimum number of off-street parking spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:

(a) **Residential Uses:** 1 space per dwelling unit for a single-family, two-family (duplex), or accessory dwelling; and 1.5 spaces per dwelling unit for a multi-family dwelling (rounded up).

(b) **Lodging Uses:** 1.2 spaces per guest room.

(c) **Commercial Uses:** 1 space per 500 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.

(d) **Industrial Uses:** 1 space per 1,000 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.

(e) **Arts, Entertainment, Recreation, Civic and Community Uses:** 1 space per 5 seats or 1 space per 500 square feet of gross floor area if no seats (does not include outdoor use areas). For uses that entirely or primarily occur outdoors or for uses that do not involve public assembly, see (f) below.

(f) **All Other Uses.** The Administrative Officer will establish the minimum number of spaces for any use that does not fit into a category above based on consideration of parking demand and requirements for the proposed use or a functionally similar use in Warren or elsewhere in Vermont. The Administrative Officer or Development Review Board may require the applicant to submit a professionally prepared parking study establishing the amount of parking needed.

(g) **Village Business District.** There will be no minimum parking requirements for non-residential uses in the Village Business District.

(2) **Maximum Number of Parking Spaces.** If an applicant proposes to build more than twice the minimum number of parking spaces, the Administrative Officer or Development Review Board:

(a) Will require the applicant to submit a professionally prepared parking study establishing the amount of parking needed; and

(b) May require the applicant to designate some or all excess spaces as reserve parking on the site plan. Reserve parking may not be constructed until the applicant seeks an amendment of the approved site plan and demonstrates the need for additional parking.

(3) **Calculation of Number of Parking Spaces.** The Administrative Officer will determine which ratio in Paragraph (1), above applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses will be added together before rounding up any decimal.

(a) Existing nonconforming parking spaces may count toward meeting the parking requirement for an existing residential building when additional residential units are added to the building.

(4) **Modification of Number of Parking Spaces.** At the request of an applicant, the Development Review Board may decrease the amount of off-street parking required if:

(a) The applicant submits a parking study prepared by a qualified professional demonstrating that less parking will be needed; or

(b) The applicant meets the requirements for shared parking in Subsection (D) below.

(5) **Loading Areas**

(a) Any development that generates regular deliveries or shipments by truck, or that serves customers or guests who arrive and depart by bus must provide adequate off-street loading areas.

(b) Applicants for fueling stations, storage and distribution, transportation services, waste services and other uses that involve trucking activity or will be regularly serviced by a trailer truck must submit an engineered site plan demonstrating that the proposed site design makes adequate provision for all necessary truck movements. Backing trucks in from or out onto a public road is prohibited.

(c) The Development Review Board may waive the requirement for on-site loading areas in the Village Business and Village Mixed Use districts upon the applicant demonstrating that trucks or busses can serve the proposed use by parking temporarily and safely in a location that is not more than 1,000 feet from the proposed use.

(d) The Development Review Board may limit the hours and frequency that trucks or busses may service the proposed use as necessary to further the purposes of this section.

3104.E **Shared or Off-Site Parking.** The Development Review Board may approve a shared or off-site parking plan in accordance with the following:

(1) For a residential building, the board may allow an applicant with a valid, long-term legal agreement for use of parking spaces in an adjacent or nearby lot to count towards the parking requirement for the building, consistent with the requirements of this subsection.

(2) For all other types of development, unless the applicant submits a parking study prepared by a qualified professional establishing the number of spaces, the minimum number of shared spaces will equal the greater of:

(a) The minimum number of spaces needed for residential and lodging uses plus 10% of the minimum number of spaces needed for other nonresidential uses based on Paragraph 3104.D(1); or

(b) The minimum number of spaces needed for nonresidential uses (excluding

lodging) plus 50% of the minimum number of spaces needed for residential and lodging uses based on Paragraph 3104.D(1).

(3) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided and the location of the parking.

(4) Unless shuttle service is provided, the parking must not be more than 1,000 feet from the use(s) or structure(s) served and they must be connected by a pedestrian walkway.

(5) The applicant must record a written agreement between the owners and lessees, executed for a minimum of 20 years, in the town's land records. Should the use(s), parties involved, and/or terms of the agreement change in a manner that would alter the amount of parking provided or required, the agreement must be revised, re-approved and re-recorded in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of these regulations unless replacement parking is provided.

3104.F **Location Standards.** Off-street surface parking and loading areas serving uses subject to site plan approval must be located as follows:

(1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a parking plan is approved in accordance with Subsection (E) above.

(2) Parking and loading must only occur on those portions of the lot indicated for such use on the approved site plan.

(3) Required parking and loading areas must be located on the lot in accordance with the following:

(a) Parking areas must meet district minimum setback requirements except that:

(i) Shared parking areas may be located within a common side or rear setback provided that a parking plan is approved in accordance with Subsection (E) above.

(b) The portion of the lot between the frontline of the principal building and the road may only be used for parking as follows:

(i) Existing parking between the frontline of the building and the road may be repaired, maintained, redesigned and/or reconstructed if there is no net increase in the number of parking spaces or amount of impervious surface.

(ii) No additional parking may be created between the frontline of the principal building and the road in the Village Business, Village Mixed Use and Village Residential districts.

(iii) In all other districts, not more than 20% of the minimum number of required parking spaces may be located between the frontline of the building and the road. Such parking must be screened from the road with a vegetated buffer in accordance with Subsection 3106.F.

(iv) The Development Review Board may waive or modify the standards of this

paragraph upon the applicant demonstrating that adequate parking cannot be located to the rear or side of the building due to physical site constraints, functional use requirements, or as necessary to meet ADA parking requirements.

(c) Structural ground level or below surface parking located within or beneath the building footprint must be accessed from the side or rear of the building, unless waived by the Development Review Board due to physical site constraints. Such parking, except for the entrance, must be enclosed within building walls or screened from view from public vantage points and neighboring properties by architectural screening, fencing, and/or a vegetated buffer.

(d) Loading areas must be located to the side or rear of building housing the use they serve, except this provision will not apply to:

(i) Lots in the General Business District that do not front on Route 100; and

(ii) Passenger loading/unloading areas.

(e) No provisions of these regulations will be interpreted to prohibit parking of registered, operable motor vehicles within a residential driveway.

3104.G **Dimensional Standards.** Off-street parking and loading areas must conform to the following:

(1) **Parking Spaces.** Off-street parking spaces must be no less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for:

(a) Spaces serving a single-family or two-family home; or

(b) Tandem parking (a double-depth parking space with one vehicle blocking the other) approved by the Development Review Board.

(2) **Access Aisles.** The access aisles within a parking lot or structure must be not less than 20 feet wide.

(3) **Loading Areas.** Loading areas:

(a) Serving single-unit trucks must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area.

(b) Serving trailer trucks or buses must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.

(4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a road right-of-way except for parking that serves a single-family or two-family dwelling.

3104.H **Design, Construction and Maintenance Standards.** Off-street surface parking and loading areas serving uses subject to site plan approval must conform to the following:

(1) **Surface.** Off-street parking and loading areas must provide a level surface appropriate for the anticipated level of use in all seasons.. The Development Review Board may modify the surfacing requirements:

(a) To accommodate green stormwater management infrastructure; or

(b) For seasonal, overflow, or special event parking that is used infrequently.

(2) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly dispose of all stormwater runoff and minimize erosion and sedimentation in accordance with the provisions of Section 3019 and Section 3021. Run-off and/or eroded surface materials must not discharge to adjacent roads, properties or surface waters.

(3) **Screening.** Off-street parking areas and loading areas must be screened as follows:

(a) Parking areas located within 20 feet of a property line with a residential lot must be screened with a vegetated buffer and/or fence in accordance with Subsections 3106.F and 3106.G.

(b) Loading areas must be screened in accordance with Subsection 3106.E.

(4) **Landscaping.** Off-street parking areas must be landscaped in accordance with Subsection 3101.F.

(5) **Snow Removal.** Snow storage areas must be shown on the site plan in accordance with the following:

(a) Applicants must demonstrate that an area equivalent to at least 10% of the area from which snow will be removed is available on the site for snow storage or, if an adequate area does not exist, that snow will be removed from the site.

(b) Snow must not be pushed into public rights-of-way, adjoining properties or surface waters.

(c) Snow must not be stored within buffers, landscaped areas, or stormwater infrastructure unless those features are specifically designed for that purpose.

(d) If the parking area has more parking spaces than the minimum required for the use under this section, snow may be stored on the excess spaces provided that:

(i) No snow is stored within drive aisles; and

(ii) Stormwater management practices are adequately sized and designed to accommodate the resulting meltwater flow in excess of the typical flow from the parking area.

(6) **Accessible Parking.** Development must provide accessible parking in accordance with applicable state and federal ADA requirements. Accessible spaces will count towards the minimum parking required under this section but must be separately marked and signed. The Development Review Board may waive or modify the standards of this section when necessary to comply with state or federal accessible parking standards.

(7) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.

(8) **Maintenance.** Parking and loading areas must be maintained in good condition, free of weeds, dust, trash and debris, and regularly resurfaced or regraded as necessary to prevent stormwater runoff, erosion, and sedimentation.

(9) **Resurfacing of Pre-Existing Parking and Loading Areas.** Parking and loading areas that are being resurfaced must meet the following:

(a) For the purposes of this paragraph, resurfacing will mean applying a new layer of surface material over more than 25% of the surface area in any calendar year.

(b) The number and width of existing access must be brought into conformance with Section 3002 unless waived or modified by the Development Review Board upon the applicant demonstrating that the redesign would result in a loss of parking spaces below the number required under Subsection 3104.D.

(c) Parking areas with no stormwater management (i.e., sheet flow to the road or off-site) or with failed stormwater management (i.e., catch basins filled in or no longer at proper grade to function as designed) must be brought into conformance with these regulations (see Section 3021).

3104.I **Parking Management Plan.** The Development Review Board may require an applicant for major site plan approval to pay for a parking management plan prepared for the Development Review Board by a qualified professional to design the most efficient use of parking on the property.

3105 PERFORMANCE STANDARDS

3105.A **Purpose.** The provisions of this section are intended to protect the character of and quality of life in Warren by preventing proposed development from creating or contributing to adverse off-site impacts that interfere with the reasonable use and enjoyment of nearby property.

3105.B **Applicability.** The provisions of this section apply to all development subject to site plan approval.

3105.C **Noise.** Noise emanating off-site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of nearby property. The Development Review Board may place specific limits on noise levels and hours of operation as deemed necessary to further the purposes of this section. Unless otherwise approved by the Development Review Board, sound levels must not exceed a continuous weighted average of 70 dBA and a maximum of 120 dBA in any one-hour period as measured from a single, stationary location beyond the property line.

3105.D **Glare and Light Trespass.** Lighting must not be used in such a manner that it produces glare or light trespass on roads or nearby property. Arc welding, acetylene torch cutting or similar processes must be performed so as not to be visible from any point beyond the property line.

3105.E **Odors.** Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of nearby property is prohibited.

3105.F **Particulate Matter and Airborne Solids.** Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities. Generation of smoke or particulate matter beyond the property line that interferes with the reasonable use and enjoyment of nearby property is prohibited.

3105.G **Temperature and Moisture.** Release of heat, cold, moisture, mist, fog, precipitation or condensation that is readily detectable without special instruments at any point beyond the property line and that interferes with the reasonable use and enjoyment of nearby property is prohibited.

3105.H **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicle, train or aircraft traffic or during construction. The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose as appropriate to the proposed development and location.

3105.I **Electrical or Radio Interference.** No use or process must create interference with electrical, radio or other communication signals beyond the property line.

3105.J **Waste and Material Storage.** Storage of waste or materials in a manner that attracts insects, birds, or rodents, or otherwise creates a nuisance or health hazard is prohibited. Applicants must show the location of waste or materials storage facilities (including, but not limited to dumpsters) on the site plan and must screen such facilities in accordance with Subsection 3106.E.

3105.K **Storage Tanks.** Storage tanks must be installed, maintained, decommissioned and removed in accordance with state and federal regulations, including reporting of leaks and spills. Storage tanks (above and below ground) must not be located within district setbacks, riparian buffers, wetlands or wetland buffers. Applicants must show the location of any proposed storage tanks on the site plan and must screen above ground tanks in accordance with Subsection 3106.E.

3105.L **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank. Toxic or hazardous substances or waste must not be released into the environment resulting in the contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources. See Section 3222 for specific use standards for tank farms or fuel storage and distribution.

3106 SCREENING

3106.A **Purpose.** The provisions of this section are intended to maintain and improve the character and quality of life in Warren by providing a landscaped buffer where necessary to mitigate the impacts of adjacent, incompatible land uses.

3106.B **Applicability.** The provisions of this section apply to any development that requires major site plan approval (see Subsection 4305.C) and are minimum requirements for screening. The Development Review Board may require additional screening as deemed necessary to further the purposes of this section.

3106.C **General Standards.** All landscaping required under this section must also conform to the general standards in Subsection 3101.C and the specifications of Figure 3-01.

3106.D **Side and Rear Yards.** Applicants must maintain or establish a vegetated buffer along any side or rear lot line that abuts a residential lot, or a lot in another zoning district. No buffer will be required if the abutting property is under common ownership with the subject lot.

3106.E **Utilities and Service Areas.** Utility boxes, pump stations, substations, off-street loading areas, trash storage and recycling areas, outdoor storage areas, antennas and satellite dishes, mechanical equipment, and similar above ground utility or service site elements that will be visible from public vantage points off the property must be screened from view with a vegetated buffer.

3106.F **Vegetated Buffers.** A vegetated buffer must not be less than 10 feet in any dimension and must be landscaped with (see Figure 3-01):

(1) Not less than 1.5 equivalent planting units (EPUs) for every 10 feet, if not combined with a fence or berm.

(2) Not less than 0.8 EPUs for every 10 feet, if combined with a fence or berm.

3106.G **Berms and Fences.** Berms and fences used for screening must conform to Section 3013. When landscaping will be combined with a berm or fence for screening, the landscaping must be principally located and oriented to the property line. Fences used for screening must be completely opaque between a height of 1 and 5 feet above the ground.

3106.H **Waiver.** An applicant may request that the Development Review Board waive or modify screening requirements upon demonstrating that physical characteristics of the subject property (e.g. change in grade between development site and neighboring properties or distance between the development site and neighboring properties) are adequate to achieve the purposes of this section.

3107 SIGNS

3107.A **Purpose.** By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:

(1) Protect public safety, including but not limited to, safe pedestrian and vehicular travel;

(2) Promote effective identification, communication and wayfinding; and

(3) Ensure that signs are well maintained.

3107.B **Applicability.** All signs must be designed and installed in accordance with the provisions of this section. A property owner must obtain a zoning permit before any sign is erected, enlarged, replaced, reworded, redesigned or altered in any way except as specifically exempted in Subsection 3107.C.

3107.C **Exempt Signs.** The following signs are not subject to these regulations and do not require a zoning permit provided that they are not designed or installed in a manner that would cause them to be prohibited under Subsection 3107.D:

(1) Public signs or notices erected or required by a government entity.

(2) Signs for posting property in accordance with 10 V.S.A § 5201-5206.

(3) Signs that are exempt from state regulation under 10 V.S.A § 494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal information and guidance signs).

(4) Historic markers approved under Vermont's State Historic Site Marker program.

(5) Permanent plaques, cornerstones, nameplates and other building identification markings that are integral parts of the structure.

(6) Unlit, temporary, commercial signs as follows:

(a) A temporary sign must not be more than 6 feet in height if free-standing or if mounted to an approved free-standing pole or monument sign.

(b) The total area of all temporary signs displayed at one time must not exceed 24 square feet of signable area.

(c) Temporary signs must not be located within a public right-of-way or mounted on a utility pole.

(d) An establishment may display one or more temporary signs for not more than 14 contiguous days and then must not display any temporary signs for at least 90 days. Signs not meeting this limitation on display duration will require a zoning permit as a permanent sign in accordance with the provisions of this section.

(7) Unlit, temporary, noncommercial signs that are not:

(a) More than 12 square feet in area;

(b) More than 4 feet in height if free-standing;

(c) Located within a public right-of-way or mounted on a utility pole; and

(d) In place for more than 180 days in any calendar year.

(8) Noncommercial flags. See Section 3003 if installing a flagpole.

(9) Not more than one "open" flag or window sign per establishment that is not:

(a) Displayed when the establishment is closed (flags must be brought in or window signs must be turned off);

(b) Combined with advertising of a product or service available on the premises;

(c) A window sign that is more than 6 square feet in area;

(d) A flag that is more than 15 square feet in area; and

(e) A flag located so that it projects into the public right-of-way or sidewalk within a height of 8 feet from the ground or sidewalk surface.

(10) Not more than one unlit sign per lot advertising the sale or lease of real estate by the owner or an agent that is not:

(a) Located within a public right-of-way or mounted on a utility pole;

(b) More than 6 square feet in area; and

(c) More than 4 feet in height.

(11) Signs incorporated into machinery or equipment by a manufacturer or distributor, which provide instruction or identify only the product or service dispensed by the machine or equipment (such as signs customarily affixed to vending machines, newspaper racks, ATMs or fuel pumps).

(12) Information, instruction or direction signs that:

(a) Do not incorporate business names, corporate logos or other advertising content;

(b) Are not more than 6 square feet in area;

(c) Are not more than 4 feet in height;

(d) Are not located within a public right-of-way or mounted on a utility pole; and

(e) Are not oriented to passing, off-site traffic except for signs intended to manage access (i.e., entrance and exit signs).

3107.D **Prohibited Signs.** The following signs are prohibited:

(1) Signs placed on any public property or in any public right-of-way, except for public signs or notices erected or required by a government entity, and signs that are exempt from state regulation under 10 V.S.A § 494.

(2) Off-premise commercial signs.

(3) Abandoned commercial signs (see Paragraph 5003.S(4)).

(4) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights, except for electronic message signs in conformance with this section.

(5) Signs that are composed of or incorporate laser source lights, searchlights or other high intensity lights.

(6) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device, including but not limited to feather or whip signs.

(7) Signs that emit sound, except for menu signs in conformance with this section.

(8) Signs that use obscene, lewd, vulgar or indecent words or images that are not suitable for a general audience.

(9) Signs more than 150 square feet in area.

(10) Signs more than 12 feet in height or, if building mounted, above the building's roofline.

(11) Signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

3107.E **General Standards.** All signs must be:

(1) Structurally sound.

(2) Constructed of durable, all-weather materials.

(3) Built on and attached to concrete footings or other permanent foundation if designed to be permanent and free-standing.

(4) Designed to withstand a wind pressure of at least 30 pounds per square foot.

(5) Designed or located in a manner that would not obstruct access to any fire escape, window or door.

(6) Designed or located in a manner that would not obscure architectural features such as cornices, arches, columns, etc.

(7) Designed or located in a manner that would not obstruct pedestrian traffic or visibility.

(8) Designed or located in a manner that would not limit drivers' sight distance, be confused with official highway signs or signals, unduly district drivers' attention, or otherwise impair public safety.

3107.F **Wall Signs.** A maximum of 1 wall sign is allowed per establishment as follows:

(1) Externally illuminated and backlit wall signs are allowed in all zoning districts in conformance with the provisions of Subsection 3107.O.

(2) Internally illuminated and electronic message signs are only allowed in the Resort Mixed Use district in conformance with the provisions of Subsection 3107.Q and Subsection 3107.P.

(3) A wall sign must not exceed a sign area of 1 square foot multiplied by the width of the building facade to which it will be attached up to a maximum of 40 square feet for ground floor uses and 20 square feet for upper floor uses. If the use occupies only a portion of the building, the sign area will be based on the width of the façade associated with the establishment being advertised.

(4) A wall sign must have a signable area that is at least 12 inches and not more than 36 inches in height.

(5) A wall sign must not project more than 8 inches out from the wall and must not extend vertically or horizontally beyond the wall on which it will be mounted.

3107.G **Awning Signs.** Signs may be painted, printed or appliqued on any awning over a window or door as follows:

(1) Awning signs are allowed in all zoning districts.

(2) Awning signs must not be illuminated.

(3) Not more than 25% of the sloping plane or 75% of the valence of an awning may be used as signable area.

(4) Awning sign content must be limited to the establishment's name, logo and/or address.

(5) Awnings must be mounted so that no portion is less than 8 feet above the ground or sidewalk surface below.

3107.H **Window Signs.** Signs may be painted, applied or placed on the inside of windows or doors as follows:

(1) Window signs are allowed in all zoning districts.

(2) Window signs must not be illuminated except that electronic message signs may be mounted on the inside of windows in the Resort Mixed Use district.

(3) No window sign may exceed 12 square feet in signable area.

(4) Not more than 20% of the glass surface of a window or door may be used for or obscured by signage.

3107.I **Free-Standing Pole or Monument Signs. A** maximum of 1 free-standing pole or monument sign is allowed per lot as follows:

(1) Free-standing pole or monument signs are allowed in all zoning districts.

(2) Externally illuminated signs are allowed in conformance with the provisions of Subsection 3107.O.

(3) Internally illuminated and electronic message signs Resort Mixed Use district in conformance with the provisions of Subsection 3107.Q and Subsection 3107.P.

(4) Free-standing pole or monument signs must not exceed 24 square feet in signable area or 12 feet in height.

(5) Front setbacks will not apply to free-standing pole or monument signs. The minimum front setback from the edge of the right-of-way for free-standing pole or monument signs will be equal to the height of the sign.

3107.J **Projecting or Hanging Signs.** A maximum of 1 projecting or hanging sign is allowed per customer entrance into an establishment as follows:

(1) Projecting or hanging signs are allowed in all zoning districts.

(2) Externally illuminated signs are allowed in conformance with the provisions of Subsection 3107.O.

(3) Internally illuminated signs are only allowed in the Resort Mixed Use district in conformance with the provisions of Subsection 3107.Q and electronic message signs are prohibited.

(4) No projecting or hanging sign may exceed 12 square feet in signable area.

(5) Signs must be mounted so that no portion projects more than 4 feet from the building wall to which it is attached.

(6) Signs must be mounted so that no portion is less than 8 feet above the ground or sidewalk surface below.

3107.K **Sandwich Board Signs.** A maximum of 1 sandwich board sign is allowed per establishment as follows:

(1) Sandwich board signs are allowed only in the Village Business, Village Mixed Use and Resort Mixed Use districts.

(2) Sandwich board signs must not be illuminated.

(3) No sandwich board sign may exceed 8 square feet in signable area or 4 feet in height.

(4) Sandwich board signs must not be placed within public rights-of-way, and must not interfere with vehicular or pedestrian travel.

(5) Sandwich board signs may only be displayed during business hours and must be removed when the establishment is closed.

3107.L **Fuel Pricing Signs.** In addition to the signs otherwise allowed under this section, a fueling station may have pricing signs as follows:

(1) Each pump may have a pricing sign mounted on it that is not more than 2 square feet in area.

(2) A canopy may have not more than 2 pricing signs mounted on it, each of which is not more than 6 square feet in area. If pricing signs are mounted on the canopy, the station cannot also have a free-standing pole or monument sign or any other type of building-mounted sign that includes pricing

(3) Pricing signs may be single-color changeable-copy electronic message signs in conformance with Subsection 3107.P and will not be subject to the limitation in number of electronic message signs provided that the message is limited solely to the fuel price.

(4) Pricing signs must not be illuminated when the establishment is not open for business.

3107.M **Menu Signs.** In addition to the signs otherwise allowed under this section, a restaurant may have menu signs as follows:

(1) One menu sign that is not more than 2 square feet in area may be mounted on the building near each customer entrance.

(2) One menu sign that is not more than 24 square feet in area and, if free-standing, 6 feet in height may be mounted near each service window for restaurants with drive-through or walk-up service.

(3) Menu signs may be externally illuminated.

(4) Menu signs may be internally illuminated or electronic message signs in the Resort Mixed Use district, and the Development Review Board may waive the size limitation in Subsection 3107.Q and Subsection 3107.P for menu signs.

(5) Menu signs must not be illuminated when the restaurant is not open for business.

3107.N **Trailhead Kiosks.** Kiosks providing trail use and educational information may be located at public trailheads as follows:

(1) Trailhead kiosks must not exceed 32 square feet in signable area and a total structure height of 8 feet.

(2) Trailhead kiosks must not be illuminated.

(3) Trailhead kiosks may include maps identifying the names of businesses and other public amenities serving trail users, but must not include any other commercial advertising.

(4) A plaque not to exceed 40 square inches in area may be mounted on the kiosk structure identifying the names of any sponsoring individuals, organizations or businesses that contributed funding for the kiosk.

3107.O **Sign Lighting.** External lighting of signs must be designed and located to avoid light trespass and glare, and must conform to the following unless otherwise specified in this section:

(1) The total light output of external fixtures illuminating a sign must not exceed 20 lumens per square foot of sign area.

(2) Fixtures used to illuminate signs must be located, shielded and directed so that the light falls entirely on the sign, except as specified in Paragraph (3) below.

(3) Signs must be lit from above, except that wall signs may be lit from below or be backlit provided that the light falls entirely on the building wall and the source of the light is fully screened.

(4) Sign lighting must be turned off by 10 p.m., or the close of business if later and must not be turned back on until the business reopens. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section.

3107.P **Electronic Message Signs.** Electronic message signs where allowed must conform to the following unless otherwise specified in this section:

(1) Electronic message signs must not exceed the lesser of 12 square feet in area or the maximum sign area specified for the sign type.

(2) Electronic message signs must be turned off when the associated establishment is closed.

(3) Electronic message signs must not flash, scroll, fade, brighten, dim, display video or otherwise be animated or create the effect of movement.

(4) The sign message must not change more than once every 5 minutes.

(5) Electronic message signs that will be illuminated after dark must have their brightness adjust in response to ambient light levels. The total light output of the sign must not exceed 20 lumens per square foot of sign area after dark. The Development Review Board may further limit the intensity of the sign's illumination as deemed necessary to achieve the purposes of this section and protect the character of the area.

(6) Electronic message signs must be programmed so that in the event of a malfunction, the screen goes black and is not illuminated.

3107.Q **Internally Illuminated Signs.** Internally illuminated signs where allowed must conform to the following unless otherwise specified in this section:

(1) The total light output of fixtures illuminating the sign must not exceed 40 lumens per square foot of sign area.

(2) The sign must not be illuminated when the establishment is closed (lodging facilities will be considered to be open 24 hours a day).

(3) Internally illuminated signs must not exceed the lesser of 12 square feet in area or the maximum sign area specified for the sign type (free-standing, wall-mounted, hanging, projecting, etc.) in this section.

(4) Internally illuminated signs must not flash, brighten, dim, change color or otherwise be designed to appear animated.

(5) Not more than 30% of the area of an internally illuminated sign may be used for advertising a product(s) available at the establishment.

3107.R **Sign Area.** Sign area will be determined in accordance with the following:

(1) Sign area will include all the elements that serve primarily to communicate the sign's message and not the structural elements supporting or serving as a background for the sign. If the support structure will be visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message, it will be included in the calculation of sign area.

(2) Sign area will be calculated by drawing a rectangle around all the elements that serve to communicate the sign's message. The area of a sign that consist of multiple elements may be calculated by drawing a separate rectangle around each element and totaling the area.

(3) Sign area will only include one side of a double-sided sign. The Administrative Officer or Development Review Board may waive or modify the sign area requirements for three-dimensional signs.

(4) The calculated area of a non-rectangular sign will be adjusted to compensate for negative space within the sign area rectangle as follows:

(a) No adjustment if the amount of negative space within the sign area rectangle is less than 30%;

(b) A 15% reduction in the calculated area if the amount of negative space within the sign area rectangle is at least 30% and less than 50%;

(c) A 30% reduction in the calculated area if the amount of negative space within the sign area rectangle is at least 50% and less than 70%; or

(d) A 45% reduction in the calculated area if the amount of negative space within the sign area rectangle is 70% or greater.

3107.S **Sign Removal.** A commercial sign must be removed within 60 days of its associated use being changed or terminated as follows:

(1) For conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered, and the support components may remain.

(2) For nonconforming signs, both the message and support components of the sign associated with the changed or terminated use must be removed.

3107.T **Nonconforming Signs.** Nonconforming signs will be regulated as follows:

(1) A nonconforming sign must not be relocated unless the relocation will bring the sign into greater conformance with these regulations.

(2) The support components of a nonconforming sign may be repaired or maintained provided there is no change in materials, dimensions or location except if the alteration will bring the sign into greater conformance with these regulations.

(3) The message components of a nonconforming sign may be repaired or maintained by replacing or repainting a sign panel, individual letters or graphics within the same sign area provided there is no change in the sign's primary content except if:

(a) The alteration will bring the sign into greater conformance these regulations;

(b) An establishment with a nonconforming sign undergoes a name change with no other changes in operation, in which case the sign may be altered, modified or reconstructed to update the establishment name by replacing or repainting a sign panel, individual letters or graphics within the same sign area; or

(c) An establishment with a nonconforming sign undergoes a change in affiliation with no other changes in operation of the establishment, in which case the sign may be altered, modified or reconstructed to update the affiliation by replacing or repainting a sign panel, individual letters or graphics within the same sign area.

(4) A nonconforming sign must be brought into conformance with these regulations when:

(a) There is a change in the primary content of the sign, except as authorized in Paragraph (3) above;

(b) An applicant proposes development that requires major site plan approval (see Subsection 4305.C); or

(c) The sign is replaced.

3108 TRASH, COMPOSTING AND RECYCLING STORAGE AREAS

3108.A **Applicability.** All proposed development subject to site plan approval, including multi-family and mixed use development, must provide trash, composting, and recycling storage areas. Any shared trash, compost, and recycling area or facility that is intended to serve a subdivision or planned unit development must also meet the requirements of this section.

3108.B **Standards.** Trash, compost and recycling storage areas must be either:

(1) Located within the principal or an accessory building, or inside an enclosure located to the side or rear of the building they service; or

(2) If not located within a building, storage areas must be:

(a) Located outside of required setbacks, as shown on the site plan;

(b) Accessible and convenient for use by building occupants and for collection vehicles;

(c) Designed with adequate space for the maintenance and servicing of containers;

(d) Located on a hard surface, within an enclosure that is at least 6 feet in height and obscures all containers and materials stored inside;

(e) Screened in accordance with Subsection 3106.E; and

(3) Secured and maintained as necessary to prevent access to trash and compost by wild animals, including birds, rodents, and bears, and to ensure that the enclosure's doors or gates remain closed and latched except when being accessed for deposit, maintenance, service or collection.

320 Specific Use Standards

3201 APPLICABILITY

3201.A The standards of this section apply to the specified uses in addition to all other applicable provisions of these regulations.

3201.B The Development Review Board may establish more restrictive standards as a condition of approval in accordance with the development review procedures of Chapter 430.

3202 MULTI-FAMILY DWELLINGS

3202.A **Applicability.** The provisions of this section apply to:

(1) New buildings that will contain 5 or more dwelling units;

(2) Multi-building residential and mixed-use developments that will contain 10 or more dwelling units; and

(3) Existing buildings that will increase the number of dwelling units and result in 5 or more units in the building.

3202.B **Outdoor Space.** Multi-unit residential and mixed-use buildings or developments must provide residents with outdoor space as follows:

(1) There must be at least 500 square feet of common outdoor space per dwelling unit that meets the standards below. Common outdoor space must:

(a) Be located in one or more areas conveniently accessible to building residents, and no area may be less than 30 feet in any dimension;

(b) Be designed with seating areas and other passive recreation facilities to be shared by all residents;

(c) Be landscaped with trees, shrubs, groundcover and/or ornamental plants; and

(d) Include a children's play area if 30% or more of the units have three or more bedrooms.

(2) At least 50% of the units must include a private or semi-private outdoor space (ex. patio, courtyard, porch, balcony) to be accessed from the dwelling unit for the exclusive use of unit residents that is at least 60 square feet in area and not less than 6 feet in any dimension.

