

**Table 2.7  
Sugarbush Village Commercial District (SVC)**

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

**(B) Permitted Uses**

- (1) Accessory Use or Structure

**(C) Conditional Uses**

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

**(C) Conditional Uses (continued)**

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

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

Minimum Lot Size :	As determined by the Development Review Board in accordance with PUD approval under Section 8.4.
Maximum Density (dwellings):	20 units/acre
Maximum Density (lodging/hotel rooms):	40 rooms/acre
Maximum TDR Density (dwellings):	30 units/acre
Maximum TDR Density (lodging/hotel rooms):	60 rooms/acre
Minimum Setbacks:	N/A
Minimum Lot Frontage:	N/A
Maximum Building Height	50 feet

**(E) Supplemental Development Standards - All Uses**

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

**Table 2.8**

(D) The expansion or enlargement of any structure in existence prior to the effective date of these regulations and not in compliance with Subsections (B) or (C) may be permitted with the approval of the Development Review Board in accordance with Article 5.

(E) The impoundment of any water course is subject to the provisions of Section 4.13.

(F) For development subject to conditional use review, minimum required setback and/or undisturbed buffer strip distances may be increased as appropriate based on site, slope or soil conditions and the nature of the proposed use.

### **Section 3.14 Storage of Flammable Commodities**

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

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

### **Section 3.15 Temporary Uses & Structures**

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

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

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

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

### **Section 3.16 Transfers of Development Rights**

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

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

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

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

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

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

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