

**WARREN
ZONING
REGULATIONS**

**EFFECTIVE
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WARREN ZONING REGULATIONS

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1.0 INTRODUCTION

1.1 These Zoning Regulations are adopted for the purpose set forth in the General Statutes of the State of Connecticut, namely:

- A. to lessen congestion in the streets;
- B. to secure safety from fire, panic, flood and other dangers;
- C. to promote health and the general welfare;
- D. to provide adequate light and air;
- E. to prevent the overcrowding of land;
- F. to avoid undue concentration of population; and
- G. to facilitate the provision for transportation, water, sewerage, schools, parks and other public requirements.

1.2 These Regulations are made in accordance with the Town's comprehensive plan and with due consideration for the recommendations of the Town's Plan of Conservation and Development. Reasonable consideration has been given to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

2.0 GENERAL PROVISIONS

2.1 Within the Town of Warren, no land, building or other structure shall be used, and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations.

2.2 No lot or land shall be subdivided, sold, encumbered or conveyed so as to make said lot or land nonconforming or more nonconforming to these Regulations, to make any use, building or other structure nonconforming or more nonconforming, to reduce any setback, landscaping, open space or off street parking and loading spaces to less than is required by these Regulations or to make more nonconforming any nonconforming setback, landscaping, open space or off street parking and loading spaces.

3.0 DEFINITIONS

3.1 General Terms

The following words and phrases shall be construed throughout these regulations to have the meaning given in this section.

3.1.1 Words used in the present tense include the future.

3.1.2 Words uses in the singular include the plural; the plural includes the singular.

3.1.3 The word "Town" means the Town of Warren, Connecticut.

3.1.4 The word "regulation" means the Town of Warren Zoning Regulations.

3.1.5 The word "shall" is mandatory; the word "may" is permissive.

3.1.6 The word "Board" means the Town of Warren Zoning Board of Appeals.

3.1.7 The word "Commission" means the Town of Warren Planning and Zoning Commission.

3.2 **Specific Terms**

Access way - a strip of land fronting on a town accepted street that serves as the means of obtaining access to the useable portion of an interior lot. The access way is part of the lot that it serves.

Accessory Building or Structure - any building or structure detached from the principal building and customarily incidental and subordinate to the principal building or use. The accessory building is on the same lot as the principal building or use.

Accessory Use - a use subordinate and customarily incidental to the principal use of land and located on the same lot as the principal use.

Affordable housing – a dwelling unit for which:

1. A low or moderate income household pays thirty per cent or less of their annual income; and
2. A deed or other legal restriction requires that the dwelling unit be restricted to a sales price or rent that, for a period of forty years after the initial occupation of the unit, preserves the unit for low and moderate income households.

Affordable Housing Project – any subdivision or multi-family project in which at least thirty per cent of the dwelling units meet the criteria for affordable housing.

Aisle - The driving portion of the parking area. The aisle provides access to each parking space.

Angled Parking - any parking space that is not parallel to the curb or aisle.

Area Median Income – as adjusted for household size, the lesser of the State median income or the Litchfield County median income as determined by the United States Department of Housing and Urban Development.

Automobile Repair – a business licensed by the State of Connecticut to repair motor vehicles.

Automobile Service Station – a business licensed by the State of Connecticut to sell gasoline for motor vehicles.

Bed and Breakfast – a residence that provides transient lodging in six (6) or fewer rooms and breakfast for compensation and where stays are limited to thirty (30) days or less. Breakfast is provided only to those staying at the residence.

Buildable Area - an area containing no wetland soils; no water bodies; no watercourses; no utility, conservation or access easements; no rights-of-way, and no naturally occurring slope exceeding 25% as measured using 2 foot contour intervals.

Building – any structure having a roof supported by columns or walls, and designed to shelter, house, or enclose any person, animal, process, equipment or material of any kind.

Building Height – the vertical distance from the average finished ground level within 10 feet of the exterior walls of the building or structure to the topmost point of the roof.

Certification - a signed, written approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

County Soil and Water Conservation District - the County Soil and Water Conservation District established under the Connecticut General Statutes.

Development - any construction or grading activities to improved or unimproved land.

Disturbed area - an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Dock - a structure which: 1) is attached to the shoreline; 2) extends over the water; 3) is not a vessel; 4) is removable on a seasonal basis; and 5) allows the free movement of water underneath.

Dock Length - the side of the dock that is approximately perpendicular to the shore.

Dock Width - the side of the dock that is approximately parallel to the shoreline.

Driveway - any access from a street used, designed or intended for vehicular ingress and egress to any building, structure, use or lot.

Erosion - the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Excavation – the removal from a parcel, by any means whatsoever, of rock, minerals, topsoil, gravel, sand or other earthen products.

Farm – a parcel of land used for dairying, the raising or harvesting of any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife. It includes buildings, greenhouses, nurseries, and other structures uses primarily for the farm’s operations and incidental to ordinary farming operations.

Fence - A barrier or enclosure irrespective of the materials with which it is constructed.

Float - a dock with dimensions not to exceed 10 feet by 10 feet that is not attached to the shoreline and is anchored no closer than 5 feet from the shoreline.

Frontage - that part of the perimeter of a lot that abuts:

- A. a State or Town accepted road; or
- B. a road shown on an approved subdivision plan.

Grading – any excavation, filling, grubbing, moving, stockpiling of earthen materials or other activity that alters the natural contours of the parcel.

Gross Floor Area - the total floor area of a building.

Impervious Surface - a surface that is highly resistant to the infiltration of water into the soil including buildings, and paved areas for parking, roads, patios, sidewalks, driveways and all other areas covered with concrete, asphalt, packed clay, rock, or similar surfaces.