3202.C **Utilities.** Multi-family buildings must have utility connections for a washing machine and clothes dryer in each unit or must provide a common laundry room in the building with washing machines and clothes dryers accessible to residents**.**

3202.D **Bulk Storage.** Each dwelling unit must include a secured, enclosed bulk storage area at least 60 square feet in area and not less than 6 feet in any dimension for the exclusive use of unit residents as follows:

(1) The storage area may be located within or separate from the dwelling unit.

(2) The storage area may be located within the building or within an accessory building.

(3) If the storage area will be located within a private garage, it must be in addition to the area necessary to accommodate any required parking.

3202.E **Pedestrian Access.** Multi-unit residential buildings must be designed with pedestrian access from:

(1) The sidewalk or road;

(2) Parking areas to residential entrances; and

(3) Residential entrances to service areas (ex. trash or recycling) and common outdoor space.

3202.F **Mixed-Use Buildings.** Multi-unit, mixed-use buildings must be designed so that the:

(1) Non-residential space will not be located above residential space;

(2) Walls and/or floors that separate residential and non-residential portions of the building will be sound-proofed as necessary to ensure that background noise levels inside the dwelling will not exceed 30 dBA from 10 pm to 6 am and 55 dBA at other hours;

(3) Private entrance(s) to the dwelling units will be separated from the public and service entrance(s) to the non-residential portions of the building;

(4) Impact on building residents of service and waste collection areas (noise, light, odors, etc.) serving non-residential uses will be minimized and mitigated; and

(5) Common outdoor space, as required above, will be separated and screened from areas of the property accessible to the general public and from service areas.

3203 WORKER HOUSING

3203.A Worker housing for seasonal or year-round employees of a resort or farm must meet the standards below:

(1) **Site Plan Approval.** Worker housing will require site plan approval.

(2) **Code Requirements.** The applicant must certify that the housing meets all applicable state and federal rental, health, safety, and fire codes.

(3) **Residential Density.** Worker housing that is located on the site of the business employing the workers will be exempted from residential density requirements. On-site will include any parcel of land that is:

(a) Used as part of the operation of the business employing the workers; or

(b) Contiguous to and under common ownership with a parcel that is used as part of the operation of the business employing the workers.

(4) **Use Limitations.** Worker housing:

(a) Must be used only to house employees and members of the employees' households unless the landowner obtains all necessary permits and approvals for other residential or lodging uses under these regulations.

(b) Will be considered an accessory use which must be terminated if the associated business ceases operation, unless the landowner obtains all necessary permits and approvals for other residential or lodging uses under these regulations.

(5) **Seasonal Housing.** Only seasonal workers who will be employed for not more than 120 days may be housed in dormitories, bunkhouses, or other congregate housing or temporary structures as allowed under applicable state regulations .

(6) **General Standards.** Structures used for worker housing must conform to the following:

(a) Structures or portions of a structure housing employees for more than 180 days in any calendar year must meet the minimum requirements for dwelling units under Section 3009.A(8) and must not house more than two unrelated adults per bedroom.

(b) Temporary structures occupied for not more than 180 days in any calendar year:

(i) Must not house more than two unrelated adults per bedroom;

(ii) Must be connected to permitted water and wastewater systems;

(iii) Must not be located closer than 30 feet to another permanent or temporary structure;

(iv) Must provide residents with access to bulk storage in accordance with the standards of Subsection 3202.C and trash disposal in accordance with Section 3108.

(c) Multi-unit buildings intended for year-round occupancy must conform to the standards of Section 3202.

(7) **Dormitories, Bunkhouses, and Other Congregate Housing.** Employees housed in dormitories, bunkhouses, or other congregate housing must be provided with:

(a) Either common kitchen facilities or meal service;

(b) An individual locker or secured storage area for small personal items within the residential structure; and

(c) At least one private bathroom that meets the minimum requirements of Section 3010.E(1) for every 6 occupants. At least one bathroom must be located on each floor where there are sleeping quarters.

(8) **Farm Worker Housing.** Farm worker housing units must be clustered on one or more areas on the farm or on a parcel held in common ownership with the farm. Each area must:

(a) Be located off primary agricultural soils and other productive farmland to the maximum extent feasible; and

(b) Not occupy more than one acre of land.

3204 ROOMING AND BOARDING HOUSE

3204.A A single-family dwelling other than a group home (under Section 1105) in which one or more bedrooms are offered for rent for a fixed period of not less than 30 days will be considered a rooming and boarding house under these regulations.

3204.B A rooming and boarding house must:

(1) Be located within the dwelling and/or accessory building(s) to the dwelling;

(2) Be operated by a resident of the dwelling;

(3) Provide each tenant with a private, secured bedroom for their exclusive use;

(4) House not more than two unrelated adults per rental room;

(5) Rent rooms for a fixed period of not less than 30 days; and

(6) Provide 1 additional parking space for each rental bedroom in accordance with Section 3104.

3204.C A rooming and boarding house may have not more than 1 sign and must conform to all applicable standards of Section 3107.

3204.D A rooming and boarding house in which three or more rooms are rented will require site plan approval.

3204.E The applicant must certify that the dwelling meets all applicable state health and safety codes.

3204.F A rooming and boarding house will be considered a multi-family dwelling under these regulations if the rental rooms have provisions for independent living, including separate sleeping, food preparation and sanitation facilities, in accordance with Section 3009.A(8).

3205 ACCESSORY DWELLING

3205.A An accessory dwelling unit (ADU) must:

(1) Be located within or appurtenant to a single-family dwelling on an owner-occupied lot.

(2) Be retained in common ownership with the principal (primary) single-family dwelling on the lot;

(3) Be clearly subordinate to the primary dwelling;

(4) Share a driveway with the primary dwelling, unless located in an existing accessory structure that is accessed from a separate driveway;

(5) Have provisions for independent living, including sleeping, food preparation and sanitation facilities, in accordance with Section 3009.A(8);

(6) Meet the minimum parking requirement for residential uses under Section 3104;

(7) Meet zoning district dimensional standards applicable to the single-family dwelling; and

(8) Meet the water supply and wastewater disposal standards of Section 3025.

3205.B Only one ADU is allowed per single-family dwelling.

3205.C An ADU located within or attached to the primary dwelling must not exceed 900 square feet or 30% of the habitable floor area of the primary dwelling prior to the creation of the ADU, whichever is greater. A detached ADU must not exceed 900 square feet or 40% of the habitable area of the primary dwelling unit, whichever is greater.

3205.D An ADU will be considered an accessory use of residential property and will not require site plan approval, but the applicant must certify that the dwelling meets all applicable state health and safety codes. Applicants should be aware that if the proposed ADU is larger than provided for under state statute (30% of the floor area of the primary dwelling), or if the primary dwelling will not be owner-occupied, the ADU may not be exempt from state code and wastewater regulations.

3205.E Alternatively, per statute, the conversion of an existing single-family dwelling into a duplex (two-family dwelling) may be allowed, subject to the same requirements under these regulations as applicable to a single-family dwelling. If a proposed dwelling unit does not conform to ADU requirements under this section, the applicant may apply to create a duplex, or to subdivide the property in conformance with these regulations, allowing for another single family dwelling on an adjoining lot.

3206 PRIMITIVE CAMP

3206.A A primitive camp must:

(1) Not be occupied for more than 150 days in any calendar year and must not be the primary residence of the inhabitants.

(2) Have a means of access to a maintained public road that meets the minimum requirements for driveways in Section 3008 unless occupancy will be limited to 3 consecutive weeks in any calendar year and a total of 60 days in any calendar year.

(3) Meet the water supply and wastewater disposal standards of Section 3025 or qualify for an exemption to state water and wastewater regulations as certified by the applicant. Primitive camps must meet the standards below to qualify for that exemption:

(a) Occupancy of a primitive camp must be limited to 3 consecutive weeks in any calendar year and a total of 60 days in any calendar year.

(b) A primitive camp must not have interior plumbing other than one sink with water and a composting or incinerating toilet that does not yield a liquid provided that its contents are disposed of in accordance with state rules.

(4) Not be rented out as a dwelling unit or a short-term rental.

(5) Meet all dimensional standards for principal structures in the applicable zoning district.

3206.B A camping unit (RV, travel trailer, tiny house, etc.) may be used as a primitive camp.

3206.C Not more than the following number of primitive camps may be developed on a parcel:

Parcel Size		
<10 acres	**10 - <25 acres**	**25 or more acres**
1 camp	2 camps	3 camps

3207 HOME OCCUPATION

3207.A A home occupation must:

(1) Be operated by a resident of the associated dwelling;

(2) Not generate regular traffic in excess of what is typical of other uses in the area;

(3) Meet the performance standards of Section 3105;

(4) Operate only between the hours of 7 a.m. to 7 p.m. on Monday through Friday and 9 a.m. to 5 p.m. on Saturday and Sunday;

(5) Not be primarily retail in nature, except that retail sales of goods manufactured on the premises, ancillary sales of products directly related to the provision of a service (e.g. sales of hair care products by a hair stylist) and internet / mail-order businesses that do not generate customer traffic will be allowed;

(6) Not provide repair services for vehicles, equipment or other large goods;

(7) Not occupy more than 50% of the habitable floor area of the dwelling;

(8) Not employ more than 2 people who do not live in the associated dwelling and who work on-site; and

(9) Provide employee and/or customer parking when necessary (in addition to the parking required for the dwelling unit) in accordance with Section 3104 as follows:

(i) If there will not be regular customer traffic, 1 parking space for each non-resident employee; or

(ii) If there will be regular customer traffic, the number of spaces required under Subsection 3104.D based on the floor area devoted to the home occupation.

3207.B A home occupation may have not more than 1 sign and must conform to all applicable standards of Section 3107.

3207.C A home occupation will be considered an accessory use of residential property and will not require site plan approval.

3207.D Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling, or ownership of a home occupation that does not conform to the provisions of this section is prohibited. A landowner may obtain a permit to convert a home occupation to another use allowed in the zoning district in conformance with all applicable provisions of these regulations.

3208 HOME BUSINESS

3208.A A home business must:

(1) Be operated by a resident of the associated dwelling;

(2) Not have an adverse effect on the character of the area;

(3) Meet the performance standards of Section 3105;

(4) Conform to all applicable state health and safety codes;

(5) Operate only between the hours of 7 a.m. to 7 p.m. unless otherwise established as a condition of approval;

(6) Not occupy more than 40% of the habitable floor area of the dwelling, but may occupy any amount of space in one or more accessory buildings;

(7) Not employ more than 6 people who do not live in the associated dwelling and who work on-site;

(8) Provide parking in accordance with Section 3104;

(9) Design and maintain any outdoor storage or use areas in accordance with all applicable provisions of these bylaws and any conditions of approval (see Section 3103); and

(10) Not be primarily retail in nature, except that the following may be allowed:

(a) Retail sales of goods manufactured on the premises;

(b) Ancillary sales of products directly related to the provision of a service (e.g. sales of hair care products by a hair stylist);

(c) Internet / mail-order businesses that do not generate customer traffic; and

(d) Retail sales as a primary activity if retail is an allowed use in the applicable zoning district or if the property is located on a state or Class 2 town highway.

3208.B A home business may have signage as allowed in Section 3107.

3208.C A home business will require site plan approval.

3208.D Any change in use, intensity, floor area, configuration, occupancy of the associated dwelling or ownership of a home business that does not conform to the provisions of this section is prohibited, unless the landowner obtains a permit to convert the home business to another allowed use allowed in the zoning district in conformance with all applicable provisions of these regulations.

3209 FAMILY CHILDCARE HOME

3209.A A family childcare home must:

(1) Be operated by a resident of the dwelling;

(2) Be registered by the state and conform to all applicable state health and safety codes; and

3209.B Not care for more than 10 children on a full- or part-time basis, not including any children who live in the home. (For establishments that care for more children, see Section 3226.)

3209.C A family childcare home may have not more than 1 sign and must conform to all applicable standards of Section 3107.

3209.D A family childcare home will be considered an accessory use of residential property and will not require site plan approval.

3209.E Any change in use, intensity or ownership of a family childcare home that does not conform to the provisions of this section is prohibited. A landowner may obtain a permit to convert a family childcare home to another use (e.g. daycare) allowed in the zoning district in conformance with all applicable provisions of these regulations.

3210 BED AND BREAKFAST

3210.A A bed and breakfast must:

(1) Be located within a dwelling and/or accessory building(s) to a dwelling;

(2) Be operated by a resident of the dwelling;

(3) Be licensed by the state and conform to all applicable state health and safety codes;

(4) Not have more than 5 guest rooms;

(5) Not house any guest for a continuous period of 30 days or more; and

(6) Not offer meals to the general public.

3210.B A bed and breakfast must provide guest parking in accordance with Section 3104, including meeting the minimum parking requirements for lodging uses. Guest parking must be located so that it will not block the driveway and must conform to the standards of Section 3104.

3210.C A bed and breakfast may have not more than 1 sign and must conform to all applicable standards of Section 3107.

3210.D A bed and breakfast will be considered an accessory use of residential property and will not require site plan approval.

3211 SHORT-TERM RENTAL

3211.A For purposes of these regulations, a short-term rental is considered an accessory use of residential property that:

(1) Is located within an existing or proposed dwelling or accessory building to a dwelling, to include a furnished house, condominium, dwelling room, or other self-contained dwelling, such as an accessory dwelling unit, that is rented to the transient, traveling or vacationing public;

(2) Is rented for a period of fewer than 30 consecutive days and for more than 14 days per calendar year; and

(3) Complies with the *Town of Warren Short-Term Rental (STR) Ordinance* as most recently amended.

3211.B A short-term rental established after the effective date of these regulations [EFFECTIVE DATE] will be considered a permitted accessory use of residential property requiring only an administrative zoning permit under these regulations. Existing short-term rentals, as established prior to the effective date, are grandfathered.

(1) No site plan approval is required, except as may otherwise be required for a short-term rental unit within a new or expanded structure.

(2) The applicant must submit a copy of a completed licensing application form as required under the town ordinance, or other written documentation showing that the rental unit conforms to all applicable ordinance and bylaw standards as part of a complete application for a zoning permit.

3211.C A residential property with units or rooms for rent that does not meet the standards of this section may be considered a rooming or boarding house, bed and breakfast, or other type of lodging facility as applicable under these regulations.

3211.D If a complaint is filed with the Administrative Officer, it will be the property owner's responsibility to demonstrate that the standards of this section and any other conditions of approval are being met. If the complaint involves a potential violation under the Town's Short-Term Rental ordinance, it will be forwarded to the Town's Short-Term Rental Administrator for review and enforcement under the ordinance.

3212 CARE HOME

3212.A A care home, other than a group home under Section 1105, must:

(1) Operate under state licensing and in conformance with all applicable state health and safety codes;

(2) Be limited to a maximum number of residents that does not exceed 1 per 500 square feet of gross floor area in the facility;

(3) Not house more than two unrelated residents per room;

(4) Provide residents with either kitchen facilities or meal service;

(5) Have at least one private bathroom that meets the minimum requirements of Paragraph 3010.E(1) for every 6 residents with at least one bathroom on each floor where there are bedrooms;

(6) Provide at least 100 square feet of common indoor day use space per resident; and

(7) Provide at least 100 square feet of common outdoor space per resident that is designed with seating areas and other passive recreation facilities accessible by residents.

3212.B Any private dwelling units within a care home facility will be subject to the standards of Section 3009.A(8) and Section 3202 (if applicable), and to the density standards of the applicable zoning district.

3213 LODGING FACILITY

3213.A A lodging facility must:

(1) Be on a lot at least 10 acres in size if located in the Residential or Rural districts;

(2) Be limited to a maximum number of guestrooms that does not exceed 1 per 500 square feet of gross floor area;

(3) Operate under state licensing and in conformance with all applicable state health and safety codes;

(4) Not house any guest for a continuous period of 30 days or more; and

(5) Provide at least 100 square feet of common outdoor space for each guestroom that will be:

(a) Located in one or more areas conveniently accessible to guests with no area being less than 30 feet in any dimension;

(b) Designed with seating areas and other passive recreation facilities to be available to all guests; and

(c) Landscaped with trees, shrubs, groundcover and/or ornamental plants.

3213.B A lodging facility may include accessory uses such as restaurants, event facilities, meeting spaces, retail shops, fitness centers, recreation facilities or spas that serve guests and may also be open to the general public in accordance with Section 3004. An applicant may seek a permit for multiple uses in accordance with Section 2006.A and all applicable provisions of these regulations if the proposed non-lodging use(s) would exceed the floor area allowed under Section 3004.

3213.C The maximum number of guests in a lodging facility is regulated by district:

	VB	VMU	VR	RES	RL	RP	FR	RMU	RR	GB
Permitted Use	30	30	–	–	–	–	–	no max	–	no max
Conditional Use	>30	>30	30	30	30	–	–	–	30	–

3214 CAMPGROUND

3214.A **Applicability.** The provisions of this section apply to any land used to provide guest accommodations in tents, RVs, tourist cabins, bunkhouses, or similar camping structures or vehicles. The provisions of this section will not apply to:

(1) Properties with three or fewer camping units (see Section 3005) or primitive camps (see Section 3206);

(2) Noncommercial backcountry camping on land without designated campsites;

(3) Camping outside of a permitted campground in accordance with see Section 3005; and

(4) The use of camping structures to provide temporary worker housing (see Section 3203).

3214.B **Campground.** A campground must:

(1) Operate under state licensing and in conformance with all applicable state environmental, health and safety codes;

(2) Not operate from December 1st to April 15th;

(3) Be located on a parcel at least 12 acres in size;

(4) Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands, and 50 feet deep around all recreational use areas within the campground, unless otherwise approved by the Development Review Board;

(5) Be designed so that no campsite is less than 2,000 square feet in area or 25 feet in width as shown on the site plan;

(6) Be designed so that each campsite is accessed via the internal drive(s) and not directly from a public road;

(7) Have internal drives that meet the minimum driveway standards of Section 3008;

(8) Not have any campsite or recreational use area closer than 200 feet to a side or rear property line;

(9) Not have any campsite located within riparian buffers (see Section 3019);

(10) Not house any guests for a continuous period of 30 days or more except on a seasonal campsite;

(11) Not have more than 25% of the total number of campsites designated and used as seasonal campsites (rented for a continuous period of more than 30 days);

(12) Require all camping units designed to be driven or towed to be sited and maintained so that they are readily and legally able to be driven or towed (including vehicle inspection, proof of insurance, registration, and functioning directional lights);

(13) Not allow camping units designed to be driven or towed to be stored on the property when it is not operating;

(14) Provide lavatory, shower, toilet, trash, and recycling facilities in accordance with these regulations and state regulations; and

(15) Designate at least 20% of the site as common outdoor space that will be improved and maintained with recreation facilities to be available to all campers.

3214.C **Primitive Campsites.** The Development Review Board may waive one or more provisions in Subsection (B) above for designated primitive campsites (tents or lean-tos, no recreational vehicles, no utility connections).

3214.D **Seasonal Campground.** A seasonal campground (a campground where more than 25% of the total number of campsites are offered for rent for a continuous period of more than 30 days) must be reviewed and approved as a planned unit development in accordance with Section 3401. Each campsite/camping unit will be counted as 0.5 dwelling units for the purposes of calculating the maximum density (number of campsites/camping units) allowed within the seasonal campground.

3215 RESORT DEVELOPMENT

3215.A **Recreation Development.** For purposes of these regulations a resort is considered a form of recreational, destination development that:

(1) Is located in a well-managed natural setting that offers guests access to outdoor recreational activities and amenities as its primary function;

(2) Is sited, designed, constructed, and managed to harmonize with the natural environment in which it is located, and to minimize and mitigate any associated adverse environmental impacts;

(3) Provides a visitor experience that is interdependent with the attributes of the natural setting; and

(4) Consists of a well-planned, self-contained, fully integrated development, to include multiple lots, buildings, and facilities that:

(a) Are commonly owned, controlled, and/or managed;

(b) Are located in proximity and functionally relate to one another;

(c) Share common facilities, amenities and infrastructure; and

(d) Are pedestrian-oriented and connected with pedestrian walkways.

3215.B **Lands and Facilities.** A resort development must have a minimum of 20 acres of contiguous land, to include:

(1) Public and/or private lands under common management that are used or proposed to be used for recreation;

(2) Property contiguous to those lands that are owned or otherwise controlled and managed by the resort owner; and

(3) Any property developed or proposed to be developed by the resort owner for lodging, dining, retail, service, residential, or other accessory uses.

3215.C **Allowed Uses.** A resort development must offer outdoor recreation facilities and lodging, and may offer a mix of housing, retail, and service businesses oriented to serve resort guests, and event facilities, educational facilities, worker housing, and other facilities or accessory uses necessary for the operation, maintenance, and promotion of the resort.

3215.D **Master Plan.** Proposed resort development must be reviewed and approved as a Resort Planned Unit Development (Resort PUD), to include the review and approval of a master development plan (master plan) under Section 3406 prior to the issuance of municipal permits and approvals for subsequent development. Proposed development must conform to the master plan as approved or amended.

(1) Any proposed building, facility or use identified in a "specific" master plan or plan amendment that conforms with the plan as approved by the Development Review Board will be considered a permitted "Resort Use" within designated zoning districts under Chapter 2, subject to minor site plan review by the Administrative Officer prior to the issuance of a zoning permit unless otherwise specified by the Development Review Board.

(a) The applicant must demonstrate and document how the proposed development conforms to the resort master plan, and complies with any applicable conditions of master plan approval.

(b) If the Administrative Officer determines that the proposed development requires a master plan or permit amendment, or major site plan or conditional use review, the Administrative Officer may either deny the application, or refer the application to the Development Review Board for review in accordance with Sections 4204 and Figure 1-01.

3216 REPAIR SERVICE

3216.A A repair service must:

(1) Carry out any body work, painting or other activities that will produce dust, fumes or odors within a building with a properly functioning ventilation system that meets state and federal requirements;

(2) Locate any washing, lubrication, hydraulic or similar equipment within a building with a properly functioning system for collecting and preventing release of oils or other hazardous materials that meets state and federal requirements; and

(3) Carry out all other repair or service activities within an enclosed building unless otherwise approved by the Development Review Board.

3216.B Vehicles or other goods, including those awaiting repair or pick-up, must not be parked or stored within minimum required setbacks for the applicable zoning district.

3216.C All outdoor storage associated with the repair service must meet the standards of Section 3103.

3217 FUELING STATION

3217.A The provisions of this section apply to:

(1) New fueling stations;

(2) Existing fueling stations being modified, resulting in the relocation of the fuel storage tanks and/or fuel pumps;

(3) Existing fueling stations being modified, resulting in a new building or an addition to an existing building of 500 square feet or more; and

(4) Existing fueling stations being expanded, resulting in an increase in the number of fuel pumps.

3217.B Fueling stations must:

(1) Be located at least 500 feet from any other fueling station as measured between the property lines at their closest point (this will apply only to new fueling stations);

(2) Be located on a lot that has at least 150 feet of frontage and is at least 20,000 square feet in area (this will apply only to new fueling stations, but stations that cannot meet these standards will not be allowed to increase the number of fuel pumps);

(3) Be sited and designed to accommodate service by fuel tankers and other delivery vehicles without adversely impacting vehicular circulation within the site and without requiring service vehicles to back into or out of the site from the public road, or park on the public road;

(4) Locate all new or relocated fuel pumps and islands at least 30 feet from side and rear lot lines; and

(5) Not locate new fuel pumps and islands between the frontline of the principal building and the road (this provision will not apply to redesign/redevelopment of existing fueling stations provided that the number of pumps will not increase);

(6) Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district and within 20 feet of the property line with a residential lot; and

(7) Screen fueling areas that are located within 20 feet of a property line with a residential lot with a fence/berm and vegetated buffer in accordance with Section 3106.

3217.C New or replacement fuel station canopies must:

(1) Not extend over minimum required setbacks for the applicable zoning district or public rights-of-way;

(2) Not exceed 18 feet in height if the roof will be flat or 24 feet in height if the structure will have a gable roof form;

(3) Not incorporate franchise designs or corporate identification elements;

(4) Be architecturally integrated with the principal building through the use of the same or compatible materials, colors, roof pitch and design features;

(5) Have illumination only on the underside (illuminated fascia are prohibited) with light fixtures that are recessed into the underside of the canopy so as not to protrude below the canopy surface by more than 2 inches in accordance with Paragraph 3102.D(3).

3217.D In addition to the front yard landscaping required under Subsection 3101.D, the applicant must landscape the area between the road and vehicular use areas on the lot with not less than 1.0 equivalent planting unit for every 30 feet of lot frontage. The Development Review Board may waive or reduce the additional landscaping requirement if vehicular use areas will be screened as viewed from the road by existing vegetation, buildings and/or change in elevation.

3217.E All storage tanks associated with the use must meet the standards of Subsection 3105.K.

3217.F Fueling stations may have pricing signs in accordance with Subsection 3107.L.

3217.G Electric car charging stations located within a parking lot, structure or public right-of-way will not be subject to the provisions of this section.

3218 CARWASH

3218.A The provisions of this section apply to any carwash established as a permanent use. They do not apply to any temporary car-washing events or the washing of vehicles on the vehicle owner's property.

3218.B A carwash must:

(1) Carry out all washing and mechanized drying activities within an enclosed building except that self-service bays may be open on two sides;

(2) Not operate between the hours of 9 p.m. and 7 a.m. unless otherwise approved by the Development Review Board;

(3) Not locate accessory equipment such as self-service vacuums or air pumps within minimum required setbacks for the applicable zoning district or within 20 feet of the property line with a residential lot;

(4) Screen vehicular use areas that are located within 20 feet of a property line with a residential lot with a fence and vegetated buffer in accordance with Section 3106;

(5) Contain all wastewater on-site and prevent it from running off the property or into municipal storm drains or roadside ditches; and

(6) Have a properly functioning wastewater capture and recycling system.

3219 VETERINARY, PET, OR ANIMAL SERVICE

3219.A A veterinary, pet or animal service (including but not limited to, kennels, animal boarding facilities, animal shelters, animal daycare facilities, pet shops and pet dealers) must:

(1) Be located on a lot at least 10 acres in size if it will have outdoor areas for animal use;

(2) Must operate in accordance with state animal welfare regulations and be licensed by the state when applicable;

(3) Designate all outdoor areas for animal use on the site plan and must not locate such areas closer than:

(a) 500 feet to an existing dwelling not in common ownership with the business;

(b) 100 feet to a stream;

(4) Enclose all outdoor areas for animal use with fencing of a suitable height and design to secure the animals;

(5) Have adequate provisions for waste disposal to prevent vermin infestation, odors and disease;

(6) Not use any structure located closer than 500 feet to an existing dwelling not in common ownership with the business for housing animals unless otherwise approved by the Development Review Board; and

(7) Not have any animals kept outside an enclosed structure between 8 p.m. and 7 a.m. unless otherwise approved by the Development Review Board.

3219.B Any person who engages in the selling or exchanging of cats, dogs, wolf-hybrids or any combination from three or more litters in any 12-month period or seeks a pet dealer license from the Town of Warren must obtain a zoning permit to operate a pet or animal service in conformance with the provisions of this section.

3220 RESTAURANT, BAR OR EVENT FACILITY

3220.A A restaurant, bar or event facility must:

(1) Be licensed by the state and/or town as applicable;

(2) Not have outdoor seating or other outdoor areas for patron use except as specifically shown on an approved site plan;

(3) Not have amplified music playing from outside an enclosed building or from within an open-air structure unless specifically approved with established sound levels and hours of operation by the Development Review Board;

(4) Soundproof walls, ceilings and/or floors that separate the establishment from any dwelling units within the same building not occupied by the owner or an employee of the business as necessary to ensure that background noise levels inside the dwelling will not exceed 30 dBA from 10 pm to 6 am and 55 dBA at other hours; and

(5) Be sited and designed to accommodate service vehicles without adversely impacting access and vehicular circulation within the site or on nearby public roads.

3220.B Restaurants may have menu signs in accordance with Subsection 3107.M.

3221 STORAGE AND DISTRIBUTION SERVICES

3221.A Storage and distribution services must:

(1) Not have outdoor or unenclosed storage unless specifically approved by the Development Review Board in accordance with the standards of Section 3103;

(2) Not store hazardous materials, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage or waste oil unless specifically approved by the Development Review Board in accordance with the standards of Section 3105;

(3) Not have any stored goods displayed for sale except in accordance with Subsection 3221.C;

(4) Not allow anyone renting storage space to engage in any commercial or industrial activity from the premises (ex, retail sales, repair service, etc.); and

(5) Install screening along any property line abutting a residential lot with a fence/berm and landscaping in accordance with Section 3106.

3221.B Mini-storage buildings must:

(1) Be located at least 40 feet from the road right-of-way;

(2) Be oriented with their short side facing the road unless the Development Review Board waives this requirement upon the applicant demonstrating that it is not feasible due to site specific conditions (grade, lot depth, etc.);

(3) Be compatible in design, materials and colors with one another when there will be multiple buildings on a site; and

(4) Use dark, muted and/or neutral exterior colors that would help blend the buildings into the surrounding landscape and must not use bright, intense and/or vibrant exterior colors or patterns that would call attention to the buildings.

3221.C Temporary sales or auctions of goods stored on the premises will be allowed as an accessory use for not more than 3 contiguous days and a total of 12 days in any calendar year.

3222 TANK FARM OR FUEL STORAGE AND DISTRIBUTION SERVICES

3222.A Tank farm or fuel storage and distribution services must:

(1) Be registered with the state and in compliance with all applicable state and federal regulations;

(2) Meet the performance standards of Section 3105;

(3) Locate all storage tanks (above or below ground) at least 100 feet from all property lines;

(4) Locate all aboveground tanks on a hard, level surface;

(5) Provide a containment system for any aboveground tank that is:

(a) Capable of holding at least 125% of the volume of the tank, and

(b) Designed to appropriately treat and release any rainwater that accumulates within the containment area;

(6) Be designed to prevent contact between vehicles and any aboveground tank (i.e., provision of fencing or bollards); and

(7) Not display any signs on an aboveground tank except for identification and warning signs required by state or federal regulations.

3222.B Pre-existing tank farm or fuel storage and distribution services must not be expanded or redeveloped to increase the total amount of storage capacity on the site or locate storage tanks closer to any property line unless all the standards of Subsection 3222.A will be met.

3222.C The provisions of this section do not apply to storage of fuels or other materials for on-site use.

3223 TELECOMMUNICATIONS FACILTIES

3223.A **Purpose.** The purpose of this subsection is to:

(1) Minimize the impacts of wireless telecommunications facilities, including towers, supporting infrastructure, and ancillary improvements, on community health, safety, and welfare, and Warren's rural character and scenic resources, by establishing standards for facility siting, structural safety, integrity, and appearance, and compatibility with adjoining properties and the surrounding area;

(2) Accommodate the need and demand for wireless cellular, broadband, and broadcast services to serve the Warren community;

(3) Require, where feasible, the sharing of telecommunications sites and facilities, including the collocation of communications equipment on existing structures, in order to minimize visual, aesthetic, public safety, and ecological impacts, and to reduce the need for additional towers;

(4) Provide for the removal or replacement of nonconforming or abandoned telecommunication facilities; and

(5) Adhere to the Federal Telecommunications Act of 1996 and subsequent Federal Communications Commission (FCC) rulings which stipulate that, in regulating telecommunications facilities, the town:

(a) May not unreasonably discriminate between providers of functionally equivalent personal wireless services;

(b) May not prohibit, or effectively prohibit, the provision of personal wireless service in the Town of Warren;

(c) May not regulate wireless radio frequency (RF) or other emissions; but may require compliance with FCC emission standards; and

(d) Must act on applications within a reasonable amount of time, and issue written findings and decisions in conformance with state and federal requirements (47 CFR § 1.6003).

3223.B **Applicability.** This section applies to the installation, construction, modification, and removal of wireless telecommunications facilities in the Town of Warren, except as otherwise pre-empted by federal or state law.

(1) Telecommunications facilities regulated under this section include:

(a) Existing, proposed, and replacement telecommunications towers;

(b) Existing, proposed and replacement antenna facilities, including collocated, surface- and roof-mounted antennas, antenna arrays, and associated equipment;

(c) Small wireless facilities, including fixed antennas or small cells mounted on utility poles located within public rights-of-way;

(d) Amateur radio antennas and towers with an overall height greater than 50 feet; and

(e) Ancillary improvements, including associated equipment and site improvements that are primarily intended to serve a telecommunications facility. These include wires, cables, and poles needed to connect the facility to an electric or communications grid, fencing, equipment cabinets or shelters, emergency backup generators, access roads and parking areas.

(2) **Exemptions.** The following telecommunications facilities and equipment are exempted from municipal review under these regulations, in conformance with federal and state law, and town policies:

(a) Normal maintenance and repair of a telecommunications facility legally in existence as of the effective date of these regulations [EFFECTIVE DATE] that involves no facility, equipment, or site changes or modifications;

(b) Any telecommunications facility for which jurisdiction has been assumed by the Public Utility Commission under 30 V.S.A. § 248a;

(c) Facilities and equipment as specified under Subchapter 110, including small antennas, dishes, or similar devices intended for onsite residential, business, or public safety use (ex. reception, communications, dispatch);

(d) Any antenna and support structure that is less than 20 feet in height, if located on a structure within the bounds of a downhill ski area;

(e) Ancillary equipment or a site improvement that does not exceed 300 square feet in area and 10 feet in height;

(f) The attachment of new or replacement cables or wires on existing utility poles, and the replacement of existing utility poles if the new poles are not more than 10 feet taller than the existing poles;

(g) In the event of an emergency or disaster event, the placement of one or more temporary telecommunications facilities as necessary for emergency response and to re-establish or maintain wireless service, as authorized by the Warren Select Board on a temporary basis not to exceed 90 days from the date of authorization, unless extended by the Board for good cause;

(h) Antennas and support systems installed entirely within a building for the sole purpose of providing wireless telecommunications or data transmission services to building occupants; and

(i) Other types of facilities and equipment that, under federal or state law, may be exempt from municipal regulation, as documented by the facility owner.

3223.C **Administrative Review.** The Administrative Officer may approve and issue a zoning permit for the following types of wireless telecommunications facilities, subject to minor site plan review under Section 4305, if also found to comply with all applicable provisions of these regulations, FCC emissions standards, and prior permits and conditions of approval:

(1) Small wireless facilities that meet the requirements of 3223.G.

(2) Collocated antennas mounted on or within an existing tower, building, utility pole, or other structure that:

(a) Meet the requirements of 3223.H,

(b) Do not increase the height or width of the tower or other support structure, excluding antennas, equipment, or other ancillary improvements; and

(c) Do not alter the appearance or increase the visibility of the tower or other structure as viewed from public vantage points.

(3) Minor (de minimus) additions, modifications, or replacements of existing antennas, equipment, or ancillary improvements on a tower or other support structure, that do not:

(a) Extend the vertical height of the tower or other support structure by more than 10 percent or 10 feet, whichever is greater;

(b) Protrude horizontally from the edge of tower or other support structure as currently configured by more than 10 feet in any direction;

(c) Exceed the loading capacity of the tower or support structure;

(d) Increase the aggregate surface area of the faces of the equipment, antennas, or ancillary improvements on the tower or other support structure by more than 75 square feet;

(e) Interfere with any features required for facility concealment or camouflaging; and

(f) Increase the amount of impervious surface associated with the facility site, including equipment, access, and parking areas, by more than 300 square feet.

(4) Temporary and portable wireless communications facilities, in accordance with Sections 3018 and 3023, that:

(a) Are permitted only for the duration of the intended use or event, not to exceed one year, as specified in the zoning permit;

(b) Do not exceed 50 feet in height, as measured from grade;

(c) Meet district setback requirements; and

(d) Are removed immediately upon conclusion of the use or event, or the expiration of the zoning permit, whichever occurs first.

3223.D **Conditional Use Review.** All other telecommunications facilities, including new or expanded towers and associated antennas, ancillary equipment, and site improvements, and substantial modifications to existing facilities, may be allowed in designated zoning districts subject to site plan and conditional use review by the Development Review Board prior to the issuance of a zoning permit, in conformance with applicable state and federal requirements.

(1) A pre-application conference under Section 4302.A, to be held at least 30 days in advance of the submission of a formal application, will be required for any telecommunications facility subject to conditional use review under this section to ensure that the application as submitted will be substantially complete, and to establish a schedule for review.

(2) Complete applications will be reviewed in accordance with relevant time frames established by the FCC under 47 CFR § 1.6003.

3223.E **Application Requirements.** In addition to all other requirements, applicants must submit the following as applicable, as necessary to demonstrate compliance with the provisions of this section:

(1) The names and addresses of the applicant, facility owner, and landowner of record, and contact information for the person(s) authorized to safely operate and maintain the facility;

(2) Proof of service documenting that the application has been sent by Certified Mail to all adjoining property owners of record;

(3) For substantial changes to an existing facility, a report from a licensed professional engineer documenting proposed changes, to include for each antenna or antenna array, channels, frequencies, and output power; changes to facility construction and design, including materials, cross-sections, elevations, mounting heights, and locations; any changes in facility visibility from public vantage points and adjacent properties; and any associated site improvements;

(4) A signed statement from the facility's owner or owner's agent stating that radio frequency interference (RFI) and radio frequency radiation (RFR) emissions will comply with Federal Communications Commission (FCC) standards;

(5) An FCC license, and construction development approval if applicable, to transmit radio signals in Town of Warren;

(6) A report and map depicting the search area used to locate the proposed facility, to include descriptions and locations of existing towers, buildings, and other support structures within a 5-mile search ring of the proposed site, and documentation from other facility owners within the search ring that no suitable sites for collocation are available;

(7) A description and propagation map depicting the coverage area for each communications service that will use the proposed facility, showing existing topography, areas of existing coverage, and new or extended areas of coverage enabled by the proposed facility;

(8) A site plan drawn to scale showing:

(a) Property boundaries and required setbacks;

(b) Existing site conditions, including vegetation and tree cover, wetlands, river corridors, floodplains, areas of steep slope, and mapped wildlife corridors located on site and on adjacent properties, and proposed areas of site disturbance;

(c) The location, footprint, and dimensions of existing and proposed facilities, including towers, buildings or other support structures, and ancillary equipment (ex. equipment pads, cabinets); and distances measured horizontally from the base of the existing or proposed support structure to the nearest corner of existing structures on site and on adjoining properties;

(d) The location of existing and proposed utility connections, including utility lines intended to serve the facility;

(e) Proposed site improvements, including access, driveway and parking areas, landscaping, fencing, and screening.

(9) A structural report prepared by a licensed engineer, and elevations drawn to scale, that document and describe:

(a) The height of the tower, building, or other support structure above grade at the base, including facility height in relation to adjacent buildings and tree cover,

(b) Facility construction, design and loading capacity, cross-sections, proposed antenna mounting locations, including any space reserved for future collocations, failure modes or fall zones in the event of structural damage or collapse;

(c) Proposed antenna facilities, including antenna type, dimensions as mounted, and power levels for the facility and all other facilities on the property;

(d) Proof that the proposed facility has been designed to withstand icing, snow loading, winds of up to 110 mph, and a 15 second wind gust of 130 mph;

(e) Proof that a proposed tower will be designed so that, in the event of structural failure, it will collapse within the boundaries of the lot on which it is located; and

(f) Proposed facility appearance, including finish, color, and camouflaging as necessary to avoid the need for lighting, and to minimize visibility from public vantage points and adjacent properties, and

(g) Proof of compliance with Federal Aviation Administration regulations, including any required marking or lighting requirements, for any facility affecting navigable airspace.

(10) For new facilities that extend more than 50 feet in height from grade, or as mounted on an existing building or other support structure, the Development Review Board may require the submission of a visual impact assessment of the proposed facility, prepared by a qualified architect or landscape architect, to at minimum include:

(a) Photo renditions to scale of the proposed facility as viewed from specified public vantage points and adjacent properties; and

(b) Proposed measures to compatibly integrate the facility with the surrounding area through facility siting, design, camouflaging, or screening to avoid or, where physically necessary, to minimize and mitigate adverse aesthetic impacts to adjacent properties, and to Warren's scenic and historic resources and rural character.

(c) Field tests may also be required as necessary to determine facility visibility from specified vantage points.

3223.F **General Standards.** The following standards apply to all proposed telecommunications facilities located in the Town of Warren:

(1) No facility shall be located in such a manner that it poses a potential threat to public health, safety or welfare.

(2) Facility design, construction, and installation must meet all state and federal requirements, including but not limited to Federal Communications Commission requirements for transmissions, emissions, and interference.

(3) New telecommunications facilities, including telecommunications towers, antennas, ancillary equipment and site improvements, must be sited and designed to be compatible with the scale and character of the site and surrounding area, including nearby structures and surrounding vegetation; and to minimize their visibility from public vantage points and adjacent properties.

(4) All facilities must meet other applicable provisions of these regulations, including required setbacks, unless waived by the Development Review Board.

3223.G **Small Wireless Facilities.** Small wireless facilities as defined by the FCC are a permitted use in all districts, subject to minor site plan review by the Administrative Officer under Section 4305, and all applicable requirements of this section. These include wireless facilities that meet the following standards, as documented and certified in writing by the applicant, prior to the issuance of a zoning permit:

(1) Facilities that:

(a) Are mounted on structures 50 feet or less in height, including attached antennas; or

(b) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

(c) Do not extend existing structures on which they are located to a height of more than 50 feet or 10 percent, whichever is greater;

(2) Each antenna associated with facility deployment, excluding associated antenna equipment, is no more than 3 cubic feet in volume;

(3) All other wireless equipment associated with the structure, including antenna equipment and any other pre-existing equipment, in total is no more than 28 cubic feet in volume;

(4) The facilities do not result in human exposure to radiofrequency radiation in excess of applicable FCC safety standards; and

(5) The facilities do not require Antenna Structure Registration (ASR) with the FCC.

3223.H Antenna Facilities.

(1) Antennas must be designed and configured in a manner that minimizes adverse visual impacts as follows:

(a) Antennas must be one of the types below (listed in order of preference):

(i) Flush-mounted;

(ii) Panel;

(iii) Whip; or

(iv) Dish.

(b) In order to justify the use of an antenna type lower in the ranked listed above, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that higher-ranked alternatives cannot be used.

(2) Surface-mounted antennas (including associated ancillary appurtenances and transmission lines) must:

(a) Maintain a color that is the same as the surface to which they are attached unless the Development Review Board finds that another color will be more contextually compatible;

(b) Be placed at least 15 feet above the ground; and

(c) Be placed so that no portion of the antenna is less than 3 feet below the roof line, where proposed to be mounted on a building.

(3) Roof-mounted antennas (including associated ancillary appurtenances and transmission lines) must:

(a) Be placed only on commercial, industrial or non-residential institutional buildings that are at least 30 feet in height;

(b) Be placed as near to the center of the roof as possible;

(c) Not extend above the roof line of the building to which they are attached by more than 20 feet;

(d) Maintain a galvanized gray or brown finish unless the Development Review Board finds that another color will be more contextually compatible; and

(e) Have no signs other than required for safety.

3223.I **Telecommunications Towers.** The Development Review Board will only approve a new tower upon the applicant demonstrating that a proposed antenna or antenna array cannot be accommodated on an existing tower, building or other structure.

(1) In order to justify the construction of new tower, the applicant must provide a statement of position, qualifications and experience by a licensed radio frequency engineer demonstrating that the alternatives below (listed in order of preference) do not constitute feasible alternatives:

(a) Collocated or combined antennas;

(b) Surface-mounted antennas;

(c) Roof-mounted antennas; or

(d) Other stealth wireless communications facility.

(2) **Prohibited Locations.** A new tower must not be located:

(a) Closer than 1.5 times its height from all other structures (not including structures accessory to the tower), property lines, road rights-of-way, surface waters and aboveground utility line rights-of-way.

(b) Within 1,000 feet of an existing dwelling.

(c) On or to extend above a prominent ridgeline or hilltop that serves as the visual backdrop to the structure, as viewed from public vantage points. A tower may extend above the adjacent ridgeline or tree canopy by only the minimum height necessary to maintain direct line of sight coverage.

(d) Within a mapped wetland, floodplain, river corridor, or wildlife corridor, unless the applicant can document that as sited and designed, the facility will have no undue adverse impact on these resources.

(3) New telecommunication towers must be sited and designed to minimize their visibility and associated aesthetic impacts:

(a) Towers must be designed to blend into the surrounding environment to the greatest extent feasible, through the use of natural topography, existing vegetation, landscaping and screening, the use of compatible materials and colors, and/or other camouflaging or stealth facility techniques.

(i) The use of monopine camouflaging (disguising a monopole as a pine treeing) is discouraged and may be allowed only if the Development Review Board determines that this is appropriate for the setting, and that such camouflaging will not cause an undue impact to the environment from the shedding of material.

(b) No tower or equipment shall extend vertically more than 20 feet above the average height of the adjoining tree canopy, as measured within 100 feet of the highest vertical element of the proposed facility.

(i) The Development Review Board may require the submission of a forest management plan to maintain average tree height and screening provided by the tree canopy in the immediate vicinity of the tower.

(4) A new telecommunications tower must:

(a) Allow for collocation as documented in a letter of intent from the facility owner.

(b) Not be built on speculation as evidenced by a letter of commitment from one or more FCC-licensed communication carriers.

(c) Have a monopole-type construction except that:

(i) Amateur radio antennas and AM broadcast antennas may have a lattice-type construction.

(d) Maintain a galvanized gray or brown finish or other contextually compatible color as determined by the Development Review Board (this includes ancillary appurtenances), unless otherwise required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).

(e) Not have lights, signals or other illumination or obstruction markings unless the applicant demonstrates that this is required by the FAA. In the event that lighting or obstruction markings may be required, the applicant must also document that:

(i) No alternative site is available, and tower height cannot be reduced to eliminate the need for such lighting or markings; and

(ii) Proposed lighting and markings represent the least visibly obtrusive alternative available as necessary to meet federal requirements.

(f) Not have signs, except for hazard notification signs as required under state or federal regulations.

(5) All ancillary equipment and site improvements, including access roads, parking areas, utility buildings, equipment cabinets, and other structures located on site must be designed to aesthetically blend in with the surrounding environment, and meet all minimum requirements for the district in which they are located.

(a) All structures, and ground-mounted equipment, must be screened from view in accordance with Section 3106.

(b) The Development Review Board may require increased setbacks, landscaping, or screening as necessary to protect neighboring properties and uses.

(c) All utilities proposed to serve the site shall be installed underground, unless this is determined to impair function.

(6) The facility must be secured by fencing at least 6 feet height and be equipped with anticlimbing devices and warning signs. The Development Review Board may require landscaped screening around the facility, including the security fence, to minimize visual impacts as viewed from neighboring properties and public vantage points.

3223.J **Discontinued and Abandoned Facilities.** A discontinued or abandoned telecommunications facility, including any unused or abandoned tower, antennas, and ancillary facilities must be removed within 180 days of cessation of operations, and the site or other supporting structure shall be restored to its original appearance.

(1) A copy of the relevant portions of any signed lease agreement that requires facility removal by the applicant must be submitted with the application for a new facility; and

(2) A bond or other form of surety acceptable to the Select Board may be required to ensure tower removal and site reclamation.

3224 CONTRACTOR'S YARD, PROPERTY SERVICE OR UNENCLOSED STORAGE

3224.A Contractor's yard, property service or unenclosed storage area must:

(1) Be located, landscaped, and screened in accordance with Section 3103;

(2) Be fenced in accordance with Section 3013 unless otherwise approved by the Development Review Board;

(3) Control erosion and sediment transport from any materials stored outdoors in accordance with Section 3012; and

(4) Prevent leaching, dispersal, and air, soil, surface, and ground water contamination from any hazardous or waste materials stored on site. No outdoor storage of these materials is allowed.

3225 OUTDOOR RECREATION

3225.A Outdoor recreation, other than noncommercial recreational trails and activities exempted under Section 1101, must:

(1) Be located on a parcel at least 10 acres in size;

(2) Meet the performance standards of Section 3105; and

(3) Obtain conditional use approval if the recreational activity will be occurring outside a resort and:

(a) Involves use of motorized vehicles, firearms, or a sound amplification system outside an enclosed building; or

(b) Is intended to accommodate more than 20 participants and/or spectators at one time.

3226 CHILD DAY CARE

3226.A A child day care, other than a family child care home under Section 3209, must:

(1) Be registered or licensed by the state;

(2) Have outdoor play areas as shown on an approved site plan;

(3) Enclose all outdoor play areas with fencing of a suitable height and design in accordance with Section 3013 unless otherwise approved by the Development Review Board; and

(4) Set all outdoor play areas back at least 50 feet from any adjoining residential lot unless otherwise approved by the Development Review Board.

3227 FIREWOOD PROCESSING

3227.A A firewood processing establishment that produces firewood for wholesale or retail sale, from logs that are harvested off site and are delivered to and stored on the premises, must:

(1) Be located on a parcel at least 10 acres in size;

(2) Not have outdoor use and storage areas except as specifically shown on an approved site plan in accordance with Section 3103 (including requirements for setbacks and screening);

(3) Locate processing equipment a minimum of 200 feet from an existing dwelling that is not in common ownership with the business;

(4) Operate only on weekdays between the hours of 8 a.m. and 6 p.m., including all trucking operations; and

(5) Meet the performance standards of Section 3105, including noise levels as measured at the property line.

3228 EXTRACTION AND QUARRYING

3228.A Extraction and quarrying must:

(1) Be located on a parcel at least 10 acres in size;

(2) Maintain or establish a naturally vegetated woody buffer at least 100 feet deep along all property boundaries, public rights-of-way, surface waters and wetlands unless otherwise approved by the Development Review Board;

(3) Retain and stockpile any topsoil removed for reapplication to disturbed areas during reclamation;

(4) Submit and implement professionally prepared erosion control and stormwater management plans;

(5) Not cause the permanent lowering of the water table on surrounding properties;

(6) Limit operational activities (blasting, excavation, processing, hauling, etc.) to between the hours of 8 a.m. and 6 p.m. (or dusk if earlier) unless otherwise approved by the Development Review Board;

(7) Install warning signs and fencing as necessary to protect public safety;

(8) Meet the performance standards of Section 3105;

(9) Obtain all necessary town and state permits; and

(10) Reclaim the site progressively as the extraction or quarrying activity advances on the site as follows:

(a) Remove all equipment, stockpiles, debris, signs and other materials or improvements associated with the extraction or quarry use as part of the final reclamation effort;

(b) Design any water body to be created on the site as a result of the extraction or quarrying use to have a natural form with variation in shoreline and depth;

(c) Maintain or establish a final slope that does not exceed a grade of 2:1 (horizontal to vertical) over a distance of 30 feet on all disturbed areas excluding any areas of exposed ledge;

(d) Evenly spread at least 4 inches of topsoil capable of sustaining vegetation on all disturbed areas excluding any areas of exposed ledge;

(e) Stabilize and seed disturbed areas at the earliest possible time following completion of extraction or quarrying operations in an area;

(f) Replant disturbed areas with groundcover and not less than 4.0 EPUs per acre disturbed (see Figure 3-01); and

(g) Keep erosion control measures in place until permanent vegetation has been established.

3228.B The provisions of this section do not apply to removal of earth resources associated with approved land development.

3229 ACCESSORY ON-FARM BUSINESS AND AGRICULTURAL ENTERPRISE

3229.A **Applicability.** Accessory on-farm businesses are permitted with site plan review in all zoning districts on any farm (as defined in Paragraph 5003.F(3)). Other agricultural enterprises may be allowed in specified districts.

3229.B **Accessory On-Farm Business.** An accessory on-farm business must be:

(1) A small business on a farm, operated by the farm owner, persons residing on the farm parcel, or a lessee of a portion of the farm, that forms as a natural extension of the farm and the ongoing, active agricultural use of the property, and that engages in one or more of the following:

(a) The storage, preparation, processing and/or sale of:

(i) Qualifying products, provided that the qualifying products (as defined in Paragraph 5003.Q(1)) are produced on a farm;

(ii) Products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm businesses; or

(iii) Bread or baked goods.

(b) Educational, recreational, or social events that feature agricultural practices and/or qualifying products including but not limited to farm tours, farm stays, tastings and meals featuring qualifying products, or classes or exhibits.

(2) Subordinate to and integrated with the agricultural operation. Per statute, the revenues from an accessory on-farm business may exceed the revenues of the farming operation.

(3) Located within or adjacent to the farmstead, except that the Development Review Board may waive this requirement upon the applicant demonstrating that the proposed use needs greater separation from the farmstead.

(4) Sited so that associated development (buildings, parking, etc.) will be located off primary agricultural soils to the maximum extent feasible.

(5) Sited and designed to maintain a rural and agricultural character, and not a commercial or industrial character.

(6) Located no closer than 200 feet to an existing dwelling that is not in common ownership with the business.

In conformance with all applicable standards of these regulations, including but not limited to the parking and loading standards of Section 3104, the performance standards of Section 3105, any applicable specific use standards of this subchapter. (There are specific use standards that apply to businesses providing meals, hosting events such as (weddings, classes, parties, etc.) or offering lodging)

330 Subdivision Standards

3301 APPLICABILITY

3301.A All subdivision of land must conform to the standards of this chapter and Section 4311. For purposes of these regulations, subdivisions are further classified as:

(1) **Major Subdivision**. A subdivision or re-subdivision of land that:

(a) Results in the creation of 4 or more lots from one or more contiguous tracts of land under common ownership, inclusive of the parent parcel (excluding subsequent lot line adjustments, lot mergers, or the creation of footprint lots);

(b) Includes the construction of a new, extended, or upgraded road to serve 4 or more lots; or

(c) Is proposed as a Planned Unit Development (PUD) under Chapter 340 and Section 4307.

(2) **Minor Subdivision**. A subdivision that does not meet the definition of a major subdivision.

3302 PRE-DEVELOPMENT SITE PREPARATION

3302.A The applicant must not undertake any site work to prepare the land for development prior to attaining a subdivision approval such as tree removal, grading, or other land disturbance except:

(1) For minor site work to facilitate surveying, design, and engineering as necessary to prepare the subdivision application; and

(2) Forestry practices exempted under Section 1103. However, if timber is harvested off the site prior to subdivision approval, the Development Review Board may require the applicant to remove forest roads, re-establish vegetation, or take other actions as necessary to restore the land to a suitable condition for development.

3303 SUITABILITY OF THE LAND

3303.A The applicant must demonstrate that the land to be subdivided into developable lots is suitable for development without:

(1) Endangering public health or safety; and

(2) Causing undue adverse impacts to the environment, adjoining properties, or the character of the area.

3303.B Land subject to periodic flooding, poor drainage, erosion, landslide, slope instability, inadequate capability to support development or other hazardous conditions must not be subdivided into developable lots unless the applicant can demonstrate that appropriate measures will be taken to overcome the physical limitations.

3303.C Grading, excavating and/or filling of land to create developable lots must meet the standards of Section 3014.

3304 PROTECTION OF NATURAL RESOURCES

3304.A The applicant must demonstrate that the proposed subdivision will not result in undue adverse impacts on the following natural resources (applicants may rely on the information available from the sources cited below or may provide field assessments and delineations prepared by a qualified professional):

(1) Surface waters and river corridors as mapped by the Vermont Agency of Natural Resources (see the *Vermont Natural Resources Atlas*), and riparian buffers as identified in Section 3019;

(2) Flood hazard areas, as mapped by the Federal Emergency Management Agency for the National Flood Insurance Program and shown on the most recent Flood Insurance Rate Maps for the Town of Warren (see DFIRMs, *Vermont Natural Resources Atlas*);

(3) Wetlands as shown on the most recent Vermont Significant Wetlands Inventory Map and the most recent wetlands advisory layer maintained by the Vermont Agency of Natural Resources (see the *Vermont Natural Resources Atlas;*

(4) Confirmed vernal pools as shown on the most recent map maintained by the Vermont Agency of Natural Resources (see the *Vermont Natural Resources Atlas*);

(5) Rare, threatened and endangered (RTE) species and significant natural communities as shown in the most recent maps maintained by the Vermont Agency of Natural Resources (see the *Vermont Natural Resources Atlas*);

(6) Surface and ground water SPAs for active water systems as shown on the most recent map maintained by the Vermont Agency of Natural Resources (see the *Vermont Natural Resources Atlas*;

(7) Steep slopes as identified in Section 3020s and shown on the Steep Slopes Map included in these regulations; and

(8) Wildlife habitat and travel corridors as shown on the Wildlife Habitat and Crossings Map included in these regulations.

3304.B Existing site features that would add value to the subdivision or to the community as a whole, such as specimen trees, hedgerows, stone walls, surface waters, wetlands, ridgelines, scenic views, historic resources, and similar irreplaceable assets must be preserved and incorporated into the design of the subdivision.

3304.C Within the Rural or Resource Protection zoning districts:

(1) All major subdivisions must be designed as Conservation PUDs in accordance with Section 3401.

(2) Minor subdivisions may be designed as a Conservation PUD.

(3) A minor subdivision that will not be designed as a Conservation PUD must establish a conservation set aside and designate it on the plat in accordance with Subsection 3404.F on any lot that will meet or exceed the thresholds below (including the remainder of the parent parcel). The conservation set aside will run with the land and be legally binding on any subsequent subdivision of the remainder of the parent parcel.

(a) Rural District: 20 acres

(b) Resource Protection District: 75 acres

3305 CAPABILITY OF COMMUNITY FACILITIES AND UTILITIES

3305.A The applicant must demonstrate that the proposed subdivision will not cause a disproportionate or unreasonable burden on the community's ability to provide public facilities, services and infrastructure including, but not limited to:

(1) School facilities and educational services;

(2) Police, fire protection, and ambulance services;

(3) Road infrastructure and maintenance;

(4) Parks and recreation facilities; and

(5) Water supply, sewage disposal, and stormwater systems and infrastructure.

3305.B The Development Review Board may require the applicant to:

(1) Pay for a traffic impact analysis to determine whether the anticipated traffic generated by the proposed subdivision will create traffic congestion or exceed the capacity of roads, bridges, and intersections serving the development.

(2) Pay for a fiscal impact analysis to determine whether the anticipated tax return from the proposed subdivision will equal or exceed any additional costs to provide municipal services to the proposed development.

(3) Phase development, timed to occur concurrently with the ability of the municipality to provide necessary facilities and services [in conformance with an adopted capital improvement program].

(4) Upgrade or contribute proportionately to cost of upgrading public facilities, services and infrastructure as required to serve the development.

(5) Reserve land for improvements such as road realignment or widening that may be needed in the future.

3306 PROVISION OF NECESSARY IMPROVEMENTS

3306.A The applicant must demonstrate that the proposed subdivision will make proper provision for stormwater drainage, water supply, sewage disposal, fire protection, transportation facilities, utilities, and any other necessary improvements within the development.

3306.B The construction of necessary improvements, and all associated expenses, will be the responsibility of the applicant.

3306.C The applicant must establish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private roads, shared infrastructure, or other common land or facilities within the subdivision. The applicant must provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements, easements, or other legal documents to the town for review prior to final approval of the subdivision and must record such documents in the Warren Land Records along with the final plat. Membership in the association or equivalent must be mandatory for all property owners benefiting from the common improvement(s).

3307 LOT DESIGN AND CONFIGURATION

3307.A **Lot Arrangement.** The applicant must design the subdivision:

(1) To follow and extend the planned settlement pattern (including lot size, lot configuration, road layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography, natural features, and physical development constraints;

(2) To connect to and extend existing road, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography, natural features, and physical development constraints;

(3) So that there will be no foreseeable difficulties in obtaining zoning permits to build on all lots intended for development in accordance with the standards of this bylaw (this will not apply to lots intended for conservation purposes);

(4) So that there will be no foreseeable difficulties in providing access to each lot from an existing or planned road (this will not apply to lots intended for conservation purposes);

(5) To minimize the number of new curb cuts along arterial streets or state highways;

(6) So that there will be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision in accordance with Section 3021;

(7) So that there will be no privately-owned reserve strips (a strip of land located between a subdivision and other property that is not dedicated to public use); and

(8) To allow further subdivision on any remaining undivided land, lots with further subdivision potential and/or adjoining undeveloped parcels in a manner that would extend or result in a logical and coordinated development pattern.

3307.B **Lot Dimensions.** The applicant must design the subdivision so that all lots intended for development (ex., building, facility, infrastructure lots):

(1) Front on a road in accordance with the standards of Subsection 2008.C and Section 3002 except that the Development Review Board may waive or modify this requirement to:

(a) To respond to natural or built features on the site, or

(b) To allow for shared driveways.

(2) To minimize the number of lots with frontage on more than one road.

(3) So that lot dimensions meet the minimum standards for the zoning district.

(4) So that lot lines form simple, regular geometric shapes, except that the Development Review Board may waive or modify this requirement to respond to natural or built features on the site or to allow for shared driveways (also see Paragraph 3008.D(9)).

(5) So that the lot ratio (width-to-depth or depth-to-width) does not exceed 1:4, except that the Development Review Board may waive or modify this requirement to respond to the site's topography and natural features.

3307.C **Building Envelopes.** If a proposed lot intended for development within a subdivision will be more than 2 acres in size, the applicant must then designate at least one and not more than three building envelopes on that lot, as shown on the subdivision plat, in accordance with the following:

(1) Building envelopes must not include any unbuildable land including, but not limited to setbacks, rights-of-way, easements, wetlands, wetland buffers, surface waters, riparian buffers, flood hazard areas, river corridors, and steep slopes;

(2) Building envelopes for lots being created through subdivision, including retained (parent) lots proposed for development, must not include any existing, remaining or previously protected meadowlands, including meadowlands as shown on the Meadowlands Map included under these regulations, unless approved by the Development Review Board. The Board must find that, as demonstrated by the applicant, the area proposed for inclusion:

(a) Does not include previously protected open space, under prior conditions of approval;

(b) Is no longer open meadowland, as previously mapped; or

(c) The building envelope as proposed represents the minimal encroachment and impact to meadowlands necessary to develop the lot in accordance with these regulations.

(3) A building envelope intended for single- or two-family dwelling must not exceed 30,000 square feet in area;

(4) Building envelopes must be sited and configured to accommodate passive solar development practices to the maximum extent feasible given the orientation, physical characteristics and land cover on the site;

(5) All principal buildings and non-agricultural accessory structures with a footprint in excess of 200 square feet must be located within a designated building envelope;

(6) Driveways, utilities, water, wastewater and stormwater infrastructure, fences, agricultural structures and accessory structures with a footprint of 200 square feet or less may be located outside a designated building envelope;

(7) The Development Review Board may limit or place conditions on forest clearing on all or a portion of the lot outside the designated building envelope to protect wildlife habitat and crossings, priority forest blocks or scenic resources; and

(8) The Development Review Board may require or place conditions on the maintenance of open fields or meadows on all or a portion of the lot outside the designated building envelope to protect wildlife habitat and crossings, farmland, or open space and scenic resources.

3307.D **Waiver of Building Envelope Requirement.** The Development Review Board may waive the building envelope requirement if the applicant obtains an exemption from the state Wastewater System and Potable Water Supply Rules and notes on the plat that the lot cannot be developed and may only be used for agriculture, forestry, or open space purposes without amending the approved subdivision plat to establish a building envelope.

3307.E **Landscaping, Screening and Buffers.** The applicant must design the subdivision to maintain existing mature vegetation and/or install additional landscaping as follows.

(1) **Purpose.** The applicant must:

(a) Preserve existing specimen trees, tree lines, hedgerows or wooded areas of significant ecological or aesthetic value;

(b) Provide a buffer between developed and undeveloped portions of the site, or between incompatible uses; and

(c) Provide screening to protect privacy and mitigate off-site impacts on/from adjacent properties both within the subdivision and between the subdivision and abutting parcels.

(2) **Entrance Landscaping.** The applicant must provide landscaping at the entrance to any subdivision that will be accessed from a new or extended road as follows:

(a) A planting area must be provided on at least one side of the new or extended road that is not less than 450 square feet in area;

(b) The planting area must be planted with not less than 5.0 EPUs (equivalent planting units) in accordance with the planting specifications of Figure 3-01 that includes a mix of trees, shrubs and groundcover or ornamental plants;

(c) Entrance landscaping must meet the general standards for landscaping under Subsection 3101.C; and

(d) An entrance sign in accordance with Section 3107 may be located within the planting area.

(3) **Street Trees.** The applicant must maintain existing trees or install street trees along all existing or proposed road frontage within the subdivision in accordance with Subsection 3101.E.

3308 DESIGN AND LAYOUT OF NECESSARY IMPROVEMENTS

3308.A **Public Works Specifications and Ordinances.** Applicants must construct new or extended roads, utilities, and other improvements in accordance with any public works specifications or ordinances duly adopted by the Town of Warren. In the case of a conflict between a provision of these regulations and a provision of the public works specifications or ordinance, the public works specifications or ordinance will take precedence.

3308.B **Technical Review.** The Administrative Officer may refer a subdivision application to the Town Administrator, Wastewater Coordinator, Fire Chief, Road Foreman, or other town official as applicable, for review and comment. The Administrative Officer or Development Review Board may also request additional information from the applicant, or an independent technical review of the application under Section 4103, as necessary to determine compliance with these regulations, and may condition or deny any approval or permit based on associated findings and recommendations.

3308.C **Engineering Requirements.** A professional engineer must certify that all new or extended roads, utilities and other improvements were designed and constructed in accordance with all applicable public works specifications, provisions of these regulations, and any conditions of approval prior to the Administrative Officer granting a final certificate of compliance. When required as a condition of approval, the applicant must provide as-built drawings in accordance with Section 4106.

3308.D **Roads.** Applicants must design and construct all new or extended roads within a subdivision in accordance with this subsection.

(1) **Applicability.** Any vehicular way that will be used to provide access to more than 3 lots or principal buildings will be considered a development road that must conform to the standards of this section irrespective of whether the road will be public or private. (A vehicular way that provides access to not more than 3 lots or principal buildings is a driveway that must conform to the standards of Section 3008.)

(2) **General Standards.** Applicants must design and construct all new or extended roads within a subdivision to:

(a) Safely accommodate all users (including vehicular, bicycle and pedestrian traffic);

(b) Calm traffic and discourage travel speeds in excess of the posted speed limit;

(c) Avoid congestion on existing roads;

(d) Provide adequate access and suitable turnarounds, when applicable, for emergency and service vehicles;

(e) Logically extend and improve the connectivity of the town's existing road network;

(f) Provide efficient access to property;

(g) Minimize the amount of impervious surface necessary to provide convenient and safe access to property;

(h) Be graded and laid out to conform as closely as possible to the pre-existing topography;

(i) Provide adequate drainage in accordance with Paragraph (12) below;

(j) Be located the maximum distance feasible from surface waters (at least 150 feet is preferred and additional stormwater management practices may be required if that separation distance cannot be achieved) and meet the riparian buffer standards of Section 3019 as applicable; and

(k) Minimize the number of stream crossings.

(3) **Connectivity.** New cul-de-sac or dead-end roads:

(a) Must not exceed 600 feet in length (this will not include stubs);

(b) Must terminate in a hammerhead turnaround (preferred) or cul-de-sac adequately sized to accommodate emergency and service vehicles; and

(c) Will only be approved if the applicant demonstrates one of the following applies:

(i) The proposed road includes a stub designed to be extended or interconnected when adjacent property is subdivided or developed;

(ii) Pre-existing development patterns on adjacent property, topography or other physical conditions make construction of a through road impractical or undesirable; or

(iii) The proposed road will serve not more than 9 lots or principal buildings.

(4) **Right-of-Way Width.** A road must:

(a) Have a right-of-way at least 50 feet in width if new, or an extension of an existing road right-of-way; and

(b) Be located in the center of the right-of-way.

(5) **Clear Zone.** A clear zone must be maintained at least 10 feet from the edge of the road surface. The Development Review Board may waive or reduce this requirement to minimize impacts on scenic character or natural resources.

(6) **Design Speed.** Applicants must design new or extended roads for a speed of 25 miles per hour unless otherwise approved by the Development Review Board. If a higher design speed is allowed, the Development Review Board may modify other road design and construction standards accordingly as specified in the Vermont State Design Standards as most recently amended for the allowed design speed.

(7) **Road Width.** Travel lanes serving residential development must be at least 7 and not more than 9 feet wide. Total road width must not exceed 20 feet unless specifically approved by the Development Review Board to accommodate on-street parking, pedestrians or bicyclists, heavy trucks or a design volume in excess of 100 trips per day.

(8) **Grade.** New or extended roads must generally conform to the topography and must not exceed a maximum grade of 12% as measured over any 100-foot section. The Development Review Board may allow segments to exceed the maximum grade to respond to the site's topography and natural features when recommended by the Road Foreman and Fire Chief.

(9) **Cross-Slope.** All new or extended roads must have a cross-slope of at least 1% and not more than 3%.

(10) **Intersections.** Applicants must design new or extended roads in accordance with the following unless otherwise approved by the Development Review Board to respond to site-specific physical conditions or anticipated traffic flows:

(a) To intersect as close to 90 degrees as physically possible and not at less than 75 degrees or more than 105 degrees;

(b) With directly opposed intersections whenever feasible (if not directly opposed, the centerline offset of the intersections must be at least 125 feet);

(c) With a sight distance of at least 150 feet;

(d) With an intersection approach that does not exceed a 3% average grade for a distance of 20 feet as measured from the edge of the right-of-way of the intersecting road; and

(e) With a curb radius at the intersection that does not exceed 20 feet as measured from the edge of the traveled way, except that the Development Review Board upon the recommendation of the Road Foreman or VTrans District Permit Coordinator may approve a curb radius of up to 40 feet for roads designed to accommodate significant truck traffic.

(11) **Construction Standards.** Applicants must construct new or extended roads in accordance with the following standards:

(a) **Materials and Construction Practices.** Road materials and construction practices must conform with Vermont Standard Specifications for Construction as most recently amended. The applicant's engineer must provide the town with copies of the specifications to demonstrate compliance.

(b) **Subsurface.** Subbase, sand cushion and subgrade must be constructed in conformance with *the VTrans Standard A-76 for Development Roads* as most recently amended.

(c) **Surface.** The Development Review Board may require asphalt paving for roads or road segments that will be:

(i) In excess of 7% grade;

(ii) Located within 150 feet of surface waters; or

(iii) Serving heavy truck traffic.

(12) **Drainage.** Applicants must design new or extended roads with drainage infrastructure and practices that:

(a) Are in conformance with *the VTrans Standard A-76 for Town and Development Roads* as most recently amended;

(b) Meet applicable design and drainage requirements under the Town of Warren's Municipal Roads General Permit in effect at the time of application;

(c) Capture and direct run-off to vegetated areas, retention areas, and/or other stormwater practices in accordance with Section 3021 and the *Vermont Stormwater Manual* as most recently amended;

(d) Do not contribute to an accumulation of stormwater that would exceed the capacity of downstream facilities or infrastructure as demonstrated by stormwater calculations provided by the applicant's engineer; and

(e) Have culverts and underdrains sized to convey anticipated peak stormwater flows and minimize erosion damage as demonstrated by stormwater calculations provided by the applicant's engineer.

(13) **Pedestrian and Bicycle Facilities.** The applicant must integrate pedestrian and bicycle access into the design of any subdivision served by a new or extended road with a design volume in excess of 50 trips per day in accordance with the following:

(a) **Sidewalks or Paths.** The applicant must install either:

(i) **Public Sidewalks.** Sidewalks along both sides of a new or extended road in the Village Business, Village Mixed Use and Resort Mixed Use districts and along one side of a new or extended road in the Village Residential and Resort Residential districts; or

(ii) **Public Paths.** A multi-use recreational path.

(14) **Shared Streets.** The Development Review Board may waive or modify the requirements of this subsection in the Resort Mixed Use or Resort Residential zoning districts to allow an applicant to build a shared street that combines walking, cycling, driving, parking and social activities to create a shared public space.

~~(15)~~ **Transit.** The Development Review Board may require an applicant proposing to construct a new or extended road in an area currently served or proposed to be served by transit to provide sheltered transit stops.

(16) **Road Names and Signs.** The applicant must name new or extended roads and install road signs in accordance with state and town requirements, including *E-911 Addressing Standards* as most recently updated.

3308.E **Fire Protection and Emergency Services.** Where there is not an existing, adequate source of water for fire protection, the applicant must provide water through means such as fire hydrants, dry hydrants, ponds and/or building sprinklers. The applicant must submit a letter from the Warren Fire Department as to the adequacy fire protection facilities and emergency access (also see Section 3008).

3308.F **Public and Private Utilities.** The applicant must design the subdivision to provide utility service to each lot (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

~~(1)~~ All utilities must be located underground unless prevented by ledge or other physical conditions that make burying lines impractical;

(2) Utilities must be located within road rights-of-way to the maximum extent feasible; and

(3) The applicant must provide the town with a maintenance and access easement for any utilities not located within a public right-of-way.

3308.G **Water and Wastewater.** The applicant must design the subdivision to provide water and wastewater service to each lot intended for development (this will not be interpreted to include lots with no development rights intended for agriculture, forestry or open space use) in accordance with the following:

(1) All lots created within public water and/or wastewater system service areas must be connected to the public service and the applicant must install connections to the property line of each lot;

(2) For lots served by public infrastructure, the applicant must demonstrate that the proposed subdivision conforms to applicable ordinances and standards for the public system, including the Town of Warren Sewer Ordinance;

(3) For lots not served by public infrastructure, the applicant must demonstrate that the proposed subdivision conforms to the Vermont Wastewater System and Potable Water Supply Rules (see Section 3025).

3308.H **Erosion Control.** The applicant must design and undertake construction within the subdivision in accordance with the standards of Section 3012.

3308.I **Soil Preservation.** The applicant must:

(1) Stockpile any topsoil removed during construction on-site;

(2) Redistribute stockpiled topsoil to provide even cover on all disturbed areas to be seeded or planted;

(3) Make reasonable efforts to repair any soil compaction prior to seeding or planting such as tilling, subsoiling, plug aeration and/or organic amendments; and

(4) Not remove any topsoil, sand, gravel, rock or other earth resources from the site for any purpose other than the minimum necessary and authorized to meet the construction needs of the subdivision.

3308.J **Debris Removal.** The applicant must remove any debris generated during construction from the site in accordance with state regulations. Burying debris on-site or using it as fill is prohibited.

3308.K **Stormwater Management.** The applicant must design the subdivision or development with adequate drainage and stormwater infrastructure in accordance with Section 3021.

3308.L **Monuments and Lot Corner Markers.** The applicant must:

(1) Show the locations of all right-of-way monuments and lot corner markers on the final subdivision plat;

(2) Install permanent right-of-way monuments at all road intersections and other critical points in street lines in accordance with state statutes and rules; and

(3) Install lot corner markers at corners and angle points of all lots in accordance with state statutes and rules.

3308.M **Construction and Maintenance of Necessary Improvements.** Except as provided for under Subsection 3308.O, the applicant must:

(1) Fully construct the necessary improvements in accordance with all conditions of approval under these regulations and associated town ordinances or public works specifications before the Administrative Officer may issue any zoning permits for further development within the subdivision.

(2) Maintain necessary improvements while lots or units within the subdivision are being sold and/or developed in accordance with all conditions of approval.

(3) Demonstrate how the necessary improvements required under this section will be maintained once lots or units have been sold and/or developed.

3308.N **Acceptance of Roads or Other Necessary Improvements.** No provision of these regulations will be interpreted to require the Town of Warren to accept new or extended roads or other necessary improvements serving a subdivision. Acceptance is subject to the approval of the Warren Selectboard. The developer must guarantee any improvements to be turned over to the Town of Warren against defects in workmanship and materials for a period of 5 years from the date of acceptance of the improvements. The maintenance guarantee must be secured with a surety equal to 25% of the cost of the improvements in accordance with Section 4104.

3308.O **Subdivision Improvement Agreements.** The Development Review Board may waive the requirement for full completion of necessary improvements prior to further development commencing within the subdivision if the applicant enters into a subdivision improvement agreement with the Town of Warren in accordance with the following:

(1) The cost of preparing the subdivision improvement agreement, including legal review in accordance with Section 4103, will be borne by the applicant.

(2) The subdivision improvement agreement will specify the time period within which the applicant agrees to fully complete all necessary improvements.

(3) The applicant will provide a surety in accordance with Section 4104 for an amount sufficient to cover 125% of the cost of the approved construction and any other conditions contained in the subdivision improvement agreement. When 50% of the required improvements are complete, the developer may substitute a new guarantee equal to 125% of the cost of the remaining improvements for the original guarantee. The new guarantee need not be in the same form as the original guarantee, but it must not in any way change or modify the terms and conditions of the agreement.

(4) The subdivision improvement agreement will run with the land and must be recorded in the Town of Warren Land Records.

(5) If improvements are not installed pursuant to the terms of the agreement, the Town of Warren may:

(a) Declare the agreement to be in default and require the developer to fully complete all necessary improvements regardless of the extent of completion of the development;

(b) Obtain funds pursuant to the surety and complete the necessary improvements itself or by contract through a third party;

(c) Assign its right to receive funds pursuant to the surety in whole or part to any third party in exchange for that party's agreement to complete the required improvements; and/or

(d) Exercise any other rights available under the law.

340 Planned Unit Development (PUD) Standards

3401 AUTHORITY AND PURPOSE

3401.A **Authority.** The Development Review Board has the authority under 24 V.S.A. § 4417, to modify standards under these regulations in association with the review and approval of a Planned Unit Development (PUD), as specified in this Subchapter.

(1) The Development Review Board may modify relevant zoning, subdivision, and site plan standards in conformance with this Subchapter concurrently with major subdivision review and approval under Section 4311 or, where no subdivision of land is proposed, concurrently with major site plan approval under Section 4305.

(2) Where PUD standards under this chapter differ from underlying zoning district, site plan, or subdivision standards, PUD standards will take precedence.

3401.B **Purpose.** The purpose of Planned Unit Development, as provided in statute, is to allow for flexibility in the application of these regulations, in conformance with the Warren Town Plan as most recently adopted or amended, in order to promote and provide for more creative and well-planned development that:

(1) Carries out town plan goals, objectives, and strategies applicable to the proposed development;

(2) Conserves resources and open space identified in the town plan for long-term protection and sustainable management, including known hazard areas, significant natural, scenic, and recreational resources, farm, forest, and meadow land, and wildlife habitat and travel corridors;

(3) Accommodates new development in a manner that complements and enhances the town's traditional settlement pattern and rural character as described in the town plan, to include compact, village-scale, mixed-use, resort, and neighborhood development in areas served by existing and planned infrastructure, surrounded by rural countryside;

(4) Promotes efficient, cost-effective use of land and public infrastructure, to include the clustering and phasing of development to retain functional open space, reduce infrastructure and development costs, and to ensure that proposed development will not exceed the ability of the town to provide municipal facilities and services;

(5) Incorporates creative subdivision layout, site planning, and building design that provides for a variety of housing types and housing affordability; and

(6) Preserves access to renewable energy resources, and opportunities for energy-efficient development and redevelopment.

3401.C **PUD Types**. For purposes of these regulations, the following types of Planned Unit Development are authorized as allowed or required by applicable zoning district:

(1) **Conservation PUD**, as required for major subdivisions in the Rural and Resource Protection zoning districts, and as allowed in the Residential district and in other zoning districts where conventional development would be significantly constrained by natural hazards or resources;

(2) **Neighborhood PUD**, as allowed in the Residential, Village Residential, Village Mixed Use, Resort Residential, and Resort Mixed Use zoning districts; and

(3) **Resort or Campus PUD,** as allowed in the Village Business, Village Mixed Use, Resort Mixed Use, and General Business zoning districts.

3402 APPLICATION REQUIREMENTS

3402.A In addition to application requirements under Section 4303, the application for a Planned Unit Development must include the following, submitted prior to or in association with preliminary subdivision or major site plan review, as applicable:

(1) A master development plan or master plan under Section 3403 unless waived by the Development Review Board for a PUD in which no subdivision of land is proposed, or the PUD will be developed in a single phase extending no more than 2 years from the date of approval.

(a) If waived, the applicant at minimum must submit a subdivision plan and plat and/or site plan, as applicable, that conforms to PUD standards, and clearly identifies and depicts requested modifications under these regulations.

(2) A statement and description of PUD conformance with relevant goals, objectives, and strategies in the Warren Town Plan as most recently adopted or amended, that are specifically applicable to the proposed development (ex., with regard to type, location, uses, layout, design).

(3) Documentation of project conformance with any proposed or previously approved PUD and master plan in effect at the time of application.

(4) A statement and description of project conformance with the purpose and standards for the selected PUD type.

(5) A list and description of requested modifications or waivers sought through PUD review, under applicable zoning district, development, site plan, or subdivision standards.

3403 MASTER PLAN

3403.A **Purpose**. For purposes of these regulations, a master development plan, or "master plan," is a plan for the integrated, long-term development of one or more parcels or tracts of land that prescribes the overall pattern, type, density, form, and timing of development, consistent with applicable regulations as may be modified under this Subchapter. Master plan review and approval by the Development Review Board, in association with PUD review, is intended to:

(1) Establish the framework for the orderly, well-planned, and integrated development of larger tracts of land, and for phased development that may occur over an extended period of time;

(2) Identify and address the cumulative impacts of proposed development on existing development in the vicinity, on resources identified for protection under these regulations and the Warren Town Plan, and on existing and planned municipal infrastructure, facilities, and services;

(3) Serve as the basis for development phasing, by specifying the timing and sequence of development in relation to existing and planned services and infrastructure capacity;

(4) Define and clarify respective interests, roles, and responsibilities for project development and long-term management;

(5) Provide assurances to the town, affected neighbors, and other interested parties that subsequent development will be consistent with the master plan as approved or amended; and

(6) Provide assurances to the applicant, investors, and developers that, for the duration of an approved master plan, development consistent with the plan may proceed under the regulations in effect at the time of master plan approval.

3403.B **Applicability**. Unless waived by the DRB, an applicant for a PUD must submit a master plan, and any associated narratives, figures, and tables, for Board review and approval. The master plan at minimum must consist of a "general plan" under 3403.C. A more detailed "specific plan" under 3403.D may be submitted as required to:

(1) Provide the information necessary to determine full or partial project compliance under applicable regulations, including PUD standards under this Subchapter;

(2) If approved, establish full or partial vested rights under these regulations for the duration of the master plan, based on the type and detail of information provided; and to

(3) Allow for subsequent administrative review and approval of proposed development consistent with the master plan under Subchapter 420 and Subsection 4305.D.

3403.C **General Plan (Required)**. A master plan must include a "general plan" that depicts and describes the following, within and adjacent to PUD boundaries, unless waived by the Development Review Board as not applicable to a particular PUD:

(1) Existing site conditions, including topography, surface waters, wetlands, floodplains, and river corridors;

(2) Existing and proposed areas used or to be set aside as conserved open space, green space, or for outdoor recreation, including intended use(s) and associated acreage;

(3) Existing improvements and associated information as applicable, including lots (dimensions, area), buildings (footprint, total floor area, height), uses (type, total area, number of dwelling units, number of guest rooms, and nonresidential square footage), utility corridors (type, easements) roads (rights-of-way, average daily traffic), sidewalks and trail corridors, and parking areas or structures (dimensions, area, number of spaces);

(4) Proposed pedestrian and vehicular circulation, including the locations of proposed accesses, new and extended road rights-of-way, path and trail corridors, transit routes, and shared parking areas or lots;

(5) Areas within the PUD planned for future development in one or more phases, to include as applicable areas proposed for new buildings, housing, lodging, recreational or other facilities, and total acreage or square footage for each area and/or phase;

(6) Proposed uses for each area and/or phase of development to include as applicable nonresidential uses (total land area, building square footage), dwelling units (total units by type, calculated densities), worker housing (type, total units), and lodging facilities (total guestrooms by type).

(7) A statement of vested rights granted under any prior municipal, state, or U.S. Forest Service permits and conditions of approval, as applicable; and

(8) A proposed phasing schedule specifying the timing and sequence of development and associated improvements.

3403.D **Specific Plan (Optional)**. In addition to the above, a specific plan for each covered phase of development must include, as applicable by PUD type:

(1) A statement of objectives to be achieved by the specific plan, demonstrating compliance with the general plan, and selected PUD type under this Subchapter.

(2) A description and depiction of proposed development, including a site and/or subdivision plan that shows how the proposed development complies with PUD standards, and all other applicable provisions of these regulations, as may be modified under this Subchapter.

(3) A description and depiction of the proposed development, including limits of disturbance and compliance with resource protection standards, land uses, densities, natural features (including proximity of project improvements to surface waters, wetlands and steep slopes), traffic and pedestrian circulation, parking, open space areas, landscaping, lighting improvements, and provision of essential services. The applicant must demonstrate that the proposed development:

(a) Conforms with all applicable provisions of these regulations unless the applicant requests and obtains a waiver (Section 4404) or variance (Section 4405);

(b) Responds to the site's natural characteristics and physical constraints such as steep slopes, vegetation, surface waters, and any natural or built hazards and allow development to blend in with or enhance those features; and

(c) Preserves important geologic features, mature vegetation, and structures or features of the site that have historic, cultural, visual, or ecological importance or contribute to the character of the area.

(4) An architectural character plan that shows the use, massing, scale and orientation of proposed buildings, their orientation to public spaces and other buildings, proposed elevations with a description of materials and colors, and other attributes which may significantly represent the proposed development; and that demonstrates that proposed buildings will be compatible with or enhance the cohesiveness or distinctive character of the area and surrounding development patterns.

(5) Grading, stormwater management, erosion control, and snow storage plans.

(6) Infrastructure, facility, and service plans, to include fire and emergency response facilities and services, utilities, water supply and wastewater system capacity and allocations, and improvements necessary to serve each phase of development.

(7) Detailed traffic, parking and circulation plans that address anticipated vehicular traffic and trip generation rates, necessary highway infrastructure improvements, and pedestrian, bicycle, and transit facilities and services; and that demonstrate:

(a) That the proposed development will improve pedestrian, bicycle, and transit facilities serving the development, and will prioritize those facilities and improvements over vehicular facilities and improvements;

(b) A commitment to reduce trip generation rates and minimize parking area footprints and demand through shared parking, underground or structured parking, off-site parking, parking fees, shuttle and transit service, and other techniques that discourage private automobile use.

(8) A proposed phasing plan that also details specific infrastructure and facility improvements to be constructed or provided under each phase of development, in conformance with the town's capital improvement program, to include any land, facilities, or infrastructure improvements proposed for public dedication.

(9) A cumulative buildout analysis, and budget for each area or phase of development, that includes:

(a) Acreage or square footage allocations by land use or building type;

(b) Development density by land use or building type;

(c) Dwelling units by housing type, including proposed number of affordable housing units;

(d) Total impervious surface,

(e) Total peak hour trip generation, and trip allocations by use type;

(f) Total water supply and wastewater system demand, and system capacity allocations by use type; and

(g) Any other development measures or parameters required by the Board as necessary to identify, plan for, and to limit or mitigate the impacts of proposed development on municipal infrastructure, facilities, utilities, and services.

(10) A management plan that identifies all principals or entities responsible for project development (financing, permitting, and construction); and, following project completion, for long-term management, operation, and maintenance of conserved land and resources, required green space, and commonly held capital facilities and infrastructure improvements.

(11) **Plan Approval and Amendment**. A master plan that includes project phasing must be approved by the Development Review Board, in consultation with the Warren Select Board, for a specified period of time not to exceed 10 years, as determined based on the level of detail provided in the application, the proposed project schedule, and as necessary to accommodate full project buildout in relation to the timing of planned infrastructure and facility improvements.

(a) Once a PUD master plan has been approved, all subsequent land subdivision and development must conform to the plan as approved.

(b) The Development Review Board in issuing an approval must specify in writing

which phases or components of the master plan are vested, based on the type and detail of information provided, and the amount of time the plan is intended to remain in effect.

(c) Unless the applicant fails to comply with the conditions of PUD and associated master plan approval, for the duration the master plan the regulations in effect at the time of approval shall apply to vested phases or components approved by the Board.

(i) While in effect, the Development Review Board may instead apply current regulations as applicable to the review of development under a vested master plan only at the request of the permittee, or as necessary to meet health, fire, or safety codes.

(d) The applicant may seek an amendment to an approved master plan at any time. The Development Review Board will review master plan amendments in accordance with Section 4311.G.

(e) An approved master plan amendment, or specific plan under 3403.D will be required prior to the issuance of a zoning permit for any of the following:

(i) Any portion or phase of an approved PUD master plan for which the Development Review Board has issued only partial findings;

(ii) Any portion or phase of an approved development for which only a “general” plan has been approved;

(iii) Any additional land area to be incorporated within the PUD as previously approved; and

(iv) Any additional principal buildings, facilities, or uses, including dwelling units, working housing, lodging rooms, or infrastructure that are not shown on the master plan as previously approved, or included in associated phasing schedules or buildout calculations.

(f) An approved master plan will remain in effect until development under the plan has been completed, the plan is amended or superseded, or the plan expires. Associated PUD, subdivision, site plan, and other municipal approvals recorded in the land records in association with an approved master will remain in effect as recorded following master plan expiration.

(g) The duration of an approved master plan may be extended by the Board for cause, if the request and reasons for the extension are submitted in writing prior to the expiration date, but in no event shall the duration of master plan approval exceed 12 years in total, to include all authorized extensions and amendments.

(h) An expired master plan may be extended, renewed, or amended only upon submission as a new master plan, subject to full review under the regulations in effect at the time of application.

3404 CONSERVATION PUD

3404.A **Purpose.** The purpose of this section is to provide flexibility in subdivision and site design for rural residential development to protect natural resources and conserve open space.

3404.B **Applicability.** Conservation PUDs are allowed in the Residential, Rural, and Resource Protection districts. Conservation PUDs may be approved in other zoning districts on development sites where conventional development would be significantly constrained by natural hazards or resources. Conservation PUDs are required for major subdivisions in the Rural and Resource Protection districts.

3404.C **Modification of District Standards.** Zoning district standards may be modified within a Conservation PUD as follows:

(1) The density of the development must not exceed the maximum density as determined based on the applicable zoning district standards (total area to be subdivided divided by the residential density), unless approved by the Development Review Board in association with a density bonus under Section 3404.H.

(2) The development must meet all setback requirements of the zoning district around the perimeter of the development site.

(3) The dimensional standards for lots, setbacks, and buildings in the zoning district will not apply internally within the development site.

(4) The lot coverage for the entire development must not exceed the maximum allowed in the zoning district.

(5) All single-family, two-family, and multi-family dwellings, and related accessory uses, will be permitted uses within a Conservation PUD.

3404.D **Multiple Parcels.** The application for a Conservation PUD may include multiple parcels. The parcels must be under common ownership or control, but do not have to be contiguous or within the same zoning district.

3404.E **Density Transfer.** Within a Conservation PUD, density may be transferred within and/or between parcels provided that development rights are not transferred from a higher-density zoning district to a lower-density zoning district.

3404.F **Conservation Set Aside.** A minimum of 60% of the land area within a Conservation PUD must be set aside as protected open space (designated conservation areas) in accordance with the following:

(1) The following will be considered primary conservation resources and must be included in the protected open space:

(a) Wetlands (see Section 3026);

(b) Mapped flood hazard and river corridor areas (see Section 2201 and Section 2202);

(c) Steep slopes (see Section 3020); and

(d) Riparian buffers (see Section 3019).

(2) The following will be considered secondary conservation resources that must be included in the protected open space to the maximum extent feasible:

(a) Primary agricultural soils as most recently classified and mapped by the Natural Resource Conservation Service;

(b) Open farm fields and meadowlands, including meadowland identified on the Meadowlands Map included in these regulations;

(c) Unfragmented forest blocks, including forested areas contiguous to forests on adjacent properties; and

(d) Wildlife habitat and crossings as identified on the Wildlife Habitat and Crossings Map included in these regulations.

(3) Designated conservation areas must abut existing public or conserved lands, parks, open space or farm or forest land on adjacent parcels to the maximum extent feasible.

(4) Designated conservation areas must be indicated on the subdivision plat recorded in the town land records, and must be permanently protected through a recorded conservation easement that:

(a) Will be held by the town, state and/or a land trust or conservancy;

(b) Prohibits further subdivision or development in the conservation areas; and

(c) May establish other standards to safeguard, maintain, or manage conserved resources.

(5) Conservation areas must not be cleared, graded, filled or subject to construction except as follows and in accordance with the terms of the easement:

(a) Separate access to areas within protected open space areas may be provided as necessary for long-term use and management of conserved land or resources.

(b) Roads and above ground utilities may cross conservation areas provided that the Development Review Board finds that reasonable access cannot otherwise be provided to the portions of the site to be developed and that resource fragmentation and disturbance within the conservation area will be the minimum necessary to provide adequate access;

(c) Underground utilities may be located within conservation areas provided that the Development Review Board finds that such development will not adversely impact the conservation resources intended to be protected by inclusion in a conservation area;

(d) The following will be allowed within conservation areas:

(i) Community gardens, trails and passive recreation amenities;

(ii) Green stormwater and renewable energy infrastructure; and

(iii) Farming and forestry, including construction of farm structures.

3404.G **Development Areas.** A maximum of 40% of the land area within a Conservation PUD may be developed for residential and community use in accordance with the following:

(1) The development area must be designed as one or more contiguous clusters of building lots and/or buildings surrounded by open space, which are sited to minimize resource fragmentation and encroachments within open space areas identified for protection;

(2) All lots or buildings must have direct pedestrian access to the open space area(s) intended to accommodate passive recreational use from a continuous system of sidewalks, paths or trails;

(3) Access to developed areas of the Conservation PUD must be from a single curb cut unless otherwise approved by the Development Review Board to provide adequate emergency access or to minimize disturbance of conservation resources;

(4) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking (such as shared driveways, narrow lanes, and locating development near existing roads); and

(5) A Conservation PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters, parking, or storage. PUD property owners must commonly own and manage any community buildings or facilities.

3404.H **Conservation Density Bonus.** The Development Review Board may approve an increase in the density of development allowed within a designated development area in a Conservation PUD in accordance with the table below, in exchange for the applicant setting aside additional land as protected open space.

Figure 3-02. **Conservation Density Bonus**

% SET ASIDE	% DENSITY BONUS
65%	30%
70%	35%
75%	40%
80%	45%
85%	50%

3405 NEIGHBORHOOD PUD

3405.A **Purpose.** The purpose of this section is to provide flexibility in subdivision and site design for compact residential neighborhood development.

3405.B **Applicability.** Neighborhood PUDs are allowed in the Residential, Village Residential, Village Mixed Use, Resort Residential, and Resort Mixed Use zoning districts.

3405.C **Modification of District Standards.** Zoning district standards may be modified within a Neighborhood PUD as follows:

(1) The density of residential development must not exceed the maximum density as determined based on applicable zoning district standards (total area to be subdivided divided by the residential density) unless the PUD qualifies for an affordable housing density bonus in accordance with statute and/or Subsection 3405.F.

(2) The development must meet all setback requirements of the zoning district around the perimeter of the development site.

(3) The dimensional standards for lots, setbacks, and buildings in the zoning district will not apply internally within the development site.

(4) The lot coverage for the entire development must not exceed the maximum allowed in the zoning district.

(5) All single-family, two-family, and multi-family dwellings, and related accessory uses (including, but not limited to, home occupations, family childcare homes and accessory dwelling units) will be permitted uses within a Neighborhood PUD.

(6) The applicable standards of Chapter 3, including but not limited to Section 3009.A(8) and Section 3202, cannot be waived or modified within a Neighborhood PUD except as specifically authorized in this section.

3405.D **Multiple Parcels.** The application for a Neighborhood PUD may include multiple parcels. The parcels must be under common ownership or control, but do not have to be contiguous or within the same zoning district.

3405.E **Density Transfer.** Within a Neighborhood PUD, density may be transferred within and/or between parcels.

3405.F **Density Bonus for Affordable Housing.** In addition to the density bonus afforded affordable housing development under 2008.H, the Development Review Board may grant a density bonus to promote development of affordable housing (see Paragraph 5003.A(13)) as follows:

(1) The applicant may propose to build units in excess of the maximum density allowed in the zoning district provided that there is at least one affordable housing unit for each market rate unit constructed in excess of the maximum.

(2) Affordable units must:

(a) Be located throughout the proposed development in a manner that integrates them with market rate units; and

(b) Include a mixture of unit types in the same ratio as the market rate units within the development.

(3) Affordability must be guaranteed through an Affordability Agreement prepared by the applicant and approved by the Town of Warren. The agreement must be filed in the Warren Land Records and will run with the land. At a minimum, the agreement must specify the:

(a) Number of affordable units and a description of the location and unit type (bedrooms, floor area, etc.);

(b) Duration of the affordability, which must be not less than 20 years;

(c) Standards for setting qualifying household incomes and rents/sales prices;

(d) Method by which vacancies will be marketed and filled; and

(e) Method by which the property owner will monitor the affordability of the units and the eligibility of the tenants/owners, and report that information to the Town of

Warren to demonstrate ongoing compliance during the agreement period.

3405.G **Design Standards.** A neighborhood PUD must be designed in accordance with the following:

(1) A Neighborhood PUD must be designed around a centrally located, landscaped greenspace with passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures that is at least ¼ acre or 5% of total area of the PUD in size, whichever is greater. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths, or trails.

(2) Buildings within a Neighborhood PUD must be oriented to and have a primary entrance facing the street or common greenspace. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths, or trails.

(3) Buildings with a footprint in excess of 3,000 square feet within a Neighborhood PUD must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the façade.

(4) Access to the Neighborhood PUD must be from not more than two curb cuts unless otherwise approved by the Development Review Board to provide greater connectivity with adjoining streets, adequate emergency access, or to minimize environmental impacts.

(5) All reasonable measures must be taken to minimize the amount of impervious surface associated with vehicular access and parking, such as shared driveways or alleys, narrow lanes, or locating development near existing roads. Vehicular access and on-site parking will not be required to each principal building or on each lot if the PUD provides on-street parking or common off-street parking areas or structures with pedestrian walkways connecting parking with the buildings served. Vehicular access and parking must meet all applicable site design, engineering, buffering, and landscaping requirements of these regulations.

(6) A Neighborhood PUD may include one or more community buildings or other facilities that would serve residents by providing amenities such as multi-purpose recreation or entertainment, food preparation and dining, library, daycare, guest quarters, parking, or storage. PUD property owners must commonly own any community buildings or facilities.

3406 RESORT OR CAMPUS PUD

3406.A **Purpose.** The purpose of this section is to provide flexibility in site design for multi-building, multi-use developments like campuses and business parks, and as required for resort development under Section 3215.

3406.B **Applicability.** Resort or Campus PUDs are allowed in the Village Business, Village Mixed Use, Resort Mixed Use, and General Business zoning districts.

3406.C **Modification of District Standards.** Zoning district standards may be modified within a Resort or Campus PUD as follows:

(1) The maximum residential density standards of the zoning district will not apply to housing on the upper floor(s) of mixed-use buildings.

(2) The development must meet all setback requirements of the zoning district around the perimeter of the development site.

(3) The dimensional standards for lots, setbacks and buildings in the zoning district will not apply internally within the development site.

(4) The lot coverage for the entire development must not exceed the maximum allowed in the zoning district.

3406.D **Multiple Parcels.** The application for a Resort or Campus PUD may include multiple parcels under common ownership or control.

3406.E **Density Transfer.** Within a Resort or Campus PUD, density may be transferred within and/or between parcels.

3406.F **Design Standards.** A Resort or Campus PUD must be designed in accordance with the following:

(1) The PUD may include residential uses and/or buildings, but non-residential uses must occupy at least 30% of the total floor area within the development.

(2) Buildings within the PUD must:

(a) Be commonly owned and/or managed,

(b) Be located in proximity and related to one another,

(c) Be oriented with facades and primary entrances that face the street or common greenspace,

(d) Share common parking, facilities, amenities and/or infrastructure, and

(e) Be connected with pedestrian walkways.

(3) A Resort or Campus PUD must include a landscaped greenspace that is at least ¼ acre or 5% of total area of the PUD in size, whichever is greater. If the PUD will include residential uses, the greenspace must have passive recreation improvements such as a gazebo, walking paths, benches, tables or play structures. All lots or buildings must have direct pedestrian access to the common greenspace from a continuous system of sidewalks, paths or trails.

(4) Buildings within a Resort or Campus PUD must be oriented to and have a primary entrance facing the street or greenspace. The primary entrances to buildings must have direct pedestrian access from a continuous system of sidewalks, paths, or trails. The Development Review Board may waive or modify these requirements for non-residential buildings not open to the public (such as maintenance or utility buildings, manufacturing facilities or storage or warehouse buildings).

(5) Buildings with a footprint in excess of 3,000 square feet within a Resort or Campus PUD must be designed to break up their scale and mass through variations in roof line, building height, cladding or color, and/or horizontal plane of the façade. The Development Review Board may waive or modify these requirements for non-residential buildings not open to the public (such as manufacturing facilities or warehouses).

(6) Vehicular access and on-site parking will not be required to each principal building or on each lot if the PUD provides common off-street parking areas or structures with pedestrian walkways connecting the parking and the buildings served. Vehicular access and surface parking must be located around the perimeter of the development and to the rear or side of buildings to the maximum extent feasible. Vehicular access and parking must meet all applicable site design, engineering, buffering, and landscaping requirements of these regulations.

(7) Existing parking lots within the PUD may be redeveloped with buildings or parking structures regardless of conformance with the lot coverage standards for the zoning district provided that there is no net increase in lot coverage.

(8) Access to the PUD must be from not more than two curb cuts otherwise approved by the Development Review Board to provide greater connectivity with adjoining streets, adequate emergency access, to maintain existing circulation patterns or to minimize environmental impacts.

(9) The PUD may have an entrance sign not more than 40 square feet in area and 12 feet in height at the principal road entrance. Any secondary entrance may have a sign that is not more than 20 square feet in area and 12 feet in height. All other signage must be designed and located in accordance with the standards of Section 3107 and to be primarily visible from within the PUD.

3406.G **Additional Resort PUD Requirements.** A Resort PUD master plan must also include a site development plan and supplemental materials demonstrating conformance with the following:

(1) **Uses.** Facilities, equipment, structures, and infrastructure necessary for resort operation must be indicated on the plan, including but not limited to water impoundment and storage, surface and aerial lifts, snowmaking, power supply, water and sewer, vehicle and equipment storage and maintenance, and property maintenance. These will be considered permitted uses, facilities, or structures within the resort, as shown on an approved master plan.

(2) **Building and Site Design**.

(a) A Resort PUD must be designed to blend the site development and architecture with the natural character and features of the land, including topography, vegetation, geology, slope, soils, natural resources, and scenic, cultural, and historic resources.

(b) A Resort PUD must have an identifiable and cohesive design character. Each building must contribute to the character through use of a common vocabulary of design features and palette of materials.

(c) Roof heights and building masses must be varied to create greater visual interest and a pedestrian-scaled form. Large buildings must be broken up to appear as an arrangement of smaller connected structures.

(d) All areas of the resort intended for guest use must be accessible through a continuous network of sidewalks, paths, or trails that are separated from vehicular use areas.

(e) Service areas must be sited and/or screened from areas actively used by guests.

(3) **Public Safety Impacts.** The applicant must enter into an agreement with the Town of Warren Select Board, with input from town officials, concerning the fair share contribution the resort will make to the cost associated with any additional public facilities, equipment, or staffing required to serve the proposed development. Upon receiving master plan approval, the applicant must record a copy of the signed agreement in the town land records.

(4) **Transportation Impacts.** The applicant must pay for a traffic study for any proposed development that will increase the number of peak hour trips generated by 75 trips or more. The proposed development must be consistent with the identified function, capacity, and level of service of the transportation facilities serving the site. The applicant must pay for any transportation improvements required specifically to serve the development and, upon reaching an agreement with the Warren Select Board, may also be required to pay a proportionate share for required improvements or upgrades to town highways and associated infrastructure serving the development.

(5) **Environmental Impacts.** The applicant must identify and mitigate impacts to natural resources identified under Section 3304. If not already required under these regulations, the Development Review Board may require a professionally prepared environmental impact statement, groundwater study, erosion control plan, snow storage and stormwater management plan, and/or hazard mitigation plan as necessary to demonstrate that environmental impacts will be adequately mitigated.

(6) **Visual Impacts**. The applicant must identify and mitigate impacts to scenic resources identified in the Warren Town Plan, any plan or study incorporated by reference, or the Mad River Valley Rural Resource Protection Plan, as most recently amended. An applicant for a Resort or Campus PUD must submit a master plan for review and approval by the Development Review Board in accordance with the following:

(a) Using size, scale, shape, color, texture, siting, height, building materials, lighting, and other features to make proposed development visually subordinate in the landscape.

(b) Limiting structure height to below the average tree canopy height of the natural vegetation adjacent to the structure unless additional height is necessary given the function of the structure. Aligning, designing and siting proposed development to fit the natural topography and to take advantage of vegetation and landform screening.

(c) Minimizing the reflectivity of structures and site improvements.

4 ADMINISTRATION AND ENFORCEMENT

400 Roles and Responsibilities

4001 ADMINISTRATIVE OFFICER

4001.A The Planning Commission will nominate and the Selectboard will appoint an Administrative Officer for a three-year term, in accordance with state statute. The Selectboard may also appoint an Acting or Assistant Administrative Officer, nominated by the Planning Commission, to act under the supervision of the Administrative Officer in the Administrative Officer's absence, or if the Administrative Officer has a conflict of interest.

4001.B The Administrative Officer will:

(1) Assist applicants in determining which town permits and approvals will be needed for a proposed development, and provide necessary application forms;

(2) Coordinate the municipal review of development applications;

(3) Review applications for zoning permits and other development approvals as specified in these regulations;

(4) Inspect projects during construction when required as a condition of approval or to ensure compliance with these regulations;

(5) Maintain public records;

(6) Respond to complaints and violations; and

(7) Perform all other tasks necessary to administer these regulations.

4001.C The Administrative Officer must strictly interpret and enforce the provisions of these regulations, and may only issue zoning permits or other approvals for development that conforms to these regulations.

4001.D The Administrative Officer will refer applications to the Development Review Board, and to other town or state officials as specified under these regulations.

4002 PLANNING COMMISSION

4002.A The Selectboard will appoint members to the Planning Commission in accordance with state statute.

4002.B The Planning Commission may prepare amendments to these regulations and make recommendations to the Selectboard on the amendment of these regulations.

4002.C The Planning Commission has no development review authority under these regulations, but may make recommendations on planning and development issues in Warren generally.

4003 DEVELOPMENT REVIEW BOARD

4003.A The Selectboard will appoint members to the Development Review Board in accordance with state statute.

4003.B The Development Review Board will review applications for development approvals and appeals as specified in these regulations, state statutes, and its adopted rules of procedure.

410 Fees and Filing Requirements

4101 PERMIT FEES

4101.A The Selectboard will establish reasonable fees for the Administrative Officer or other town employees to charge for administering these regulations. These fees may include, but are not limited to, the cost of posting and publishing notices, holding public hearings, recording documents, and conducting inspections.

4101.B An applicant must pay applicable permit fees when submitting an application. The Administrative Officer will not deem an application complete until all applicable permit fees are paid in full.

4102 IMPACT FEES

4102.A Upon adoption of an impact fee ordinance, the Town of Warren may require applicants to pay impact fees in accordance with that ordinance and state statute.

4102.B An applicant must pay the applicable impact fees in full prior to obtaining a zoning permit or filing a subdivision plat.

4103 TECHNICAL OR LEGAL REVIEW COSTS

4103.A The Selectboard may establish procedures and standards authorizing the Administrative Officer or Development Review Board to hire qualified professionals to provide an independent technical or legal review of an application when deemed necessary to ensure compliance with these regulations.

4103.B The Administrative Officer or Development Review Board must notify the applicant prior to hiring a consultant to conduct a technical or legal review.

4103.C The applicant must pay the reasonable cost of any required technical or legal review prior to obtaining a zoning permit or filing a subdivision plat.

4104 PERFORMANCE BONDS OR SURETIES

4104.A The Selectboard may establish procedures and standards authorizing the Administrative Officer or Development Review Board to require an applicant to provide a performance bond or surety as a condition of approval, in accordance with statute, to ensure the:

(1) Completion of proposed development, including required site and infrastructure improvements, in accordance with approved plans and applicable town or state specifications; and

(2) Protection of any public facilities that may be affected by proposed development.

4104.B The Administrative Officer or Development Review Board may require an applicant to provide a quote prepared by a qualified professional for the full project cost and may then base the amount of any bond or surety on that quote.

4104.C The Town of Warren will only release a required bond or surety after certification by the applicant and determination by the Administrative Officer that the proposed development has been satisfactorily completed.

4104.D If required improvements have not been installed or maintained as provided under the terms of a performance bond, the bond must be forfeited to the municipality to install or maintain required improvements.

4105 MONITORING OR INSPECTION COSTS

4105.A The Selectboard may establish procedures and standards authorizing the Administrative Officer or Development Review Board to condition approval upon monitoring and inspection during construction, or once a use has commenced, when deemed necessary to ensure compliance with these regulations. The applicant must pay the reasonable cost of any required monitoring or inspection.

4106 AS-BUILT DRAWINGS

4106.A The Administrative Officer or Development Review Board may require an applicant to file as-built drawings prior to the issuance of a certification of compliance under Section 4206 as a condition of approval.

4106.B The Town of Warren will require as-built drawings for any infrastructure to be built within town rights-of-way or to be turned over to the town.

4106.C The Administrative Officer will require an applicant to file revised plans or as-built drawings when approved site or subdivision plans are amended or when minor adjustments to approved plans are necessary to respond to unforeseen conditions that arise during construction.

4107 OTHER PERMITS, APPROVALS, AND CERTIFICATIONS

4107.A The Administrative Officer or Development Review Board may condition approval upon the applicant filing other permits, approvals, or certifications required by the Town of Warren, the State of Vermont, or other regulatory entities prior to the issuance of a zoning permit, the start of construction, or the issuance of a certificate of compliance.

420 Zoning Permits

4201 SUBMITTING A ZONING PERMIT APPLICATION

4201.A **Administrative Officer.** The Administrative Officer will assist prospective applicants by:

(1) Determining whether a project will require a zoning permit and any associated development approvals under these regulations, and keeping written documentation of any such determinations as part of the Administrative Officer's office records;

(2) Providing applicants with the necessary form(s) to apply for applicable permit(s) and approval(s);

(3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development;

(4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the State Community Assistance Specialist at the Regional Office of the Vermont Department of Environmental Conservation; and

(5) Providing applicants with copies of the state energy standards for residential or commercial buildings as applicable.

4201.B **Applicant.** The applicant must:

(1) Submit all required forms, supporting materials, and fees to the Administrative Officer to apply for a zoning permit and any associated development approvals under these regulations;

(2) Provide all the information necessary to demonstrate compliance with these regulations; and

(3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of their knowledge. The Administrative Officer or Development Review Board may:

(a) Reject an application that misrepresents any material fact; and

(b) Award reasonable attorney's fees and costs to anyone who has incurred attorney's fees and costs in connection with an application that misrepresents any material fact in accordance with the procedures established in state statute.

4201.C **Application Requirements.** The Administrative Officer:

(1) May waive an application requirement upon finding the information is not necessary to determine compliance with these regulations;

(2) May require an applicant to provide additional information as necessary to demonstrate compliance with these regulations; and

(3) Must keep written documentation of any application requirement waived or additional information requested as part of the Administrative Officer's office records.

4201.D **Determination of Completeness.** The Administrative Officer must:

(1) Determine whether an application is complete, and inform the applicant, within 15 days after the date of submission.

(2) If the application is incomplete, the Administrative Officer must inform the applicant in writing of the additional information required for a complete application.

4202 ACTING ON A COMPLETE ZONING PERMIT APPLICATION

4202.A **Time to Act.** Once the Administrative Officer determines that an application is complete, the Administrative Officer must act within 30 days to approve, to deny, or to refer the application to the Development Review Board, and to the state when a state agency referral is required.

4202.B The time period within which the Administrative Officer must act to issue a zoning permit for an application that has been referred to the Development Review Board or state will not commence until:

(1) The applicant has obtained all other necessary approvals and permits for the proposed development; or

(2) State agency comments are received or the 30-day agency comment period elapses, whichever occurs first.

4202.C **Deemed Approval.** If the Administrative Officer does not act on a complete application within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

4202.D **Review Criteria.** The Administrative Officer must administer these regulations literally and must not approve an application for a zoning permit unless it conforms to all applicable provisions of these regulations.

4202.E **Amended Regulations under Consideration.** The Administrative Officer must act on any application submitted while the Selectboard is considering amendments to these regulations in accordance with state statute, which requires that applications be reviewed under both the adopted and proposed regulations for a specified time period.

4202.F **Decisions.** The Administrative Officer must approve or deny an application in writing, to include the following information:

(1) **Appeal**. All permits and denials must include a statement of the time within which an appeal may be taken under Section 4402.

(2) **Approval.** When approving an application, the permit must:

(a) Also include a statement that state permits may be required, and that the permittee should contact the State Community Assistance Specialist before any construction may commence;

(b) Include any conditions of approval; and

(c) Identify other permits, certificates, or approvals that will be required prior to the start of construction, or the issuance of a certificate of compliance.

(d) The zoning permit must also specify that the applicant must:

(i) Post a notice of the zoning permit (to be provided by the Administrative Officer) within view from the public right-of-way on the subject property or if no visible location is available within the public right-of-way most nearly adjacent to the subject property throughout the 15-day appeal period; and

(ii) Not commence the development authorized by the permit until the 15-day appeal period has ended, and copies of any required state permits or

approvals are filed with the Administrative Officer as per Subsection 4202.G.

(3) **Denial.** When denying an application, the Administrative Officer must:

(a) State the reasons for the denial;

(b) Inform the applicant that the denial may be appealed to the Development Review Board within 15 days of the date of the decision; and

(c) Include information explaining the appeal process under Section 4402.

4202.G **Permit Issuance.** The Administrative Officer:

(1) **Conditions of Approval.** May issue a zoning permit with conditions as necessary to ensure compliance with these regulations.

(2) **Temporary Permits.** May issue a zoning permit to allow a temporary use or structure for a specified period not to exceed 2 years with conditions requiring the use to terminate or the structure to be removed, or that applicant obtain a zoning permit for a permanent use or structure, prior to the expiration of the permit.

(3) **Notification Prior to Use or Occupancy.** Must condition any zoning permit on the applicant notifying the Administrative Officer when construction is completed or an approved use will commence (see Section 4206);

(4) **Energy Certificates.** Must condition any zoning permit for proposed development that is subject to the state's residential or commercial building energy standards on the applicant providing the Administrative Officer with a copy of an energy certificate for the building when construction is completed;

(5) **Wastewater Permits.** Must condition any zoning permit for proposed development that requires the construction, modification, or replacement of a potable water supply or wastewater system, or that increases the design flow or modifies the operational requirements of a potable water supply or wastewater system, on the applicant obtaining and providing the Administrative Officer with a copy of a state Wastewater System and Potable Water Supply Permit prior to the start of construction;

(6) **Stormwater Permits.** Must condition any zoning permit for proposed development that requires a state stormwater permit on the applicant obtaining and providing the Administrative Officer with a copy of that permit prior to the start of construction; and

(7) **Highway Access Permits.** Must condition any zoning permit for proposed development that requires a new or modified access on the applicant obtaining and providing the Administrative Officer with a copy of the state or town highway access permit, as applicable, prior to the start of construction.

4202.H **Posting Requirements.** The Administrative Officer must post a copy of the zoning permit in at least one public place within 3 days after the date of issuance. The copy must remain posted throughout the 15-day appeal period.

4202.I **Filing Requirements.** The Administrative Officer must:

(1) Provide a copy of the permit to the Listers within 3 days after issuance;

(2) Deliver the original, or a legible, signed copy of the zoning permit, or the notice of zoning permit, to the Town Clerk for recording within 30 days after issuance; and file a copy of the permit as part of Administrative Officer's office records within 30 days after issuance.

4203 ZONING PERMIT EFFECTIVE DATES, EXTENSIONS

4203.A **Effective Date.** A zoning permit takes effect on the 16th day after the date of issuance by the Administrative Officer provided that no appeal is filed during the previous 15 day appeal period (see Section 4402). If an interested person files an appeal, the zoning permit will not take effect until the appeal is decided.

4203.B **Permit Timeframe and Extension.** Zoning permits and any associated development approvals expire 2 years from the date the permit takes effect unless:

(1) The Development Review Board specifies otherwise as a condition of approval;

(2) The applicant commences any use or substantially completes any construction authorized by the permit prior to permit expiration; or

(3) The permittee applies for a permit extension in writing prior to the permit expiration date. The Administrative Officer may issue one extension of not more than 12 months. upon the applicant demonstrating that any improvements completed to date conform to the conditions of the permit and any associated development approvals.

4203.C **Phased Projects.** If the Development Review Board approves a project to be developed in phases, the Administrative Officer will issue zoning permits for development within each phase in accordance with the approved phasing plan and schedule. Each zoning permit will be separately issued and administered in accordance with the provisions of these regulations.

4203.D **Projects with Multiple Units or Structures.** The Administrative Officer may issue a zoning permit for each unit or structure within a project with multiple units or structures. If so, each zoning permit will be separately administered in accordance with the provisions of these regulations.

4203.E **Transfer of Permit.** Zoning permits and any associated development approvals remain in effect as specified in these regulations irrespective of any change in property ownership or tenancy. All subsequent property owners or tenants are subject to the requirements and conditions of any zoning permit and associated development approvals.

4203.F **Expired Permits.** If a zoning permit expires before the applicant substantially completes the construction or commences the use authorized by the permit, the applicant must apply for a new zoning permit and any other associated development approvals under these regulations.

4204 ADMINISTRATIVE AMENDMENTS PRIOR TO PROJECT COMPLETION

4204.A An applicant may, prior to project completion, apply to the Administrative Officer to amend a zoning permit, administrative approval, or a development approval issued by the Development Review Board under these regulations. No administrative amendment will be required for any change to a project that complies with applicable permits and conditions of approval (ex., construction of a smaller building within a permitted building footprint).

4204.B The Administrative Officer is authorized to issue an administrative amendment to a previously issued permit or approval only upon finding that the proposed changes to the development:

(1) Are in conformance with the dimensional standards for the zoning district, the approved building envelope on the lot (if required under these regulations), and all other applicable provisions of these regulations;

(2) Do not have the effect of materially or substantively altering any of the findings of fact of the permit and any associated development approvals; and

(3) Do not change the scale, location, type, character, or intensity of the approved development or use to a greater extent than specified below:

(a) Any proposed increase in structure height must not exceed 15 feet;

(b) Any proposed decrease in setback resulting from a change in the structure's footprint or location must not exceed 25 feet;

(c) Any proposed increase in building footprint must not exceed 500 square feet;

(d) Any proposed increase in the total amount of impervious surface on the lot must not exceed 2,500 square feet;

(e) Any proposed modification must not result in an increased requirement for parking or loading spaces;

(f) Any proposed substitution of exterior materials or fixtures must be in-kind with what was originally approved (if exterior materials or fixtures were specified in the original application or approval); and

(g) Any proposed substitution of required plant materials must not change the overall landscape design concept and function (if plant materials were specified in the original application or approval).

4204.C The scope of the review will be limited to those aspects of the development affected by the proposed changes.

4204.D The Administrative Officer:

(1) Must act on a complete application for an administrative permit amendment following the same process established for zoning permit applications;

(2) May approve, approve with conditions, deny, or refer a permit amendment application to the Development Review Board under Figure 1-01 as necessary to determine compliance with these regulations, and previously issued permits and conditions of approval;

(3) Must, prior to issuing an administrative permit amendment, find that the proposed changes meet applicable criteria listed above; or

(4) Deny the request in writing and require the applicant to submit a new application for the proposed development.

4204.E Any decision of the Administrative Officer under this section may be appealed to the Development Review Board under Section 4402.

4204.F An administrative amendment will not affect the expiration date of the original permit and any associated development approvals.

4205 INSPECTING DEVELOPMENT DURING CONSTRUCTION

4205.A The Administrative Officer may inspect any development during construction as necessary to ensure compliance with these regulations and any permit or approval conditions.

4206 OBTAINING A CERTIFICATE OF COMPLIANCE

4206.A **When Required.** An applicant must request a certificate of compliance from the Administrative Officer certifying that permitted development, associated site improvements and infrastructure, and any modifications or changes to the development as permitted, comply with applicable permits and conditions of approval:

(1) Before occupying or commencing the use of any structure or development subject to a zoning permit; and

(2) To ensure that any required public or private improvements have been constructed or installed prior to the issuance of zoning permits for land development within an approved subdivision.

4206.B **Application.** The Administrative Officer will provide applicants with the necessary form to apply for a certificate of compliance. The applicant must submit the completed form prior to the expiration of the associated zoning permit, or prior to submitting an application for development on lots within an approved subdivision, as applicable.

4206.C **Time to Act.** The Administrative Officer must act on a complete application for a certificate of compliance promptly and in all cases within 30 days. The Administrative Officer may:

(1) Require the applicant to submit as-built plans or other documentation from a qualified professional certifying that the development as constructed conforms to permits and approvals, including approved plans; and/or

(2) Inspect the subject property and consult with other town or state personnel as necessary to determine compliance.

4206.D **Deemed Approval.** If the Administrative Officer does not act on a complete application for a certificate of compliance within 30 days, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the Administrative Officer's failure to act within the 30-day period resulted in a "deemed approval" of the application.

4206.E **Criteria.** Before receiving a final certificate of compliance, the applicant must certify and demonstrate to the Administrative Officer that:

(1) The development is substantially complete and conforms to the requirements of the zoning permit, associated development approvals, filed plans, and applicable provisions of these regulations;

(2) All commonly-owned or shared improvements and infrastructure connections are complete and conform to any applicable town or state specifications, the requirements of the zoning permit and/or development approvals, the filed plans, and the applicable provisions of these regulations;

(3) The applicant has recorded all required documents with the town as applicable to the development, including but not limited to: as-built drawings, residential and commercial building energy certificates, and access, wastewater, potable water supply, and stormwater permits; and

(4) The applicant has paid all required fees.

4206.F **Temporary Certificate.** The Administrative Officer may issue a temporary certificate of compliance that conditions use or occupancy on full completion of all required improvements within not more than 180 days as follows:

(1) The Administrative Officer may require the applicant to submit a performance bond in accordance with Section 4104 to ensure full completion of any outstanding work;

(2) The Administrative Officer will require the applicant to submit a performance bond in accordance with Section 4104 if any commonly-owned or shared improvements or infrastructure connections remain incomplete; and

(3) The applicant must apply for a final certificate of compliance prior to the expiration of the temporary certificate.

4206.G **Phased Development.** If the development will be phased, Administrative Officer may issue certificates of compliance for development within each phase that is completed in accordance with the permit and associated conditions of approval.

4206.H **Decisions.** The Administrative Officer must approve or deny applications for a certificate of compliance in writing as follows:

(1) **Approval.** When approving an application, the Administrative Officer must inform the applicant that the issuance of a certificate of compliance will not preclude the Town of Warren taking enforcement action in accordance with Subchapter 0 for any violation of the zoning permit or associated development approvals.

(2) **Denial.** When denying an application, the Administrative Officer must:

(a) State the reasons for the denial;

(b) Inform the applicant that the denial may be appealed to the Development Review Board within 15 days of the date of the decision;

(c) Include a copy of Section 4402, which explains the appeal process; and

(d) Commence appropriate enforcement action under Subchapter 0 if a violation of these regulations is found.

(3) **Reapplication.** The applicant may submit another application for a certificate of compliance, including all applicable fees, after remedying any conditions identified as the reason for the denial.

4206.I **Posting Requirements.** The Administrative Officer must post a copy of the certificate of compliance in at least one public place within 3 days after issuing it. The copy must remain posted throughout the 15-day appeal period.

4206.J **Filing Requirements.** The Administrative Officer must:

(1) Provide a copy of the certificate of compliance to the Listers within 3 days of issuance;

(2) Deliver an original, signed copy of the certificate of compliance to the Town Clerk for recording within 30 days of issuance; and

(3) File a copy of the certificate of compliance as part of The Administrative Officer's office records within 30 days of issuance.

4207 REVOKING PERMITS OR APPROVALS

4207.A The Administrative Officer may petition the Environmental Division of Superior Court to revoke a zoning permit and any associated development approvals if an applicant:

(1) Omitted or misrepresented a material fact on an application or at a hearing; or

(2) Violates the terms of the permit and any associated development approvals.

4208 APPEALING ADMINISTRATIVE ACTIONS OR DECISIONS

4208.A The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under these regulations to the Development Review Board as specified in Section 4402.

430 Development Approvals

Figure 4-01. **Development Approval Summary Table**

Section	Approval Type and Applicability	Approval By	Public Hearing	Review Criteria
4304	**Sign Approval**. New or modified sign for an existing use, and signs for uses not requiring site plan approval. All other signs approved as part of a site plan under site plan approval.	AO	No	Section 3107

4305.D	**Site Plan Approval, Minor**. Proposed development, other than a single- or two-unit dwelling or group home and associated accessory structures or uses, that does not meet any of the criteria for major site plan approval.	AO	No	Figure 4-02
4305.E	**Site Plan Approval, Major**. Proposed development other than a single- or two-unit dwelling or group home and associated accessory structures or uses, that involves: (a) new conditional use; (b) construction or major renovation of a structure with a footprint greater than 500 sf; (c) 5 or more dwelling units in a building; (d) a new access; or (e) a net increase in impervious surface of 2,500 sf or more.	DRB	Yes	Figure 4-02
4306	**Conditional Use Approval**. (a) All uses listed as "conditional" in Section 2112, (b) other uses or activities as specified in these regulations (ex., clearing or disturbance of steep slopes under Section 3020; and (c) major changes to an existing conditional use as defined in Subsection 4306.A .	DRB	Yes	Figure 4-02
4307	**Planned Unit Development, Conservation PUD.** Required for major subdivisions in the Rural and Rural Resource Protection Districts. May be proposed on any parcel in the Residential, Rural or Resource Protection Districts. Building lots are clustered to conserve contiguous open space resources, and to minimize infrastructure extensions, costs, and environmental impacts. May be eligible for a conservation density bonus.	DRB	Yes	Section 3401 Figure 4-02
4307	**Planned Unit Development, Neighborhood PUD**. May be proposed on any parcel in the Residential, Village Residential, Village Mixed Use, Resort Residential or Resort Mixed Use Districts for compact, walkable, residential neighborhood development. May be eligible for an affordable housing density bonus.	DRB	Yes	Section 3405 Figure 4-02
4307	**Planned Unit Development, Resort or Campus PUD**. May be proposed on any parcel in the Village Business, Village Mixed Use, Resort Mixed Use or General Business Districts for multi-use, multi-building, and resort development.	DRB	Yes	Section 3406 Figure 4-02
4308	**Building Envelopes, Existing Lots**. Required for development on undeveloped lots larger than 2 acres in the Rural and Rural Resource Protection Districts. DRB approval is required if the envelope will include meadowlands as shown on the Meadowlands Map.	AO/ DRB	No/Yes	Subsection 3307.C
4308	**Building Envelopes, New Lots**. Required for all lots larger than 2 acres created through subdivision that are intended for development, to be approved as part of	DRB	Yes	Subsection 3307.C

	the subdivision. Must exclude meadowlands as shown on the Meadowlands Map.			
4309	**Lot Line Adjustments, Lot Mergers**. Modification or elimination of lot lines between existing parcels that does not result in the creation of any additional or nonconforming lots.	AO	No	Subsection 4309.B
4310	**Footprint "Lot" on Existing Lot**. Allowed on an existing lot only as legally necessary to retain or convert property to condominium ownership.	AO	No	4310.C
4310	**Footprint "Lot" on New Lot**s. Allowed on an approved lot, in association with an approved subdivision, only when legally necessary for property that will be retained in or converted to condominium ownership.	DRB	Yes	4310.C(2)
4311	**Subdivision Approval, Sketch Plan**. Required for all subdivisions, as necessary to classify a subdivision as minor or major.	AO	No	Figure 4-02
4311	**Subdivision Approval, Preliminary**. Required for major subdivisions.	DRB	Yes	Figure 4-02
4311	**Subdivision Approval, Final**. Required for all subdivisions.	DRB	Yes	Figure 4-02

4302 APPLICATION PROCESS

4302.A **Pre-Application Conference.** A prospective applicant may request a pre-application conference with the Administrative Officer prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant and will not be deemed binding in the preparation or review of any subsequent application for development approval.

4302.B **Administrative Officer.** The Administrative Officer will assist prospective applicants by:

(1) Determining whether a project will require one or more development approvals under these regulations;

(2) Providing applicants with the necessary form(s) to apply for the required approval(s);

(3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development; and

(4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the State Community Assistance Specialist at the Regional Office of the Vermont Department of Environmental Conservation.

4302.C **Applicant.** The applicant must:

(1) Submit all required forms, supporting materials, and fees to the Administrative Officer to apply for a development approval under these regulations;

(2) Provide all the information necessary to demonstrate compliance with these regulations; and

(3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of their knowledge.

4302.D **Determination of Completeness.** The Administrative Officer must:

(1) Determine whether an application is complete, and inform the applicant, within 15 days after the date of submission; and

(2) If the application is incomplete, the Administrative Officer must inform the applicant in writing of the additional information required for a complete application.

4302.E **Application Requirements.** The Administrative Officer:

(1) **General Waiver.** May waive an application requirement upon written request by the applicant and upon the applicant demonstrating that the information is not necessary to determine compliance with these regulations;

(2) **Site Plan Drawings.** Will waive requirements for site plan drawings (Subsection 4303.A) for:

(a) Minor site plan applications that do not involve physical changes to the exterior of a structure or to the site, and

(b) Sign applications to be approved by the Administrative Officer under Section 4304.

(3) **Boundary Survey.** Will waive the requirement for a full boundary survey of a:

(a) Lot subject to a lot line adjustment or lot merger if the lot is more than 10 acres in size, and

(b) Parent parcel provided that the retained portion is more than 10 acres in size and is not less than 70% of the total acreage before subdivision.

(4) **Additional Information.** May require an applicant to provide additional information as necessary for the Development Review Board to determine compliance with these regulations.

(5) **Recordkeeping.** Must retain written documentation of any application requirement waived or additional material requested as part of the Administrative Officer's permit records and submit this information to the Development Review Board with the application. The Development Review Board may also require an applicant to provide additional information, including information under an application requirement waived by the Administrative Officer, if necessary to determine compliance with these regulations (see Subsection 4503.G).

4302.F **Referral to Development Review Board.** Once the Administrative Officer determines that an application is complete and the applicable fees have been paid, the Administrative Officer must warn a public hearing on the application by the Development Review Board at their next available regularly scheduled meeting, following the warning period required under Section 4501. The hearing on the application must be noticed and warned within 120 days of the date the application is deemed complete.

4302.G **Appeal of Administrative Actions.** The applicant or other interested person may appeal any Administrative Officer actions or decisions under this section to the Development Review Board as specified in Section 4402.

4303 APPLICATION REQUIREMENTS

4303.A **Site or Subdivision Plan.** Applicants must submit a site or subdivision plan with any application for a development approval that at a minimum conforms to the specifications below, and any application checklists provided by the Administrative Officer, unless a specific requirement is waived in accordance with Subsection 4302.E. It is the applicant's responsibility to provide the information necessary to demonstrate compliance with these regulations. As per Section 4302 and Subsection 4503.G, the Administrative Officer or Development Review Board may require an applicant to provide additional materials during the public hearing process.

(1) **Scale and Sheet Size.** All plan drawings must be to scale.

(a) Site plan drawings should be at a scale of 1 inch = 30 feet or less whenever possible. Plan drawings must not exceed a sheet size of 24" x 36".

(b) A preliminary or final subdivision plan must also include a draft survey plat prepared by a surveyor licensed by the state that meets the requirements of 27 V.S.A. Ch. 17.

(2) **Project Narrative.** The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of these regulations by listing the facts and reasons why the application meets each of the applicable criteria of Figure 4-02.

(3) **Deed of Record.** The applicant must provide a copy of the current deed of record filed in the town land records for the subject parcel.

(4) **Site or Subdivision Plan Drawing(s).** The applicant must submit a site or subdivision plan drawing(s) that includes the following information for the site proposed for subdivision or development and abutting properties:

(a) **Boundaries and Setbacks.** The location of all existing and proposed lot lines, building envelopes, building footprints or footprint lots, setbacks, easements, rights-of-way, monuments and survey pins;

(b) **Resources and Hazards.** The location of natural, historic, and archeological resources, and known flood, river corridor and other hazard areas, including but not limited to the resources identified in Section 3304 (applicants may rely on the information available from the Vermont Natural Resource Atlas or may provide field assessments and delineations prepared by a qualified professional);

(c) **Landform and Grading.** Existing and proposed contours (applicants may rely on lidar generated contours available from the Vermont Center for Geographic Information, or may provide a topographic survey prepared by a qualified professional);

(d) **Impervious Surfaces.** The use, location, distance from setbacks, and coverage

(square footage) of all buildings, structures, parking areas, and other impervious surfaces;

(e) **Greenspace.** The location and use of all dedicated greenspace and open space, and green stormwater infrastructure practices;

(f) **Access and Infrastructure.** The location and dimensions of all existing and proposed:

(i) Roads, driveways, sidewalks, walkways, bikeways, paths, and trails;

(ii) Points of access to surrounding roads, bike, sidewalk and trail networks, and associated easements;

(iii) Parking and loading facilities and spaces, snow storage, and waste storage or dumpster locations;

(iv) Water supply and wastewater system, infrastructure, including source protection areas, lines, connections, onsite systems, well shields, replacement areas, and associated easements; and

(v) Mechanicals and utilities, including utility corridors, lines and poles, on-site generators, solar energy installations and battery storage,

substations, utility cabinets, and heating, cooling and ventilation equipment.

(5) **Lighting Plan Drawing(s).** When outdoor lighting will be installed or modified, applicants must submit a lighting plan drawing(s) that includes the following information:

(a) Location, height, and initial output (measured in lumens) of all proposed outdoor light fixtures to be installed and existing outdoor light fixtures to be retained; and

(b) Specifications of all proposed light fixtures including any shields, mounting hardware, pole types and heights, and bases demonstrating compliance with the requirements of Section 3102.

(6) **Landscape Plan Drawing(s).** When landscaping will be installed or modified, applicants must submit a landscape drawing(s) that includes the following information:

(a) Location and species of all plant materials that will be used to meet landscaping or screening requirements under these regulations;

(b) Existing and proposed amenities associated with the landscape plan (hardscapes, fencing, walls, recreation facilities, benches, trash receptacles, bike racks, other site furniture, public art, etc.).

(7) **Architectural Drawing(s).** When the project involves construction of a new principal building or exterior modifications to an existing principal building, applicants must submit building elevations and other architectural drawings as necessary to demonstrate compliance with the applicable standards of these regulations.

(8) **Erosion Prevention, Sediment Control, and Stormwater Management Plan Drawing(s).** When the provisions of Section 3012 and/or Section 3021 apply to proposed development, applicants must submit erosion prevention and sediment control and stormwater management plan drawing(s) that demonstrate compliance with Section 3012 and Section 3021 as applicable.

4303.B **Signage Plan.** Applicants must submit a signage plan with any application for a zoning permit or development approval that involves the installation or modification of a sign that includes all required elements listed below, unless a specific requirement is waived in accordance with Subsection 4302.E:

(1) Type, location, height, and area of all existing and proposed signs;

(2) Design, materials, and colors of all existing and proposed signs; and

(3) Location, type, and initial output (measured in lumens) of all existing and proposed sign lighting.

4303.C **State Highways.** Applicants must submit a letter from the Vermont Agency of Transportation with any application for proposed development that involves access to a state highway that confirms that the access has been reviewed, indicates whether an access permit will be required and, if so, sets out any conditions that may be attached by the agency (see 3002.C).

4304 SIGN REVIEW

4304.A **Applicability.** The provisions of this section will apply to any application for a new or modified sign associated with an existing use or with a use not subject to site plan review. All other signs will be reviewed as part of the site plan review for the proposed development (see Section 4305).

4304.B **Review Process.** The Administrative Officer:

(1) May approve, deny, or refer sign applications to the Development Review Board for review following the same process established for major site plan applications in Section 4305;

(2) Must act on a complete sign application following the same process established for zoning permit applications in Subchapter 420;

(3) Must find that the proposed sign conforms to the standards of Section 3107 before approving a sign application; and

(4) May approve a sign application with conditions as necessary to ensure compliance with these regulations.

4304.C **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4305 SITE PLAN REVIEW

4305.A **Applicability.** All proposed development other than a single-family or two-family dwelling, a group home, or any accessory uses or structures to such a dwelling, requires site plan approval before the Administrative Officer may issue a zoning permit.

4305.B **Purpose.** The purpose of site plan review is to ensure that:

(1) The physical aspects of proposed development comply to all applicable provisions of these regulations;

(2) Proposed development is appropriately sited, and complements and is functionally integrated with surrounding development to the greatest extent feasible;

(3) Proposed development is of high quality and designed with landscaping, screening, outdoor lighting, signage, building form and mass, and architectural details that will be compatible with and enhance its setting;

(4) Access, driveways, parking facilities, emergency access, utilities, and other infrastructure are well designed and engineered, and sufficient to support the proposed development;

(5) Proposed development is designed and constructed to conserve energy and be energy efficient; and

(6) Proposed development is designed and constructed to avoid, or to minimize and mitigate adverse environmental effects to the greatest extent feasible.

4305.C **Classification.** The Administrative Officer will classify a site plan application for proposed development as follows:

(1) **Minor Site Plan.** The Administrative Officer will review minor site plans in accordance with Subsection 4305.D. Proposed development that does not meet the definition of a major site plan in Paragraph (2) below will be a minor site plan.

(2) **Major Site Plan.** The Development Review Board will review major site plans in accordance with Subsection 4305.E. Proposed development that includes any of the following will be a major site plan:

(a) Commencement of a new conditional use (this will not be interpreted to include expansions of an existing conditional use or the commencement of a new accessory use to an existing conditional use);

(b) Construction or major renovation of a principal structure or of an accessory structure with a footprint greater than 500 square feet;

(c) Any increase in the number of units within a building resulting in the total number of units in the building being 5 or more;

(d) Construction of a new access (this will not be interpreted to include modification of existing access); or

(e) Any increase of 2,500 square feet or more in impervious surface on a lot (this will not be interpreted to include resurfacing of existing impervious surfaces, including driveways and accesses).

4305.D **Minor Site Plans.** The Administrative Officer:

(1) Must act on a complete application for a minor site plan or site plan amendment following the same process established for zoning permit applications in Subchapter 420;

(2) May approve, deny, or refer minor site plan applications to the Development Review Board as necessary to determine compliance with these regulations;

(3) Must find that the proposed development meets the applicable criteria specified in Figure 4-02 before approving a site plan application; and

(4) May approve a minor site plan application with conditions as necessary to ensure compliance with these regulations.

4305.E **Appeal of Administrative Actions.** The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4402.

4305.F **Major Site Plans.** The Development Review Board:

(1) Must hold a public hearing and issue a decision on a major site plan or amended site plan application in accordance with Subchapter 450;

(2) Must find that the proposed development meets all applicable criteria specified in Figure 4-02 before approving a site plan or amended site plan; and

4305.G May approve a major site plan or site plan amendment with conditions as necessary to ensure compliance with these regulations. **Site Plan Amendments.**

(1) The Administrative Officer must review a request to amend an approved site plan under Sections 4204 and 4305.D above.

(2) The Development Review Board must review any request to amend an approved site plan that the Administrative Officer cannot approve under Sections 4204 or 4305.D.

(3) The process for applying for an amendment will be the same as for the original application.

(4) The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the approved site plan proposed for amendment.

(5) If the Development Review Board determines that the proposed amendment would materially change the development as approved to such an extent that it should be reviewed as a new application, the Board may deny the application and require that the applicant re-apply for full site plan review and approval, prior to the issuance of a zoning permit.

(6) An approved site plan amendment will not affect the expiration date of the original permit or other associated development approvals.

4306 CONDITIONAL USE REVIEW

4306.A **Applicability.** A landowner must obtain a development approval from the Development Review Board and a zoning permit from the Administrative Officer prior to commencing a new conditional use or making a major change in an existing conditional use. Minor changes may be approved by the Administrative Officer under Section 4204. Proposed development that includes any of the following will be considered a major change to a conditional use:

(1) Modification of any limits on off-site impacts established as a condition of approval such as hours of operation, noise, lighting, traffic generation, etc.;

(2) Expansion of the floor area occupied by the conditional use by more than 500 square feet;

(3) Increase in the number of dwelling units (this will not be interpreted to include accessory dwellings in accordance with Section 3205); or

(4) Construction of additional parking spaces or loading areas (this will not be interpreted to include construction of previously approved reserve parking or loading spaces).

4306.B **Purpose.** The purpose of conditional use review is to ensure that a proposed use will not have an undue adverse effect or impact that cannot be avoided, or minimized and mitigated, on:

(1) The capacity of existing and planned community infrastructure, facilities, and services;

(2) The character of the area affected, as defined by zoning district purpose(s), and town plan policies or objectives specific to the area proposed for development;

(3) Environmental quality, including natural, cultural, and scenic resources;

(4) Traffic on roads and highways in the vicinity of the project;

(5) Utilization of renewable energy resources, on- and off-site; and

(6) Under other bylaws and ordinances currently in effect.

4306.C **Acting on a Conditional Use Application.** The Development Review Board must hold a public hearing and issue a decision on a conditional use application in accordance with Subchapter 450.

4306.D **Review Criteria.** To approve a conditional use application, the Development Review Board must find that the applicant has demonstrated that the proposed development meets all applicable standards specified in Figure 4-02.

4306.E **Conditions of Approval.** The Development Review Board may approve a conditional use application with conditions as necessary to ensure compliance with these regulations.

4307 PLANNED UNIT DEVELOPMENT REVIEW

4307.A **Review Process.** A planned unit development (PUD), including a PUD master plan, will require subdivision approval under these regulations in accordance with Section 4311. If proposed development within a PUD also requires site plan and/or conditional use approval under these regulations, the Development Review Board will conduct those reviews concurrently with final subdivision review in accordance with Section 4312.

4308 BUILDING ENVELOPE REVIEW

4308.A **Administrative Review.** The Administrative Officer may approve a building envelope, consistent with these regulations, and any prior conditions of approval for:

(1) Modifications or relocations of a previously approved building envelope;

(2) The designation of a building envelope on a pre-existing lot when one is required under these regulations; and

(3) The designation of a building envelope on a lot created through subdivision when the designation of the building envelope has been deferred under Subsection 3307.D.

4308.B Building envelope review will follow the process established for zoning permit applications in Subchapter 420 and must be in accordance with the standards of Subsection 3307.C.

4308.C **Referral to the Development Review Board.** The Administrative Officer may refer an application for a building envelope to the Development Review Board for review as an amendment to an approved site plan under Subsection 4305.G or subdivision plat under Subsection4311.G, as necessary to determine compliance with these regulations and any prior conditions of site plan or subdivision approval.

4308.D **Filing Requirements.** Within 180 days after the Administrative Officer approves an application, the applicant must file a final subdivision plat showing the building envelope as approved for recording in the town's land records in accordance with Subsection 4311.F.

4309 REVIEW OF LOT LINE ADJUSTMENTS AND LOT MERGERS

4309.A **Purpose.** The provisions of this section are intended to allow landowners to modify or eliminate the lot lines between existing, lawful parcels. This process is the only means to modify or eliminate lot lines shown on an approved plat lawfully filed in the town land records (filing a revised deed alone will not modify or eliminate lot lines).

4309.B **Administrative Review.** The Administrative Officer may approve the realignment, relocation, or elimination of a boundary line between abutting lots following the same process established for zoning permit applications in Subchapter 420 provided that the proposed change:

(1) Will not result in an increase in the number of lots;

(2) Will not create a new nonconforming lot or structure (it may involve a pre-existing nonconformity);

(3) Will not increase the degree of nonconformity of a pre-existing nonconforming lot or structure by more than 25%; and

(4) Will not violate any conditions of a prior permit or approval.

4309.C **Referral for Subdivision Review.** The Administrative Officer may refer applications to the Development Review Board for review as a minor subdivision. The Development Review Board may approve lot line adjustments that will increase the degree of nonconformity of a pre-existing nonconforming lot or structure upon the applicant demonstrating that the proposed modification meets the criteria for a waiver in Figure 4-03.

4309.D **Filing Requirements.** Within 180 days after the Administrative Officer or Development Review Board approves an application, the applicant must file a final subdivision plat for recording in the town's land records in accordance with Subsection 4311.F.

4310 REVIEW OF FOOTPRINT LOTS

4310.A **Purpose.** The provisions of this section are intended to allow landowners to identify one or more "footprint lots" on a parcel if required for legal or financing reasons.

4310.B **Interpretation.** A footprint lot will not be considered a separate lot for the purpose of administering these regulations, including the subdivision of land under zoning district dimensional standards.

4310.C **Footprint Lots on Existing Parcels.** The Administrative Officer may approve footprint lots on existing parcels following the same process established for zoning permit applications in Subchapter 420 provided that the proposed change will:

(1) Conform to the requirements of 27 V.S.A. Chapter 15 for the formation and governance of condominiums, and the management of land, facilities, and infrastructure to be held in common.

(2) Not violate any prior permits or conditions of approval. **Footprint Lots on New Parcels.** The Development Review Board may approve footprint lots on new parcels being created through subdivision or within a planned unit development provided that the proposed plan conforms to the requirements of 27 V.S.A. Chapter 15 for the formation and governance of condominiums, and the management of land, facilities, and infrastructure to be held in common.

4310.D **Filing Requirements.** Within 180 days after the Administrative Officer or Development Review Board approves an application, the applicant must file a final subdivision plat identifying footprint lots as approved for recording in the town's land records in accordance with Subsection 4311.F.

4311 SUBDIVISION REVIEW

4311.A Applicability

(1) Subdivision approval by the Development Review Board, and the recording of an approved subdivision plat in the land records of the town, is required prior to:

(a) The subdivision of a lot or parcel of land into two or more parcels or lots;

(b) Any clearing, site preparation, site improvement, construction, or land development on any portion of a parcel to be subdivided for purposes other than farming or forestry, in accordance with Section 1103, except for preliminary land surveying and site work as provided in Section 3302;

(c) The sale, transfer, or lease of a portion of a parcel of land, except that a landowner may, without subdivision approval:

(i) Lease land for farming or forestry purposes in accordance with Section 1103;

(ii) Sell or grant rights-of-way or easements that do not result in the subdivision of land; or

(iii) File boundary surveys and corrective deeds in the town's land records to repair boundary metes and bounds or to correct technical errors with previously recorded surveys or deeds for existing parcels with known boundaries.

(2) The Administrative Officer must not issue any permits for land development on a lot created through land subdivision until the landowner has recorded a subdivision plat in the town's land records in conformance with these regulations.

4311.B **Purpose.** The purpose of subdivision review is to ensure that:

(1) Proposed land subdivisions conform to the planned pattern of development as set forth in the Warren Town Plan;

(2) Subdivided lots intended for development are suitable for development without endangering public health, safety or welfare;

(3) Provisions are made for site, infrastructure, facility, and service improvements necessary to serve the proposed subdivision including, but not limited to water supply, sewage disposal, stormwater management, utilities, and fire and emergency access, facilities, and services;

(4) Proposed subdivisions complement and are functionally integrated with surrounding development and the town's road network to the greatest extent feasible;

(5) Proposed subdivisions are designed to conserve energy and be energy efficient; and

(6) Proposed subdivisions are designed to avoid or, where necessary, to minimize and mitigate adverse environmental impacts to the greatest extent feasible.

4311.C Sketch Plan Review and Classification (Step 1)

(1) **Application.** The applicant must file a complete application form and sketch plan for review by the Administrative Officer.

(2) **Classification.** The Administrative Officer will classify an application for a proposed subdivision as follows:

(a) **Major Subdivision.** An applicant for a major subdivision approval must submit preliminary and final plans and draft survey platsfor review and approval by the Development Review Board in accordance with the provisions of this section. A subdivision that includes any of the following will be a major subdivision:

(i) The creation of 4 or more lots from one or more contiguous tracts of land under common ownership (inclusive of the parent parcel);

(ii) The construction of a new, extended, or upgraded road to serve 4 or more lots; or

(iii) A Planned Unit Development under Chapter 340 and Section 4307.

(b) **Minor Subdivision.** An applicant for a minor subdivision approval may skip the preliminary approval process and submit a final plan for review and approval by the Development Review Board in accordance with the provisions of this section. A subdivision that does not meet the definition of a major subdivision will be a minor subdivision.

(3) **Written Response.** The Administrative Officer must send the applicant a written response to a complete sketch plan application within 30 days of its filing that:

(a) Indicates whether the subdivision as proposed generally conforms to the

standards of these regulations;

(b) Makes recommendations to guide the applicant in preparation of more detailed plans;

(c) Requests any additional application materials deemed necessary to determine compliance with these regulations; and

(d) Classifies the proposed subdivision as either a major or minor subdivision in accordance with Paragraph (2) above.

(4) **Deadline to Act.** After the Administrative Officer issues the written response, the applicant will have 180 days to file the materials required for the next step of the subdivision review process.

(5) **Appeals.** The applicant or other interested person may appeal any of the Administrative Officer's actions or decisions under this section to the Development Review Board as specified in Section 4402. However, the Administrative Officer's written response to the sketch plan application will not constitute a formal decision on the subdivision plan for the purposes of any subsequent appeal to the Environmental Division of the Vermont Superior Court.

4311.D Preliminary Plan Review (Step 2 for major subdivisions only)

(1) **Application.** An applicant for major subdivision approval must file a complete application form and preliminary subdivision plan and plat for consideration by the Development Review Board. For a Planned Unit Development, a proposed master plan will be required in accordance with Section 3403.

(2) **Hearing and Notice.** The Development Review Board must hold a public hearing and act on a preliminary subdivision plan in accordance with Subchapter 450.

(3) **Written Response.** The Development Review Board must issue a written response to the preliminary plan that includes:

(a) Draft findings of fact that address each of the applicable criteria in Figure 4-05;

(b) Any proposed conditions of approval to be placed on the final plan;

(c) Any specific changes requested in the final subdivision plan;

(d) Issues to be analyzed and addressed in the final subdivision plan review;

(e) Any modification or waiver of application requirements for final plan review. The Development Review Board may:

(i) Request any additional application materials deemed necessary to determine compliance with these regulations; and

(ii) Modify or waive application requirements deemed unnecessary to determine compliance with these regulations.

(4) **Deadline to Act.** Following the Development Review Board issuing a written response, the applicant will have 180 days to file the final subdivision plan and plat.

(5) **Appeals.** The written response to a preliminary subdivision plan is intended to provide direction to the applicant in preparing the final subdivision plan. It is not a binding decision on the subdivision application and therefore cannot be appealed under Section 4403.

4311.E Final Plan Review (Step 2 for minor subdivisions and Step 3 for major subdivisions)

(1) **Application.** The applicant must file a complete application form and final subdivision plan and plat for consideration by the Development Review Board.

(2) **Purpose.** The purpose of final review is to evaluate the plan's conformance with the purposes and specific standards of these regulations and, for major subdivisions, to assure that the applicant has addressed the issues raised during the preliminary plan review.

(3) **Hearing and Notice.** The Development Review Board must hold a public hearing and act on a final subdivision plan in accordance with Subchapter 450. If a proposed subdivision will be located within 500 feet of the town line, a copy of the hearing notice must be sent to the clerk of the adjoining municipality.

(4) **Acceptance of Improvements.** The Development Review Board's approval of a final plan will not constitute the town's acceptance of any road, easement, open space, or other feature shown on the plan or plat. Action by the Selectboard is required to accept any road, easement, open space, or other feature proposed for dedication.

4311.F Filing Requirements (Step 3 for minor subdivisions and Step 4 for major subdivisions)

(1) If the Development Review Board approves the final plan, the applicant will have 180 days to submit the final subdivision plat for recording in the town's land records. If the subdivision will be phased, the applicant must file a plat for the first phase within 180 days and for subsequent phases in accordance with any schedule or time period established in the conditions of approval.

(2) The Administrative Officer may grant a 90-day extension to the filing deadline upon written request by the applicant if other local or state permits are still pending.

(3) The final subdivision plat must meet all state requirements (see 27 V.S.A. § 1403).

(4) The Administrative Officer or the Chair of the Development Review Board must sign the final subdivision plat before it is recorded in the town land records.

(5) No one must make any changes, erasures, modifications, or revisions to a final plat after it has been signed.

(6) Once lawfully recorded, a final subdivision plat will not expire.

(7) Landowners are advised to file new or revised deeds in accordance with state law for all lots created or modified by a development approval when filing a plat to ensure the lots have clear, marketable titles.

4311.G Modification of Approved Subdivisions

(1) Except for lot line adjustments or lot mergers approved under Section 4309 or footprint lots approved under Section 4310, the Development Review Board must review any request to amend an approved subdivision plat.

(2) The process for applying for an amendment will be the same as for the original approval.

(3) The process for reviewing and issuing a decision on an amendment will be the same as for the original approval except that the scope of the review will be limited to those aspects of the subdivision affected by the proposed amendment.

(4) The applicant must file an approved, amended plat in accordance with the provisions of Subsection 4311.F.

4312 COMBINED REVIEW

4312.A When proposed development requires more than one approval, the Development Review Board must warn and hold a single hearing for the purpose of reviewing and acting on the application unless the applicant requests separate hearings for each development approval.

4312.B The Administrative Officer will identify applications appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.

4312.C The Development Review Board must hold a public hearing and act on an application for combined review in accordance with Subchapter 450. In addition, the hearing notice must:

(1) Include a statement that the hearing will be a combined review of the proposed development; and

(2) List each type of review the Development Review Board will conduct.

4312.D The standards specified in Figure 4-02 for each review process will apply.

4312.E All hearing and decision requirements and deadlines applicable to each review process will apply.

4312.F The Development Review Board may issue a single written decision that includes findings of fact and conclusions of law under each review conducted as part of the combined hearing, or issue separate written decisions for each review, but decisions should be coordinated where appropriate.

Figure 4-02. **Development Review Criteria**

CRITERIA	SITE PLAN	CONDITIONAL USE	SUBDIVISION
1 The dimensional standards of the proposed development conform to the standards of the applicable district, Subchapter 130 if a pre-existing nonconformity, or is proposed as, or included in, a Planned Unit Development.	✓	–	✓
2 The impacts of the proposed development will not exceed the levels established in Section 3105 and outdoor use and activity areas associated with the proposed development will meet the standards of Section 3103.	✓	–	–
3 The proposed development will provide safe and adequate access and circulation for motorists (including service vehicles), bicyclists and pedestrians that conforms to the standards of Section 3002.	✓	–	✓
4 The proposed development will provide sufficient parking and loading areas that conform to the standards of Section 3104.	✓	–	–
5 The proposed development will provide exterior lighting where necessary for public safety and to facilitate nighttime use that conforms to the standards of Section 3102.	✓	–	✓
6 The proposed development will include landscaping, screening, and buffers to add visual appeal and mitigate impacts that conform to the standards of Sections 3101 and 3106.	✓	–	✓
7 The proposed development will implement appropriate erosion control and stormwater management practices that conform to the standards of Sections 3012 and 3021.	✓	–	✓
8 Signs for the proposed development will conform to the standards of Section 3107.	✓	–	✓
9 The proposed development will conform to town (or state, if applicable) specifications for construction of necessary improvements (roads, sidewalks, driveways, utilities, etc.), building codes, and standards for emergency service access.	✓	–	✓
10 The demand for water supply, wastewater, educational, recreation, public safety, emergency response and other municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned community facilities or services (ex.as established in any duly adopted capital budget and program).	–	✓	✓
11 The proposed development will be compatible with and will not have undue adverse effects on the character of the area as defined in Paragraph 5003.C(1).	–	✓	✓

CRITERIA	SITE PLAN	CONDITIONAL USE	SUBDIVISION
12 Traffic generated by the proposed development will not exceed the capacity of, unreasonably reduce the service level of, create congestion on, and/or contribute to unsafe conditions for motorists, bicyclists and pedestrians on roads, highways, and intersections in the vicinity.	–	✓	✓
13 The proposed development will avoid, or where necessary, minimize and mitigate any adverse effects on natural, cultural, and scenic resources, and environmental quality.	–	✓	✓
14 The proposed development will incorporate energy conservation and efficiency measures (including the use of renewable energy where feasible),and will meet or exceed state energy code requirements.	–	✓	✓
15 The proposed development will not result in an undue adverse impact on the ability of adjacent landowners to utilize renewable energy resources.	–	✓	✓
16 The proposed development will logically extend existing settlement patterns and create interconnected road networks to the maximum extent feasible given the terrain and other characteristics of the land.	–	–	✓
17 The proposed development will be designed and laid out to make efficient use of land and to minimize the amount of roads and other infrastructure necessary to serve the lots.	–	–	✓
18 Lots within the proposed development will vary in size and frontage, and buildings will vary in design (form, style, color, materials, etc.) and placement (i.e., not a 'cookie-cutter' subdivision).	–	–	✓

440 Appeals

4401 WHO MAY APPEAL

4401.A An applicant or other interested person may appeal an action taken or decision made under these regulations as specified in this subchapter by filing a notice of appeal.

4401.B For the purposes of these regulations, an interested person is:

(1) An applicant who alleges that these regulations impose unreasonable or inappropriate restrictions on the existing or future use of their property.

(2) The Town of Warren or any adjoining municipality.

(3) A person owning or occupying property in the immediate area of proposed development who can demonstrate:

(a) A physical or environmental impact on the person's interests; and

(b) That the action taken or decision made under these regulations is not in accord with the policies, purposes, or terms of these regulations or the *Warren Town Plan*, as most recently adopted.

(4) Any 20 persons or more who may be any combination of voters, residents, or real property owners in Warren, who by signed petition to the Development Review Board allege that any relief requested by a person, if granted, will not be in accord with the policies, purposes, or terms of these regulations or the *Warren Town Plan*, as most recently adopted. The petition must designate one person to serve as the petitioners' representative.

(a) However such an appeal shall not include "the character of the area affected" if the project has a residential component that includes affordable housing.

(5) Any department or administrative subdivision of the state that owns property or interest in property in Warren, and the Vermont Agency of Commerce and Community Development.

4402 APPEALS OF ADMINISTRATIVE OFFICER DECISIONS

4402.A An interested person may appeal any action or decision of the Administrative Officer to the Development Review Board by filing two copies of a notice of appeal and any applicable fees with the Warren Town Clerk within 15 days of the date of the Administrative Officer's action or decision.

4402.B The Town Clerk will forward one copy of the notice of appeal to the Development Review Board and the other to the Administrative Officer.

4402.C A notice of appeal must be in writing and must include the following information:

(1) The name and address of the appellant (the person filing the appeal);

(2) A statement that indicates how the appellant meets the definition of an interested person as established in Section 4401;

(3) A copy of the Administrative Officer's decision or description of the action and, if appealing a zoning permit, a copy of the permit application;

(4) A brief description of the subject property;

(5) Reference to the section(s) of these regulations that the appellant alleges the Administrative Officer has not properly followed or applied; and

(6) A statement of the relief the appellant is requesting, and why this is relief proper under the circumstances.

4402.D If an appeal is filed by a group of interested persons, then the notice of appeal must also designate one person to serve as a representative of the group regarding all matters related to the appeal.

4402.E The appellant may request a stay of enforcement as part of the notice of appeal by including a sworn statement that irremediable damage will directly result if the Development Review Board does not grant the stay.

4402.F Upon the filing of a notice of appeal, the Development Review Board must either:

(1) Warn and hold a public hearing on the appeal within 60 days of filing, in accordance with Chapter 450; or

(2) Reject the appeal without a hearing and render a decision within 10 days of the appellant filing the notice, if the Development Review Board determines that:

(a) It decided the issues in an earlier appeal;

(b) The appellant failed to establish interested person status in accordance with Section 4401; or

(c) The notice of appeal does not meet the requirements of Subsection 4402.C.

4402.G An appeal to the Development Review Board is the exclusive remedy for an interested person with respect to an action or decision of the Administrative Officer.

4402.H If no interested person appeals the Administrative Officer's action or decision to the Development Review Board within 15 days, the action or decision will not be able to be contested later.

4403 APPEALS OF DEVELOPMENT REVIEW BOARD DECISIONS

4403.A Any interested person who participated in a hearing on a matter before the Development Review Board may appeal the board's action or decision to the Environmental Division of the Vermont Superior Court within 30 days of the date of the board's action or decision. Note however that, per statute (24 V.S.A. § 4471):

(1) "Participation" in a local regulatory proceeding consists of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

(2) A determination by the Development Review Board under conditional use review that a residential development located within a state designated area will not result in an undue adverse effect on the "character of the area" will not be subject to appeal to the Environmental Division.

4403.B A prospective appellant must file a notice of appeal by certified mailing to the Environmental Division, and by mailing a copy of the notice to the Administrative Officer. The Administrative Officer must then provide the prospective appellant with the interested person list within 5 working days of receipt of the notice of appeal. It will then be the responsibility of the appellant to send the notice of appeal to every interested person who participated in the hearing by certified mail.

4403.C If the Administrative Officer has issued a zoning permit based on a Development Review Board approval, the appeal of that approval will be considered an appeal of the zoning permit as well and the applicant must not commence any use or development authorized by the zoning permit until the appeal is resolved. An interested person cannot use the procedures of Section 4402 to appeal the Administrative Officer's issuance of a zoning permit implementing a Development Review Board approval.

4403.D An appeal to the Environmental Division of the Vermont Superior Court is the exclusive remedy for an interested person with respect to an action or decision of the Development Review Board except as otherwise provided by state statute. If no interested person appeals a Development Review Board action or decision to the Environmental Division of the Vermont Superior Court within 30 days, all interested persons will be bound by that action or decision and will not be able to contest it later.

4404 WAIVERS

4404.A The Development Review Board:

(1) May approve waivers as specifically authorized in these regulations;

(2) May approve waivers that authorize an adjustment of up to 30% to a dimensional standard (as established for the applicable zoning district) of these regulations;

(3) Must not approve waivers within the Flood Hazard or River Corridor Overlay Districts;

(4) Must not approve waivers to reduce any riparian or wetland setback or buffer required under these regulations; and

(5) Must not approve a waiver to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

4404.B The applicant must file a complete zoning permit application and a written request for a waiver with the Administrative Officer that includes the following:

(1) A brief description of the subject property and proposed development;

(2) A reference to the dimensional standard(s) of these regulations that the applicant is requesting a waiver from;

(3) The specific modification(s) that the applicant is requesting; and

(4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the waiver (see Figure 4-03).

4404.C The Development Review Board must hold a public hearing and act on the waiver request in accordance with Chapter 450. If the applicant is requesting a waiver from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

4404.D To approve a waiver, the Development Review Board must find that all the applicable criteria specified in Figure 4-03 have been met.

4405 VARIANCES

4405.A The Development Review Board:

(1) May approve variances that authorize adjustments to the dimensional standards of these regulations under the specific circumstances described in this section.

(2) Must not approve a variance to allow a prohibited use, an increase in residential density, or the subdivision of a lot that does not conform to the applicable provisions of these regulations.

4405.B The applicant must file a complete zoning permit application and a written request for a variance with the Administrative Officer that includes:

(1) A brief description of the subject property and proposed development;

(2) A reference to the specific provision(s) of these regulations that the applicant is requesting a variance from;

(3) The specific modification(s) that the applicant is requesting; and

(4) A response to each of the criteria that the Development Review Board will use to decide whether to approve the variance (see Figure 4-03).

4405.C The Development Review Board must hold a public hearing and act on the variance request in accordance with Chapter 450. If the applicant is requesting a variance from the required setback from a state highway, notice of the hearing must also be sent to the Vermont Secretary of Transportation.

4405.D To approve a variance, the Development Review Board must find that the applicable criteria specified in Figure 4-03 have been met as follows:

(1) If the variance is for a renewable energy structure, only the criteria specific to a renewable energy variance apply;

(2) If the variance is for development within the Flood Hazard Overlay District, only the criteria specific to a flood hazard variance apply; or

(3) For all other variances, the general variance criteria apply.

Figure 4-03. **Waiver and Variance Review Criteria**

CRITERIA	WAIVER	GENERAL VARIANCE	RENEWABLE ENERGY VARIANCE	FLOOD HAZARD VARIANCE
1 The proposed development will not alter the essential character of the area in which the property is located.	✓	✓	✓	✓
2 The proposed development will not substantially or permanently impair the lawful use or development of adjacent property.	✓	✓	✓	✓
3 The proposed development will not be detrimental to public health, safety or welfare.	✓	✓	✓	✓
4 The proposed development is beneficial or necessary for the continued reasonable use of the property.	✓	–	–	–
5 The applicant is proposing adequate mitigation of any dimensional encroachment through design, screening or other remedy.	✓	–	–	–
6 The applicant has not created the unnecessary hardship.	–	✓	✓	✓
7 The applicant is proposing the least deviation possible from these regulations that will afford relief.	–	✓	✓	✓
8 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. These conditions, and not the circumstances or conditions generally created by the provisions of these regulations in the district in which the property is located, have created an unnecessary hardship for the applicant. These physical circumstances or conditions prevent the property from possibly being developed in strict conformity with these regulations and a variance is necessary to enable reasonable use of the property.	–	✓	–	✓
9 It would be unusually difficult or unduly expensive for the applicant to build a renewable energy structure in conformance with these regulations.	–	–	✓	–
10 The proposed development will not reduce access to renewable energy resources on adjacent property.	–	–	✓	–
11 The proposed land development meets all applicable federal and state rules for compliance with the National Flood Insurance Program.	–	–	–	✓

450 Notice, Hearings and Decisions

4501 NOTICE OF HEARING

4501.A Within 120 days of an application being deemed complete the Administrative Officer, the Development Review Board must notice and warn a public hearing on the application.

4501.B The Administrative Officer, acting on behalf of the Development Review Board, must notify the public at least 15 days before a hearing for all conditional use, variance, appeal, and final subdivision or planned unit development applications by:

(1) Publishing the date, place, and purpose of the hearing in a newspaper of general circulation in Warren.

(2) Posting the date, place, and purpose of the hearing at the Town Office and at least one other public place within Warren.

(3) Providing the applicant with a sign with the date, place, and purpose of the hearing to be posted within view from the public right-of-way most nearly adjacent to the subject property.

(a) It will be the applicant's responsibility to ensure that the notice remains posted for the entire warning period and to remove the sign within 2 days of the close of public hearing.

(4) Notifying the owners of all properties adjoining the subject property (including those across the road) in writing.

(a) The notification must include a description of the proposed project and must clearly explain to the recipient where to obtain additional information and that participating in the hearing is a prerequisite to having the right to any subsequent appeal.

(5) Notifying the Secretary of the Agency of Transportation for any application in which a waiver or variance is sought for setbacks from a state highway.

4501.C The Administrative Officer, acting on behalf of the Development Review Board, must notify the public at least 7 days before a hearing for all other Development Review Board actions by:

(1) Posting the date, place, and purpose of the hearing at the Town Office and at least two other public places within Warren.

(2) Notifying the owners of all properties adjoining the subject property subject (including those across the road) in writing. The notification must:

(a) Include a description of the proposed project;

(b) Identify where the recipient can obtain additional information; and

(c) Explain that the recipient must participate in the hearing in order to have the right to any subsequent appeal.

(3) Notifying the Secretary of the Agency of Transportation for any application in which a waiver or variance is sought for setbacks from a state highway.

4501.D A defect in the form or substance of the public notice requirements will not invalidate any action or decision under these regulations when a reasonable effort has been made to provide adequate posting and notice.

4502 SITE VISITS

4502.A The Administrative Officer or Development Review Board may require an applicant to grant them access to a site to better understand the proposed development and its potential impacts prior to issuing a decision on an application.

4502.B Development Review Board members may visit a site individually or as a group. A site visit must be noticed in accordance with Section 4501 and open to the public if a quorum of Development Review Board members will be present.

4502.C No testimony will be taken during a site visit. Observations made and information obtained during the site visit will not be part of the evidentiary record of a Development Review Board hearing unless the Development Review Board or an interested person requests to have the observations or information entered into the record during the hearing on the application.

4503 CONDUCTING A HEARING AND TAKING EVIDENCE

4503.A The Development Review Board must conduct public hearings, hear testimony, and take evidence according to the provisions of this section and its adopted rules of procedure.

4503.B The Development Review Board must hold a public hearing within 60 days of the Administrative Officer determining that an application is complete unless otherwise specified in these regulations or the applicant agrees to a later hearing date.

4503.C All hearings must be open to the public as follows:

(1) Any individual or group may appear and participate in a public hearing in person, through electronic means or by authorized representative or counsel, or may submit written testimony in advance of the hearing. All testimony must be made under oath or affirmation.

(2) The Development Review Board must give all those wishing to participate an opportunity to be heard as is relevant to the proceeding.

(3) The Development Review Board must give all those wishing to establish interested person status the opportunity to do so and must record the name, address, and participation of each of those people. Only an interested person (as defined in Section 4401) who has participated in a hearing by presenting oral or written testimony will have a right to appeal the resulting Development Review Board decision under Section 4403.

4503.D In taking evidence during a hearing, the Development Review Board may:

(1) Exclude irrelevant, immaterial, or unduly repetitious evidence;

(2) Receive evidence in written form, including copies and excerpts;

(3) Allow parties to conduct cross-examinations and compare copies of written evidence with the original; and

(4) Take notice of generally recognized facts.

4503.E The applicant or an authorized representative must be present (in person or by electronic means) at any public hearing on his/her application.

(1) The Development Review Board may recess or continue its consideration of an application to its next regularly scheduled meeting if the applicant or an authorized representative is not present.

(2) In the case of such a recess or continuation, the intervening days will not be counted as part of any time period within which the Development Review Board is required to act.

4503.F Development Review Board members must not communicate directly or indirectly with any applicant, interested person or their representative regarding a matter that is under consideration except during a properly noticed site visit or hearing.

4503.G It is the applicant's responsibility to demonstrate compliance with the applicable standards and review criteria of these regulations.

4503.H The Development Review Board may also recess or continue a hearing on any application pending submission of additional information necessary to determine compliance with these regulations, or upon the applicant's request. If the Development Review Board recesses or continues the hearing to a specific time, date and location, the hearing will not have to be warned again when resumed.

4503.I The Development Review Board must close the hearing promptly, once all information has been submitted and all those wishing to give testimony have been heard.

4504 DECISIONS

4504.A **Deliberations.** The Development Review Board may deliberate and issue a decision on an application in a deliberative session that is closed to the public.

4504.B **Time to Act.** Within 45 days of closing a hearing, the Development Review Board must issue a written decision to approve, approve with conditions, or deny the application.

4504.C **Deemed Approval.** If the Development Review Board does not issue a decision within 45 days of closing a hearing, the applicant may file an appeal directly with the Environmental Division of the Vermont Superior Court to recognize that the board's failure to act resulted in a "deemed approval" of the application.

4504.D **Findings.** The written decision must include a statement of the facts upon which the Development Review Board is basing its decisions and a statement of conclusions relating to the applicable review criteria and standards of these regulations.

(1) A decision rendered by the Development Review Board for a housing development or the housing portion of a mixed use development must not:

(a) Require a larger lot size than the minimum required under the regulations;

(b) Require more parking spaces than the minimum required under the regulations

and state statute (24 V.S.A. § 4414);

(c) Limit building size to less than that allowed under the regulations;

(d) Limit the density of dwelling units to below that allowed under the regulations;

(e) Otherwise disallow a development to abide by minimum or maximum standards as applicable.

(2) However, a decision issued by the Development Review Board may require adjustments to applicable standards listed above if the Board issues a written finding that:

(a) The modification is necessary to comply with a prerequisite state, federal, or municipal permit, or a nondiscretionary standard under these regulations or other municipal ordinance, including requirements related to wetland and surface water setbacks, flood hazard areas, and river corridors; and

(b) Identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed under the regulations.

4504.E **Conditions of Approval.** The Development Review Board:

(1) May attach any conditions it deems necessary to an approval to achieve the purposes of these regulations including, but not limited to:

(a) Specific performance standards such as limitations on hours of operation, noise, light or other off-site impacts;

(b) Required improvements to public facilities or infrastructure to serve the proposed development;

(c) Scheduling or phasing of development;

(d) Inspection or monitoring; and/or

(e) Performance bonds.

(2) Must specifically describe any conditions or limitations in the written decision. Any conditions attached to the Development Review Board's approval will be considered part of any subsequent zoning permit issued by the Administrative Officer for the approved development.

4504.F **Submittal of Revised Plans.** If the Development Review Board attaches conditions on an approval that require amendments to a plan, the applicant must submit an amended plan that satisfies those conditions prior to Administrative Officer issuing a zoning permit for the proposed development.

4504.G **Notification and Filing.** The Development Review Board must:

(1) Send a copy of the decision to applicant by certified mail;

(2) Send a copy of the decision to all others who participated in the hearing; and

(3) File a copy of the decision with the Administrative Officer.

4504.H **Effect and Expiration.** If the approved development is:

(1) Not substantially completed or commenced before the zoning permit expires as established in Section 4203, the development approval will expire with the zoning permit, except that approved subdivision plats lawfully filed in accordance with Subsection 4311.F will not expire.

(2) Substantially completed or commenced before the zoning permit expires as established in Section 4203, the development approval will remain in effect unless the use is discontinued as established in Section 1206. Development Review Board approvals and any related conditions run with the land and remain in effect irrespective of whether the property changes ownership.

460 Violations and Penalties

4601 APPLICABILITY

4601.A **Enforcement Required.** The Administrative Officer must act to enforce these regulations in accordance with state law and the provisions of this chapter. Violations of these regulations include, but are not limited to:

(1) Commencing land development for which zoning permit or development approval is required without first obtaining such an approval or permit;

(2) Failing to comply with all requirements, representations and conditions of any approved plan or permit;

(3) Commencing or continuing land development if the permit or approval authorizing the work has expired;

(4) Commencing clearing, site preparation or other land development prior to subdivision approval; and

(5) Selling, transferring or offering to sell or transfer land unless a subdivision plat has been approved and filed in full compliance with these regulations.

4601.B **Civil Ordinance.** A violation of these regulations will constitute a civil offense enforced in accordance with the provisions of 24 V.S.A. § 1974a or 24 V.S.A. §§ 4451, 4452 and 4454.

4601.C **Public Health, Safety and Welfare.** Nothing in this chapter will prevent the Town of Warren from exercising its authority to abate or remove risks or hazards to public health, safety and welfare, or to respond to emergencies or disasters.

4602 INVESTIGATION AND ACTION BY THE ADMINISTRATIVE OFFICER

4602.A **Investigation.** The Administrative Officer must investigate alleged violations of these regulations observed by or reported to him/her.

4602.B **Inspection.** The Administrative Officer may ask the landowner for permission to inspect the property. If the landowner refuses to grant permission to inspect the property, the Administrative Officer:

(1) May enter the public portions of any property in town (i.e., drive up driveway, walk to the door, etc.) and may use any observations made as evidence;

(2) May enter private portions of the property if invited by anyone who is lawfully on the premises (i.e., occupant, tenant, etc.) and may use any observations made as evidence; and

(3) May obtain a search warrant to inspect the property and gather evidence in accordance with 13 V.S.A. § 4701.

4602.C **Burden of Proof.** The Administrative Officer does not have to directly observe that a violation exists and may enforce these regulations as long as there is reason to believe a violation exists (i.e., complaint from a neighbor, evidence of materials being hauled/delivered, observations made from adjacent property or the road, refusal to allow inspection, etc.).

4602.D **Action.** Upon determining that a violation exists, the Administrative Officer must take appropriate action in an effort to enforce these regulations including, but not limited to any combination of the following:

(1) Issuing a municipal civil complaint ticket (see Section 4604) or a notice of violation (see Section 4605);

(2) Issuing a stop-work order;

(3) Requiring the landowner to apply for a curative zoning permit;

(4) Requiring the immediate removal of a violating structure or cessation of a violating use;

(5) Denying a certificate of compliance; and/or

(6) Imposing fines and penalties to the maximum extent allowed under state law until the landowner remedies the violation.

4602.E **Limitations on Enforcement.** The Administrative Officer must not enforce any known violation:

(1) That has existed for more than 15 years; or of

(2) A zoning permit that was issued after July 1, 1998 and was not filed in the town's land records.

4603 LIABILITIES AND PENALTIES

4603.A The landowner will be held responsible for any violation and be subject to any penalties imposed under these regulations.

4603.B Each day that a violation exists constitutes a separate offense under Section 4604 and Section 4605. The Administrative Officer or other authorized town staff may issue separate tickets and impose fines for each day that a violation exists.

4603.C If any enforcement action results in the need for a new or amended zoning permit or development approval, the Town of Warren may impose penalties in addition to the standard permit fees.

4604 MUNICIPAL CIVIL COMPLAINT TICKET

4604.A The Administrative Officer or other authorized town staff may issue a municipal complaint ticket for any violation of these regulations in accordance with the Judicial Bureau's procedure for municipal complaint tickets.

4604.B A violation ticketed under this section will be punishable by a fine of:

(1) $200 for a first offense, with a waiver fee of $100.

(2) $400 for a second offense ticketed for the same violation within 12 months, with a waiver fee of $200.

(3) $800 for a third and any subsequent offense ticketed for the same violation within 12 months, with a waiver fee of $400.

4604.C Upon the fourth offense, the Town of Warren may request that the case be transferred from the Judicial Bureau to the Environmental Division of Superior Court or another court of competent jurisdiction.

4605 NOTICE OF VIOLATION

4605.A The Administrative Officer may issue a notice of violation for any violation of these regulations. Prior to issuing a notice of violation in accordance with Subsection 4605.B, the Administrative Officer may seek to resolve a violation informally.

4605.B The Administrative Officer must:

(1) Send a notice of violation to the landowner by certified mail that:

(a) Describes the violation;

(b) Identifies the specific provision(s) of these regulations being violated;

(c) States the specific action required to cure the violation (see Subsection 4602.D);

(d) States that if the landowner has 7 days to cure the violation, after which time the town may institute court proceedings to obtain a court order directing compliance with these regulations and awarding fines up to the maximum amount allowed under state statute for each day that the violation continues from the date of the notice;

(e) States that further enforcement may occur without notice and an opportunity to cure if the violation occurs again within the next 12 months; and

(f) States that the notice of violation may be appealed as per Section 4402.

(2) Deliver a copy of a notice of violation to the Town Clerk for recording in the town's land records.

(3) Upon failure of the landowner to cure a violation of these regulations, the Town of Warren may institute appropriate court action.

A notice of violation issued under this section will be punishable by a fine of up to $200 for each offense (each day a violation continues to exist beyond the 7-day notice period counts as a separate offense).

5 DEFINITIONS

500 General

5001 INTERPRETATION

5001.A The words used in these regulations have their normal dictionary meaning unless they are specifically defined in these regulations. The Administrative Officer or Development Review Board, as applicable, will interpret the meaning of any term used in these regulations. That interpretation may be appealed in accordance with the provisions in Section 4402 or Section 4403.

5001.B The words defined in these regulations have the specified meaning stated unless the context clearly indicates that they have another meaning.

5001.C The definitions identified as being from state statute are intended to be consistent with that statute.

5001.D These regulations use:

(1) "Must" and "will" to express that something is required;

(2) "Must not" and "will not" to express that something is prohibited;

(3) "May" and "may not" for discretionary actions; and

(4) "Should" and "should not" when something is encouraged or discouraged.

5001.E These regulations use:

(1) "Parcel" and "lot" interchangeably to refer to areas of land delineated in a recorded subdivision plat or, if no recorded plat, in a deed;

(2) "Site" or "property" to refer to an area of land subject to a development project, regardless of whether it is an entire parcel, a portion of a parcel, or multiple parcels;

(3) "Property owner", "landowner", "applicant", "subdivider" or "developer" to refer to the party responsible or authorized to act under these regulations and those terms may include any individual designated to act on behalf of the responsible party;

(4) "Business" to refer generally to any nonresidential land use, regardless of whether it is a for-profit or non-profit enterprise; and

(5) "Home", "residence" or "dwelling" to refer to a dwelling unit that is intended for occupancy by a single household regardless of structure type or tenure (owned or rented).

5001.F There are illustrations provided throughout these regulations that are intended to provide guidance to readers. In the case of a conflict between an illustration (including any associated descriptive text) and a written provision of these regulations, the written provision will take precedence.

(1) Unless specifically stated otherwise, the calculation of time periods defined these regulations:

(2) As a specific number of days will be based on calendar days;

(3) As a specific number of months will be based on calendar months (ex. January 1 to July 1 is 6 months);

(4) As a specific number of years will be based on calendar years (ex. January 1 to January 1 is one year); and

(5) Will not include the first day (i.e., the day an application was submitted or a permit issued) but will count the final day (i.e., the day a hearing was held or a permit took effect).

5002 USE AND DIMENSIONAL STANDARDS

5002.A All uses allowed in one or more zoning districts are defined in Section 2112.

5002.B Dimensional standards and their method of measurement are defined in Section 2008.

5003 DEFINED TERMS

5003.A

(1) **ABANDONED DEVELOPMENT** means any improvement to land, construction, demolition or alteration of a structure that is not substantially completed prior to the expiration of the zoning permit authorizing the improvement. See Subsection 4203.F.

(2) **ABANDONED SIGN.** See definition of SIGN, ABANDONED.

(3) **ACCEPTED SILVICULTURE PRACTICES** means silvicultural practices, including forestry operations, that comply with "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont" as adopted by the Vermont Department of Forests, Parks, and Recreation. See Section 1103.

(4) **ACCESS** means a defined area designed to allow vehicles to enter/exit property from/to a road. Also referred to as a curb cut. See Section 3002.

(5) **ACCESSORY DWELLING UNIT.** See definition of DWELLING UNIT, ACCESSORY.

(6) **ACCESSORY STRUCTURE.** See definition of STRUCTURE, ACCESSORY.

(7) **ACCESSORY USE.** See definition of USE, ACCESSORY.

(8) **ACRE** means 43,570 square feet for purposes of these regulations, including determining the maximum residential density allowed on any one acre.

(9) **ACTIVE OUTDOOR RECREATION.** See definition of OUTDOOR RECREATION, ACTIVE.

(10) **ADAPTIVE REUSE** means the rehabilitation or renovation of an existing historic building that is listed, or 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 these regulations. See definition of REDEVELOPMENT.

(11) **ADMINISTRATIVE OFFICER** means the Warren Zoning Administrator. See Section 4001.

(12) **ADVERSE EFFECT OR IMPACT** means that proposed development will result in a substantial and material negative effect or impact that will prevent or diminish the reasonable use of property in the area, cause environmental damage or pollution, not conform to the performance standards of Section 3105, or damage or exceed the capacity of public infrastructure, services or facilities.

(13) **AFFORDABLE HOUSING** as defined in state statute means:

(a) Ownership housing with a total housing cost (principal, interest, taxes, insurance, and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 120% of the median income in Washington County or Vermont, whichever is greater; or

(b) Rental housing with a total housing cost (rent, utilities, and condominium association fees) that does not exceed 30% of the gross annual income of a household earning up to 80% of the median income in Washington County or Vermont, whichever is greater.

(14) **AFFORDABLE HOUSING DEVELOPMENT** as defined in state statute means a housing development of which at least 20 percent of the units, or a minimum of 5 units, whichever is greater, are affordable units. Affordable units are subject to covenants or restrictions that preserve their affordability for a minimum of fifteen years, or longer as provided in these regulations.

(15) **AGRICULTURAL FENCE.** See definition of FENCE, AGRICULTURAL.

(16) **AGRICULTURE.** See definitions of FARM, FARMING, REQUIRED AGRICULTURAL PRACTICES.

(17) **AIRPORT** means a facility specifically designed, intended for, and used by aircraft, to include runways, landing strips or helipads, aircraft maintenance and storage facilities, and facilities used for the sale, rental, or chartering of aircraft, for flight instruction, for crew and passengers, and for any associated public events. For purposes of these regulations, an airport is considered a type of TRANSPORTATION SERVICE. See Section 2112.

(18) **ALTERATION** means any addition or structural change to, or relocation of, a structure including, but not limited to, any change in the structure's dimensions or the number of units (residential or non-residential), or an increase in number of bedrooms in a dwelling unit. This definition specifically excludes normal repair and maintenance.

(19) **APPLICANT** means the owner of land to be developed under these regulations or a representative who has been duly authorized in writing by the owner to act as an authorized agent on the owner's behalf. Any other party with an interest in the proposed development may only apply for a permit or approval jointly with the property owner or authorized agent.

(20) **APPROVAL** means a final, written decision issued by the Development Review Board within statutory time limits that approves a proposed development, to include findings, conclusions, and any conditions of approval; or in the event of the board's failure to act within specified time limits, as deemed approved by the court and certified by the Town Clerk and recorded in town land records.

(21) **ATTACHED BUILDING.** See definition of BUILDING, ATTACHED.

5003.B

(1) **BEDROOM** as defined by state regulation means a room located within a dwelling that the residents use primarily as private sleeping quarters or that was designed for such use, and has at least one window, one closet, one interior door that allows the room to be closed off from the remainder of the dwelling, and a floor area of at least 80 square feet.

(2) **BERM** means a constructed mound of earth in excess of 2 feet in height used for decorative, screening, buffering or similar purposes (see Section 3013).

(3) **BICYCLE RACK** means a metal frame securely anchored to the ground that is designed to accommodate at least 2 bicycles, allows the bicycles to be locked to the frame with standard user-supplied locks, and is sufficiently separated from vehicular use areas to protect parked bicycles from damage.

(4) **BOARD** means the Warren Development Review Board, unless otherwise specified.

(5) **BUFFER** means an area or strip of land between adjoining land uses, or a land use and a natural feature, which is intended and designed to reduce the impacts of a proposed use on an adjoining use or feature. A buffer may include open space, woodland, landscaped areas, undisturbed vegetated areas, fencing, or other types of physical, visual, or sound barriers, as specified in these regulations.

(6) **BUILDING** means a structure with a roof that is supported by walls or columns, which is intended for the shelter, housing or enclosure of people, animals, vehicles, equipment, processes, goods or materials of any kind.

(7) **BUILDING, ATTACHED** means a building that has at least part of a wall in common with another building or that is connected to another building by a roof. Includes duplexes and townhouses, in which dwelling units share a common dividing wall.

(8) **BUILDING, DETACHED** means a building that is freestanding and structurally separated from other buildings.

(9) **BUILDING, ENCLOSED** means a building or a portion of a building that is roofed and has no open sides. It excludes open-air building elements like porches, stoops, or arcades.

(10) **BUILDING, PRINCIPAL.** See definition of STRUCTURE, PRINCIPAL.

(11) **BUILDING ENVELOPE** means a specific area of a lot that is delineated on a subdivision plat and in accordance with the standards of Subsection 3307.C.

(12) **BUILDING FACADE.** See definition of FACADE.

(13) **BUILDING MASSING** means the overall shape and size of a building, including its height, width, depth, form, and configuration, in relation to topography, the building site, and adjacent structures, buildings, streets, and open areas.

(14) **BUILDING ORIENTATION** means the location and position of a structure or building façade in relation to lot lines, building lines, streets, and open spaces or, for solar energy systems, solar access.

(15) **BUILDING SITE.** See definition of SITE, BUILDING.

5003.C

(1) **CAMPER.** See definition of RECREATIONAL VEHICLE.

(2) **CHARACTER OF THE AREA** means an area's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned (as described in the Warren Town Plan and the zoning district purpose statements) elements including, but not limited to:

(a) The physical setting including topography, surface waters, and vegetation;

(b) The pattern, type, scale and intensity of land use;

(c) Traffic conditions, street design, streetscaping and walkability;

(d) The bulk, form, size, scale, placement and arrangement of buildings;

(e) Historic resources, landmarks, views and scenic resources;

(f) The type, size, arrangement, use and accessibility of open space; and

(g) Noise, light, odors, vibration and other impacts perceptible off-site.

(3) **CLEARING** means the removal of existing woody vegetation from land for purposes other than farming or forestry in accordance with state regulations.

(4) **COMMERCIAL USE** means an activity, enterprise or business involving the sale or rental of facilities, goods, or services for purposes of making a profit.

(5) **COMMISSION** means the Warren Planning Commission, unless otherwise specified.

(6) **COMMERCIAL SIGN.** See definition of SIGN, COMMERCIAL.

(7) **COMPOSTING FACILITY** means a solid waste facility registered with or licensed by the state where organic matter, excluding sewage, septage, or sludge, is processed and microbiologically degraded under actively managed aerobic conditions to produce a stable material that can be safely used as a soil amendment. For purposes of these regulations, this excludes composting facilities, including residential composters, that are exempt under applicable state rules. See definition of WASTE SERVICE, Section 2112.

(8) **CONDOMINIUM** means a building or group of buildings in which dwelling units or other nonresidential uses are owned individually, and the structure(s), common areas, and facilities are owned by all owners on a proportional, undivided basis. An association of owners is responsible for managing and maintaining common areas and facilities. Condominium is a legal form of real property ownership under the Vermont Condominium Ownership Act (27 V.S.A. Chapter 15), and not a form of land development or building style.

(9) **CONDITIONAL USE** means a used that requires review and approval by the Development Review Board to assess the off-site impacts of proposed development, prior to the issuance of a zoning permit. See Section 4306.

(10) **CONFORMANCE WITH THE PLAN** means that proposed land development is in accord with the Warren Town Plan in effect at the time of application; specifically, that it:

(a) Makes progress toward attaining, or does not interfere with plan goals, objectives, and strategies specific to the type of development or area in which the development is located.

(b) Provides for land uses, densities, and intensities of development contained in the plan.

(c) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the plan.

(11) **CONTIGUOUS LAND** means:

(a) A parcel of land contained within a single, unbroken parcel boundary. For purposes of these regulations, a division of land by a natural feature (e.g., an intermittent stream channel) or by an access, path, trail, or utility easement, will not generally render such land noncontiguous. Also see definition of LOT.

(b) Two or more parcels of land that physically share a common lot line or boundary.

(12) **CONVERSION** means a change of use. See Section 1204.

(13) **CURB CUT.** See definition of ACCESS.

5003.D

(1) **DAMAGED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster provided that the cost of repairing the damage is less than 50 percent of the market value of the structure prior to the damage occurring.

(2) **DECK** means an unroofed platform, either freestanding or attached to a building, that is raised above ground level and supported by pillars or posts.

(3) **DEGREE OF NONCONFORMITY** means:

(a) The extent to which an existing, nonconforming lot does not conform to minimum dimensional requirements under these regulations; or

(b) The extent to which a nonconforming structure or portion of a nonconforming structure encroaches over a minimum setback or above a maximum height,

exceeds a maximum footprint, or otherwise does not conform to a dimensional requirement of these regulations; or

(c) The configuration or floor area (square footage) of a nonconforming use at the time it became nonconforming.

(4) **DEMOLITION** means the destruction and physical removal of a structure or portion of a structure from a lot.

(5) **DESTROYED STRUCTURE** means a structure or portion of a structure that has suffered a fire, flood or similar disaster when the cost of repairing the damage equals or exceeds 50 percent of the market value of the structure prior to the damage occurring.

(6) **DETACHED BUILDING.** See definition of BUILDING, DETACHED.

(7) **DEVELOPMENT.** See definition of LAND DEVELOPMENT.

(8) **DEVELOPMENT APPROVAL** means an approval granted for a site plan, conditional use, subdivision or other application under Subchapter 430 of these regulations.

(9) **DEVELOPMENT RIGHT** means:

(a) The right to subdivide or develop a parcel of land in conformance with these regulations, including the standards for the zoning district in which the parcel is located; or

(b) For purposes of transferring development rights, the equivalent of the development potential of a parcel of land under these regulations (e.g., potential number of dwelling units) which may be severed from the parcel (sending parcel) and transferred for use on another parcel (receiving parcel), as allowed under these regulations, in accordance with statute (24 V.S.A. § 4423).

(10) **DRIVE-THROUGH** means a structure or portion of a structure used to provide service to patrons who remain seated within their vehicle. This definition specifically excludes valet service, check-in parking and passenger pick-up or drop-off areas. See Section 3009.

~~(11)~~ **DRIVEWAY** means a vehicular travel way that provides access to not more than 3 lots or principal uses.

(12) **DUPLEX.** See definition of TWO-FAMILY DWELLING under Section 2112.

(13) **DWELLING UNIT** means a structure or part of a structure intended for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation and meets the minimum requirements of Section 3009.A(8).

(14) **DWELLING UNIT, ACCESSORY** means a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or within an accessory structure on the same lot. See Section 3205.

(15) **DWELLING UNIT, MULTIFAMILY OR MULTI-UNIT** means a residential or mixed-use building that contains three or more dwelling units that are not accessory dwelling units, for habitation by three or more households. For purposes of these regulations, this definition includes townhouses, triplexes, fourplexes, and condominium or apartment buildings. See Section 3202.

5003.E

(1) **ELECTRONIC MESSAGE SIGN.** See definition of SIGN, ELECTRONIC MESSAGE.

(2) **ENCLOSED BUILDING.** See definition of BUILDING, ENCLOSED.

(3) **ENERGY GENERGATION FACILITY** means the use of land, structures, or other facilities to generate electric power through the conversion of thermal, steam, wind, solar or hydro energy. Such facilities that require a Certificate of Public Good from Vermont Public Utilities Commission, including wind generation and solar installations connected to the grid, are exempted from these regulations, except as provided in Section 3011, in accordance with state statute. Other generating facilities which provide electricity for onsite use may be allowed as an accessory to a principal use or structure.

(4) **ENLARGEMENT** means any increase in the footprint or height of a structure.

(5) **ESSENTIAL SERVICES** means the infrastructure used to provide a single lot or customer with a utility service such as electricity, gas, telephone, cable, water or sewer. This definition specifically excludes facilities or infrastructure subject to a Certificate of Public Good. See Section 1102.

5003.F

(1) **FACADE** means the front of a building or any of its sides facing a road or other public space.

(2) **FAMILY.** See definition of HOUSEHOLD.

(3) **FARM** means one or more parcels of land devoted primarily to farming that meets the definitions and minimum thresholds established in the Vermont Agency of Agriculture's Required Agricultural Practices Rule (see Section 1103). If there is uncertainty as to whether a property qualifies as a farm, the Vermont Agency of Agriculture can provide an official farm determination upon request. See definitions of FARMING, REQUIRED AGRICULTURAL PRACTICES.

(4) **FARMING** as defined by the Vermont Agency of Agriculture, Food, and Markets includes:

(a) The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops; or

(b) The raising, feeding, or management of livestock, poultry, fish, or bees; or

(c) The operation of greenhouses; or

(d) The production of maple syrup; or

(e) The on-site storage, preparation, and sale of agricultural products principally produced on the farm; or

(f) The on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm; or

(g) The raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

(5) **FARM STRUCTURE** means a structure on a farm that is used for farming that meets the definitions and minimum thresholds established in the Vermont Agency of Agriculture's Required Agricultural Practices Rule (see Section 1103).

(6) **FENCE** means a constructed barrier erected to enclose, screen or separate areas of land. This definition specifically excludes berms and barriers created entirely by vegetation.

(7) **FENCE, AGRICULTURAL** means a fence located on a farm that is used to enclose livestock or crops for purposes of confinement or protection (see Section 1103).

(8) **FINISHED GRADE.** See definition of GRADE, FINISHED.

(9) **FLAT ROOF** means any roof with a slope of not more than 5% (or 0.6:12 pitch).

(10) **FLOOR AREA** means the sum total horizontal area of all enclosed floors of a building as measured from the exterior face of the exterior walls or the centerline of a common wall between attached buildings including any heated space in a basement, attic, mezzanine or attached garage or other accessory building with a floor-to-ceiling height of 7 feet or more.

(11) **FOOTPRINT** means the area encompassed by a building's exterior walls at ground level.

(12) **FOREST BLOCK** means a contiguous area of forest in any stage of succession that is not currently developed for nonforest use. A forest block may include recreational trails, wetlands, or other natural open areas or features that do not include tree cover.

(13) **FOREST FRAGMENTATION** means the division or conversion of a forest block by land development other than a recreational trail, or a use that is exempt from municipal regulation.

(14) **FORESTRY OPERATION** means activities related to the management of forests, including timber harvesting, pruning, planting, and reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization. A forestry operation also includes the primary, onsite processing of forest products of commercial value in association with timber harvesting operations. This definition specifically excludes sawmills, lumber yards, and similar facilities used for the processing and manufacture of wood products, including firewood from timber harvested offsite.

(15) **FORMER MEADOWLAND** means meadowland included within and regulated under the former Town of Warren Meadowland Overlay District, as referenced in prior permits and conditions of approval. See definition of MEADOWLAND; "Former Meadowland Overlay Map."

(16) **FRANCHISE OR CORPORATE DESIGN** means a standardized design that is trademarked or identified with a particular franchise or corporation and that is replicated in multiple locations with minimal variation.

(17) **FRANCHISE OR CORPORATE IDENTIFICATION ELEMENTS** means the visual elements that are trademarked or identified with a particular franchise or corporation and that are used in various applications to identify or promote that franchise or corporation including, but not limited to: logos, wordmarks, symbols, graphics, images, color palettes, typefaces, or typographic treatments.

(18) **FRONT YARD.** See definition of YARD, FRONT.

(19) **FRONTLINE** means a line extending parallel from the exterior front wall of a building.

(20) **FULLY SHEILDED LIGHT FIXUTRE.** See definition of LIGHT FIXTURE, FULLY SHIELDED.

5003.G

(1) **GLARE** means light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

(2) **GRADE, FINISHED** means the completed, post-construction surface elevation of land disturbed by development.

(3) **GRADE, NATURAL** means the original, pre-construction surface elevation of land prior to its being disturbed by development.

5003.H

(1) **HABITAT CONNECTOR** as defined in statute means land, water, or both that link patches of wildlife within a landscape, allowing the movement, migration, and dispersal of animals and plants and the functioning of ecological processes. Also referred to as a "wildlife corridor." For purposes of these regulations, Includes mapped wildlife crossings.

(2) **HANDICAP OR DISABILITY** as defined in state statute means a physical or mental impairment that limits one or more major life activities. This definition specifically excludes a person who constitutes a direct threat to property or the safety of others due to current alcohol or drug use.

(3) **HARD SURFACE** means soil that has been compacted and covered with a material such as concrete, asphalt, stone, brick, gravel, stone dust or wood that allows it to be used for vehicular or pedestrian access, parking, storage or similar purposes without resulting in soil erosion or muddiness.

(4) **HAZARDOUS MATERIAL** means any substance or material that by reason of its form, quantity, toxic, caustic, corrosive, abrasive or otherwise injurious properties may pose a risk to health, safety or property including, but not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, compressed gasses, or any substance defined by the state or federal government as a hazardous material.

(5) **HAZARDOUS WASTE** as defined in state statute means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including, but not limited to, those which are toxic, corrosive, ignitable, reactive, strong sensitizers or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause or contribute to an increase in mortality or an increase in serous irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.

(6) **HEAVY VEHICLE OR EQUIPMENT** means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more, or machinery such as excavators, loaders, bulldozers, backhoes, cranes or forklifts.

(7) **HISTORIC STRUCTURE** means a structure listed, either individually or as a contributing structure within a historic district, in the National Register of Historic Places or the Vermont Register of Historic Places, or a structure that the State Historic Preservation Officer or the Vermont Advisory Council on Historic Preservation determines to be historically significant and eligible for such listing.

(8) **HOUSEHOLD** means one or more people who live together as a single housekeeping unit and share meals, expenses and common use of the property. The residents of a group home that meets the requirements of Section 1105, or a rooming and boarding house that meets the requirements of Section 3204 will be considered a household for the purposes of these regulations.

5003.I

(1) **IMPERVIOUS SURFACE** means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, exposed ledge, constructed ponds and pools, buildings and other structures, parking lots, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel, compacted earth or similar materials. This definition excludes hard surfaces and materials used as a green stormwater infrastructure practice that are specifically designed, constructed and maintained to be pervious (see Section 3021).

(2) **IMPROVEMENT** means any physical addition to real property, or any part of such addition, including a building, structure, parking facility, wall, fencing, landscaping, or infrastructure. For purposes of flood regulation see the definition of SUBSTANTIAL IMPROVEMENT under Subsection 2201.T.

(3) **IMPROVEMENT, PUBLIC** means any improvement owned and maintained by the Town of Warren, or by any other department or branch of government.

(4) **INN.** See definition of LODGING FACILITY, Sections 2112 and 3213**.**

(5) **INTERESTED PERSON** as defined in state statute means a person(s) who may appeal any decision or act taken by the Administrative Officer or Development Review Board under these regulations. See Section 4401 and 24 V.S.A. § 4465.

(6) **INTERNALLY ILLUMINATED SIGN.** See definition of SIGN, INTERNALLY ILLUMINATED.

5003.J

(1) **JUNK** as defined in state statute means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts.

(2) **JUNK MOTOR VEHICLE** as defined in state statute means a discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or motor vehicle parts, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of 90 days.

5003.K

5003.L

(1) **LAND DEVELOPMENT** as defined in state statute means:

(a) The division of a parcel into two or more parcels;

(b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;

(c) Mining, excavating or filling; or

(d) Any change in, or extension of, the use of land or a structure.

(2) **LEVEL OF SERVICE** means:

(3) A measure of the capacity of a public facility or service in relation to the demand for that facility or service.

(4) As specific to traffic studies, a measure of traffic conditions along a given road, or at a particular intersection, typically ranging from “A” (minimum delays) to “F” (long delays).

(5) **LIGHT FIXTURE** means a complete lighting assembly, including one or more lamps (bulbs), housing, reflectors, lenses and/or shields, that functions as a single unit and is connected to a single support assembly (ex. pole, standard or mounting bracket) used for illumination, decoration, security and/or advertising.

(6) **LIGHT FIXTURE, FULLY SHEILDED** means a light fixture constructed, installed and used in such a manner that all light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downward). Spot or flood lamps are fully shielded if they are aimed straight down.

(7) **LIGHT FIXTURE, PARTIALLY SHEILDED** means a light fixture constructed, installed and used in such a manner that most of the light the fixture emits (either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any of the fixture) is projected below the horizontal (downwards). Light is emitted at or above the horizontal direction (outwards or upwards) only from decorative elements or through strongly colored or diffusing materials. Spot or flood lamps are partially shielded if they are aimed no higher than 45° above straight down.

(8) **LOT** means an area of land with identifiable boundaries and dimensions, exclusive of road rights-of-way, that is formally described and recorded in the town land records and that can be lawfully owned and conveyed separately from any other land. Land divided by town or state roads or road rights-of-way, the Mad River or other surface waters with a drainage area of greater than 10 square miles will be considered separate lots for the purposes of these regulations.

(9) **LUMINOUS TUBE LIGHT** means a light fixture:

(a) Created by or containing gas discharge tubes that emit light or glow when electric voltage is applied;

(b) Replicates the appearance of gas discharge tubes using LED tubes or other technology.

5003.M

(1) **MAINTAINED ROAD.** See definition of ROAD, MAINTAINED.

(2) **MAJOR RENOVATION** means any structural alteration to the foundation, roof, floor, exterior walls, or internal load-bearing walls of a building.

(3) **MANUFACTURED HOME** means a building that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and conforms to the National Manufactured Home Construction and Safety Standards. This definition specifically excludes recreational vehicles. See Section 3015.

(4) **MATERIAL CHANGE** means a change in the planned use or development of land or a structure that may have changed the decision made or any conditions placed on the permit if it had been included in the plans as approved.

(5) **MEADOWLAND** means (a) an open field, including grasslands, pastureland, and hay fields vegetated by grasses, herbs and other nonwoody plants; but which may also include trees, shrubs, and cropland in active agricultural production; or (b) for purposes of these regulations, areas within the former "Town of Warren Meadowland Overlay District," as referenced for protection under previously issued permits and conditions of approval. As mapped, these include open land that was once and may still be in use for agriculture, and land that has since transitioned to woodland. These areas continue to have value as open space, and for potential agricultural use due to the quality of their soils. See "Meadowlands Map."

(6) **MINI-STORAGE BUILDING** means a single-story building divided into individual, self-contained units each of which is accessed solely from outside the building and which are intended to be leased to individuals, organizations or businesses for the self-storage of personal property.

(7) **MIXED-USE BUILDING** means a building that includes at least one dwelling unit and one principal nonresidential use.

(8) **MIXED-USE DEVELOPMENT** means a single development site that includes at least one principal residential building and one principal nonresidential building, or one or more mixed-use buildings. The plan for the site must be unified and coordinated with the uses functionally integrated through shared pedestrian and vehicular access, parking and similar means.

(9) **MOBILE HOME.** See definition of MANUFACTURED HOME.

(10) **MOBILE HOME PARK** means any parcel of land under single or common ownership or control that contains, or is designed, adapted, or laid out to accommodate three or more mobile homes; except as used to house farmworkers as a benefit or condition of employment, or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. For purposes of these regulations, a mobile home park is considered a type of Multi-unit Development under Section 3015.

(11) **MOTOR VEHICLE** means any self-propelled conveyance used to transport people, animals, goods or materials.

5003.N

(1) **NATURAL GRADE.** See definition of GRADE, NATURAL.

(2) **NOISE** means an unwanted sound that may disturb or annoy the average person.

(3) **NONCONFORMITY** means a lot, structure or use that lawfully existed prior to the adoption or revision of these regulations, but now does not conform to one or more standards of these regulations (see Subchapter 130).

(4) **NORMAL MAINTENANCE AND REPAIR** means the regular upkeep of property to avoid deterioration, fix damage caused by normal wear and tear, and/or replace worn out components in kind, which does not result in a change in the use or dimension of any structure, or in a structural alteration.

5003.O

(1) **OPEN SPACE** means land not occupied by structures, buildings, roads, driveways, and parking areas. Open space includes but may not be limited to Open space includes, but may not be limited to woodlands, meadowlands, natural areas, parks, and land actively managed for farming or forestry. Such areas may include accessory structures or facilities to uses allowed within open space areas under these regulations.

(2) **OUTDOOR DISPLAY** means the placement of merchandise, goods, materials, vehicles, or equipment for sale, rental, lease or advertising in an unenclosed area.

(3) **OUTDOOR RECREATION, ACTIVE** means:

(a) A more formal recreational activity, often performed with others, that requires specialized equipment, facilities, fields, courts, ranges and/or related structures, to include alpine ski facilities, golf courses, and terrain parks; or

(b) Any recreational activity that Involves use of motorized vehicles or firearms.

(4) **OUTDOOR RECREATION, PASSIVE** means: a recreational activity that does not have undue adverse environmental or off-site impacts, including:

(a) (a) Less formal, individual leisure activities, such as running, walking, picnicking, or birdwatching, which can be conducted in a minimally developed open space; and

(b) Well-managed, low-impact public recreational facilities such as hiking trails, backcountry or cross-country ski trails, mountain bike trails, and other non-motorized trails. This specifically excludes motorized trail uses, including dirt bikes, ATVs/UTVs and 4WDs.

(5) **OUTDOOR STORAGE** means the keeping of any merchandise, goods, materials, vehicles, equipment, junk or waste in an unenclosed area and in the same place for more than 24 hours.

5003.P

(1) **PARCEL.** See definition of LOT.

(2) **PARTIALLY SHEILDED LIGHT FIXUTRE.** See definition of LIGHT FIXTURE, PARTIALLY SHIELDED.

(3) **PASSIVE OUTDOOR RECREATION.** See definition of OUTDOOR RECREATION, PASSIVE.

(4) **PATIO** means a level, hard-surfaced area not covered by a permanent roof and not more than 6 inches above or below grade intended to be used as an outdoor living or dining area or public gathering space.

(5) **PAVE** means to cover the ground with asphalt, concrete, stones, gravel, stone dust, brick, tile, wood, or other impervious materials used to cover the ground in order to make a firm, level surface suitable for vehicular or pedestrian use.

(6) **PERMANENT FOUNDATION** means a slab, walls and/or footings constructed of concrete, masonry or similar durable, load-bearing materials that extend below the frost line and that form a secure, stable base to which a structure may be attached.

(7) **PERSON** means an individual, partnership, corporation, association, trust, incorporated or unincorporated organization or group, or other legal or commercial entity, including a municipality or state agency.

(8) **PLAT** means a map or plan drawn to scale of one or more parcels, tracts, or subdivisions of land, showing, but not limited to, boundaries, corners, markers, monuments, easements, and other rights, that meets the requirements of 27 V.S.A. Chapter 17. See definition of SURVEY.

(9) **POTABLE WATER SUPPLY** means the source, treatment, and conveyance equipment used to provide water used or intended to be used for human consumption, including drinking, washing, bathing, the preparation of food, or laundering, as regulated by the state. This definition includes individual, potable (non-public) water supplies, as defined by the state. See definition of PUBLIC WATER SYSTEM.

(10) **PRIMARY AGRICULTURAL SOILS** means soils mapped and rated by the USDA Natural Resources Conservation Service as soils with prime, statewide or local significance for agricultural production. Primary agricultural soils are shown in the ANR Natural Resources Atlas.

(11) **PRINCIPAL BUILDING.** See definition of STRUCTURE, PRINCIPAL.

(12) **PRINCIPAL ENTRANCE** means an entry that is intended to provide the general public with direct access to one or more principal uses within a building. This definition does not include entrances intended to access dwelling units, service areas or other portions of a building not open to the general public.

(13) **PRINCIPAL STRUCTURE.** See definition of STRUCTURE, PRINCIPAL.

(14) **PRINCIPAL USE.** See definition of USE, PRINCIPAL.

(15) **PRIORITY FOREST BLOCK** means a contiguous area of undeveloped forest that provides important interior forest habitat as mapped and identified in the Warren Town Plan.

(16) **PRIVATE ROAD.** See definition of ROAD, PRIVATE.

(17) **PUBLIC ART** means a fountain, monument, sculpture, painting, mural or similar art object that is:

(a) Visible from public vantage points;

(b) Intended for the enjoyment of the general public; and

(c) Not designed or located to identify or draw attention to a business and the type of products sold, manufactured or assembled, or the type of services or entertainment offered or available on the premises.

(18) **PUBLIC PARK** means an area of land made available to the general public for active or passive recreational use. This definition does not include private property that a landowner has made available for public recreation use (i.e., for hunting, fishing, use of trails, etc.) unless dedicated for such a purpose through legally binding means.

(19) **PUBLIC ROAD.** See definition of ROAD, PUBLIC.

(20) **PUBLIC WATER SYSTEM** as defined and regulated by the state means any source or combination of sources owned and controlled by a person that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 services connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. Such systems include Public Community Water Systems, Public Non-transient Non-Community Water Systems, and Public Transient Non-Community Water Systems. See definition of Potable (Non-Public) Water Supply.

5003.Q

(1) **QUALIFYING PRODUCT** as defined in state statute means a product that is :

(a) An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;

(b) Livestock or cultured fish or a product thereof;

(c) A product of poultry, bees, an orchard, or fiber crops;

(d) A commodity otherwise grown or raised on a farm; or

(e) A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

5003.R

(1) **REASONABLE USE** means a use that is allowed within the zoning district, provides a benefit to the owner, does not prevent or interfere with the reasonable use of other properties in the area, and does not result in adverse environmental or off-site impacts. Reasonable use does not mean the highest, best or most profitable 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., a garage or swimming pool).

(2) **REAR YARD.** See definition of YARD, REAR.

(3) **RECONSTRUCT** means to rebuild a structure that was damaged, destroyed or demolished in accordance with these regulations.

(4) **RECOVERY RESIDENCE** means a shared living residence supporting persons recovering from a substance abuse disorder that is certified by an organization approved by the Vermont Department of Health or is pending such certification. See definitions of GROUP HOME, CARE HOME, Sections 1105 and 2112.

(5) **RECREATIONAL VEHICLE** means a registered motor vehicle or trailer designed and used for recreational travel and camping that can be legally driven or towed without a commercial driver's license or a special permit for an oversize or overweight vehicle, and that is maintained in a condition that allows it to be legally and readily driven or towed off the site. This definition includes but is not limited to motor homes, converted buses, camper vans, truck campers, fifth wheels, pop-up campers and travel trailers.

(6) **REQUIRED AGRICULTURAL PRACTICES** means those standards to which all types of farms and farming practices, including farm structures other than dwellings, must be managed, as defined by the Agency of Agriculture, Food, and Markets (see Section 1103).

(7) **RETAINING WALL** means a wall used to make a grade change by retaining at least 2 feet of soil and preventing the soil from slumping, sliding or falling. This definition does not include any wall used to support or provide a foundation for a building or other structure (see Section 3013).

(8) **REDEVELOPMENT** means new development, including but not limited to new construction and additions to, or reconstruction of, existing structures, on a previously developed lot.

(9) **RIDGELINE** means the line that runs along the highest points of a mountain ridge or crest, characterized by steeply sloping terrain on either side. Ridgelines are also defined as the areas of higher ground that separate two adjacent watersheds or streams. The term does not include intermediate steps, terraces, or elevations along the face of an adjoining slope.

(10) **ROAD** means a vehicular right-of-way, to include a street or highway, that serves as the principal means of access to four or more lots or principal buildings. A "road" includes the entire right-of-way.

(11) **ROAD, MAINTAINED** means a road that is kept open and maintained so as to be safe and suitable for use by a passenger vehicle on a year-round basis.

(12) **ROAD, PRIVATE** means a road, to include a development road, that is not owned or maintained by the state or town.

(13) **ROAD, PUBLIC** means a road that is owned and maintained by the state or town.

(14) **ROAD STUB** means a road segment extending to the property boundary that is designed to be further extended when the adjacent property is developed.

5003.S

(1) **SETBACK** means the distance, measured horizontally, from a lot line, road right-of-way, boundary, or other delineated feature (e.g., a streambank, shoreline, or wetland) to the nearest part of a building, structure, parking area, or other impervious surface on the premises, as required under these regulations. See Section 2008.

(2) **SIDE YARD.** See definition of YARD, SIDE.

(3) **SIGN** means any device (including but not limited to letters, words, numerals, figures, emblems, symbols, pictures, flags, streamers, balloons, lights, or any part or combination) used for visual communication intended to attract the attention of the public and visible from off the premises. This definition specifically excludes merchandise normally displayed in a storefront window, merchandise displayed or stored outside as approved under these regulations, and public art.

(4) **SIGN, ABANDONED** means:

(a) A commercial sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for at least 90 days;

(b) A non-commercial sign whose message pertains to a time, event or purpose that has elapsed or expired in the preceding 30 days; or

(c) A sign that has not been maintained in accordance with these regulations.

(5) **SIGN, COMMERCIAL** means a sign that functions as commercial speech in that it:

(a) Is meant to be an advertisement visible from public vantage points;

(b) References a particular product, service, company or business location; and

(c) Is displayed with an economic motivation.

(6) **SIGN, ELECTRONIC MESSAGE** means a sign with a fixed or changing message or image shown on an electronic display or video screen and whose message may be changed by electronic means.

(7) **SIGN, INTERNALLY ILLUMINATED** means a sign with an interior light source that shines through a transparent or translucent surface material.

(8) **SINGLE-UNIT TRUCK.** See definition of TRUCK, SINGLE-UNIT.

(9) **SILVILCULTURE.** See definition of FORESTRY OPERATION.

(10) **SITE, BUILDING** means a lot or a portion of a lot that is, or is proposed to be, developed with one or more structures or uses.

(11) **SITE DISTURBANCE** means the removal of vegetation, grading, excavation, or the placement of fill on a site. See Section 3014.

(12) **SKI AREA** means a type of outdoor recreation facility intended for downhill or cross-country skiing, to include trails, ski lifts, and associated facilities and infrastructure necessary for the operation of a ski area, including ticket sales, equipment sales, rentals, and repair, ski instruction, snowmaking and grooming, administration, maintenance, meeting space, warming huts, snack bars, and parking areas. A ski area may also be designed to accommodate four-season outdoor activities, such as lift rides and mountain biking. Other uses, including lodging, dining, vacation rental, and event facilities, may be allowed in association with a ski area under a Resort PUD. See Sections 3215 (Resort Development) and 3225 (Outdoor Recreation).

(13) **SMART GROWTH PRINCIPLES** as defined in state statute means growth that:

(a) Maintains the historic development pattern of compact village and urban centers separated by rural countryside;

(b) Develops compact mixed-use centers at a scale appropriate for the community and the region;

(c) Enables choice in modes of transportation;

(d) Protects important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts;

(e) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries;

(f) Balances growth with the availability of economic and efficient public utilities and services;

(g) Supports a diversity of viable businesses in downtowns and villages;

(h) Provides for housing that meets the needs of a diversity of social and income groups in each community; and

(i) Reflects a settlement pattern that, at full build-out, is not characterized by:

(i) Scattered development located outside compact urban and village centers that is excessively land consumptive;

(ii) Development that limits transportation options, especially for pedestrians;

(iii) The fragmentation of farmland and forestland;

(iv) Development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers; and

(v) Linear development along well-traveled roads and highways that lacks depth, as measured from the highway.

(14) **STREAM** means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches, which experience perennial flow. For purposes of these regulations a "stream" may also include an intermittent stream that has a clearly defined stream channel. "Stream" does not include ditches or other constructed channels primarily associated with land drainage or water conveyance through or around private or public infrastructure. See definition of SURFACE WATER.

(15) **STREAM CHANNEL** means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

(16) **STREET** See definition of ROAD.

(17) **STRIP DEVELOPMENT** as defined in statute means linear commercial development along a road that includes three or more of the following characteristics:

(a) Broad road frontage;

(b) Predominance of single-story buildings;

(c) Limited reliance on shared access;

(d) Lack of connection to any existing settlement except by road;

(e) Lack of connection to surrounding land uses except by road;

(f) Lack of coordination with surrounding land uses; and

(g) Limited accessibility for pedestrians.

(18) **STRUCTURE** as defined in state statute means assembly of materials for occupancy or use, including but not limited to, a building, sign, wall, or fence.

(19) **STRUCTURE, ACCESSORY** means a structure that is clearly incidental and subordinate to the principal structure on the lot.

(20) **STRUCTURE, PORTABLE** means a structure that is designed to be moved, may be installed on a temporary or more permanent basis, and is not located on or attached to a permanent foundation, such as a storage container, portable garage, carport, canopy, or greenhouse, for which a zoning permit may be required under these regulations as determined by the Administrative Officer. See Section 3018.

(21) **STRUCTURE, PRINCIPAL** means the main, primary, or predominate structure associated with the principal use on the lot.

(22) **STRUCTURE, TEMPORARY** means a structure that is not attached to a permanent foundation and that can be easily relocated after which there will be no evidence remaining of the structure. See Section 3018.

(23) **SUBDIVISION** means the division of a parcel of land into two or more parcels for the purpose of sale, conveyance, lease, or development. The term "subdivision" also includes the re-subdivision of land but does not include administrative lot line or boundary adjustments. See definition of LAND DEVELOPMENT.

(24) **SUBSTANTIALLY COMPLETE** means that construction activities have been completed in accordance with the approved plans to a point where the development may be fully and freely used for its intended purpose.

(25) **SURFACE WATER** means a river, stream (whether perennial or intermittent), lake or pond mapped by the Vermont Agency of Natural Resources.

(26) **SURVEY** means a map prepared and certified by a Vermont licensed land surveyor that locates or establishes property lines or boundaries, or that demarcates other legal rights or interests in any tract of land, road, right-of-way, or easement.

5003.T

(1) **TELECOMMUNITCATIONS FACILITY** means a tower or other support structure that will extend 20 feet or more vertically, antennas, related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive broadcast signals. For purposes of these regulations, such facilities also include small wireless facilities. See Section 3223.

(2) **TEMPORARY** means a use or structure that will be occurring or located on a lot for a limited and fixed time period after which there will be no evidence remaining of the use or structure.

(3) **TEMPORARY STRUCTURE.** See definition of STRUCTURE, TEMPORARY.

(4) **TOP OF BANK** as defined by state regulation means that vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is generally the point where the stream is able to overflow the banks and enter the floodplain. For streams in steep and narrow valleys, it is generally the same as the "Top of Slope". See Subsection 2202.M.

(5) **TRAILER** means a conveyance used to transport people, animals, goods or materials that is not self-propelled and that is designed to be pulled or moved by a motor vehicle.

(6) **TRUCK, SINGLE-UNIT** means a commercial motor vehicle on a single frame.

(7) **TRUCK, TRAILER** means a commercial vehicle consisting of two or more units, one of which is the motor vehicle and the remainder of which are trailers.

5003.U

(1) **USE** means the purpose or activity for which a lot, building, or structure, or portion thereof is intended, designed, or arranged to accommodate, or for which land or buildings are occupied and maintained.

(2) **USE, ACCESSORY** means a use of a lot or structure (or a portion of a lot or structure) that is clearly incidental and subordinate to the principal use.

(3) **USE, PRINCIPAL** means the main, primary, or predominate use of a lot or structure (or a portion of a lot or structure). The principal use of a lot with a single- or two-family dwelling will be considered residential.

(4) **UTILITY FACILITY** means sites, structures and infrastructure used to produce, transmit or distribute a utility service such as electricity, gas, telephone, cable, water or sewer, which directly or indirectly serves the public. This definition specifically excludes essential services.

5003.V

5003.W

(1) ****means a pollution abatement facility that treats domestic sewage or industrial wastewater. Wastewater facilities include the structures, equipment, and processes that collect, convey, and treat domestic and industrial waste, and dispose of effluent and sludge.

(2) **WASTEWATER TREATMENT SYSTEM** means any piping, pumping, treatment, or disposal system used for the conveyance and treatment of sanitary waste or used water, including carriage water, shower and wash water, and process wastewater as regulated by the state. For purposes of state regulation, a "wastewater system" refers to a soil-based disposal system of less than 6,500 gallons per day including onsite septic systems, or a municipal sewerage connection of any size.

(3) **WATER SUPPLY SYSTEM.** See definition of POTABLE WATER SUPPLY, PUBLIC WATER SYSTEM.

(4) **WETLAND** as defined in state statute means an area that is inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depends on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to, marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds.

5003.X

5003.Y

(1) **YARD** means an area on a developed lot that is at-grade, pervious and unoccupied by any structure except for encroachments specifically authorized under these regulations.

(2) **YARD, FRONT** means the yard that is located between the street and the frontline of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have two front yards.

(3) **YARD, REAR** means the yard that is located between the rear lot line and the nearest line of the principal building on the lot and extends across the full width of the lot. A corner lot will be considered to have no rear yard.

(4) **YARD, SIDE** means a yard that is located between the side lot line and the nearest line of the principal building on the lot and extends between the front and rear yards. A corner lot will be considered to have two side yards.

5003.Z

6 MAPS

Please see attached files for the following maps as referenced and incorporated under these regulations:

(1) Zoning District Map

(2) Flood Hazard and River Corridor Overlay Map

(3) Steep Slopes Map

(4) Meadowlands Map

(5) Wildlife Habitat and Crossings Map