Impervious Surface Ratio – the area of a lot covered by impervious surfaces divided by the total area of the lot.

Inflatable Water Toy - a toy made from vinyl or vinyl like material that is inflatable, and floats on the water surface and whose surface area (e.g. length times width) is a minimum of 30 square feet.

Inn – a building or group of buildings used for transient lodging on a daily basis and meals offered to the lodging's guests and to the general public.

Inspection - the periodic review of measures shown on the certified plan.

Interior Lot - a residential lot which has less than the minimum required lot width on a town accepted street and which is accessed by an access way.

Junk - any scrap, waste reclaimable material, or debris, whether or not for sale or in the process of being dismantled, destroyed, processed, salvaged, or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, and household appliances. Three or more unregistered motor vehicles are junk.

Junk Yard – any parcel with more than 200 square feet of space, outside of building, used for the storage, collection, processing, purchase, sale, abandonment or accumulation of wastepaper, rags, scrap metal, abandoned vehicles or other scrap or discarded goods, materials, machinery or other types of junk.

Lot - a contiguous piece of land described by plat, subdivision, or deed in the land records of the Town Clerk's Office. The lot can be used, developed, sold, or rented as a single piece. The term "parcel" is synonymous with lot.

Low or moderate income household - a household whose annual income, when adjusted for household size, is less than or equal to eighty per cent of the area median income.

Mixed Use - a development that provides multiple compatible uses in close proximity to one another. And/or a land use pattern that seeks to increase concentrations of population and employment in well-defined areas with a mix of diverse and compatible land uses.

Off-Premise Business Sign - any sign that directs attention to a business, commodity or service located on a property other than the property on which the sign is located.

Off-Street Parking - parking spaces provided outside of the right-of-way of a street or highway.

On-Street Parking - parking spaces provided within the right-of-way of a street or highway

Open Space Subdivision - a subdivision in which lot sizes are allowed to be reduced below the standard lot size in the zoning district in exchange for permanently protected open space. The open space is greater than or equal to 80% of the sum of the differences between the minimum lot sizes allowed in the open space subdivision and the minimum lot sizes allowed in a standard subdivision.

Parking Area - that portion of a lot set aside, marked, posted, or intended for parking, including total of circulation areas, loading and unloading areas, parking spaces and aisles, landscaped areas, bikeways, and walkways.

Parking Space - a space in which a single car is parked.

Parking Supply - the actual number of spaces provided and legally available at a land use.

Personal Services – Establishments primarily engaged in providing individual services related to personal needs. These services include, but are not limited to, tailor shops, beauty salons, dry cleaners, health clubs, spas, banks, funeral homes and barber shops.

Performance Bond – a security accepted by the Town to assure that improvements required as part of an application for development will be completed to the satisfaction of the Town.

Principal Building or Structure – a building or structure in which is conducted the primary or predominant use of the lot on which the building or structure is located.

Residential density – the number of dwelling units on a parcel divided by the area of the parcel.

Road - any vehicular thoroughfare, which is accepted, or intended for acceptance, by the Town or the State. The terms “street” and “highway” are synonymous with road.

Sediment - solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Shared Parking - when parking spaces are shared among different structures or uses, or among mixed uses, and can include properties with different owners.

Shoreline - the “normal maintained water level” of a water body controlled by a dam or the “ordinary high water mark” for any other water body.

Shoreline Frontage - the distance measured in a straight line between points of intersection of the side lot lines with the shoreline of a water body.

Sign - any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, emblem, device, trademark, or other representation used as an announcement, designation, direction or display to advertise or promote any person, firm, group, organization, commodity, service, profession or enterprise, when said display is placed out of doors or within 3 feet of a window in view of the general public, but not including the following: the flag or insignia of any government or governmental agency, the flag of any civic, political, charitable, religious, patriotic, fraternal or similar organization which is hung off a flagpole or a mast; or any Christmas or other seasonal holiday decorations which do not contain commercial lettering, wording, designs symbols or other devices.

Sign Area - where a sign consists of a single board or face with information on one or both sides, the area which results by multiplying the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building, unless such supports are evidently designed to be a part of the sign as defined herein. Where the sign consists of individual letters or symbols attached to or painted on a building, the smallest geometric shape that encompasses all of the letters or symbols.

Soil - any unconsolidated mineral or organic material of any origin.

Soil Erosion and Sediment Control Plan - a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Structure - anything constructed, erected, or assembled that has a fixed location on the ground, or is attached to something having a fixed location on the ground, and has any dimension exceeding six (6) feet. A building is a structure.

Wind Facility - all equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Monitoring or Meteorological Tower - a temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Wind Turbine - a device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

Wind Turbine Height - the distance from natural grade to either the tip of the rotor blade at its highest point or the structure's highest point, whichever is greater?

Yard - the open unoccupied space on the same lot with a building, extending along the entire length of a street or of an interior lot line, in which there shall be no structures other than fences and permitted signs.

Yard, Front - the yard extending the full width of a lot and being in depth the distance from the property line abutting the street to the nearest point of the structure nearest the street. If a lot abuts two streets, the front yard is considered to be on both streets.

Yard, Rear - the yard extending the full width of a lot and being in depth the distance from the rear lot line to the nearest point of the nearest structure.

Yard, Side - the yard between the side line of a lot and the nearest point of the nearest structure, and extending from the minimum front yard line to the minimum rear yard.

Zoning Enforcement Officer – the official(s) designated by the Planning and Zoning Commission as being responsible for enforcing the Zoning Regulations.

4.0 ZONING DISTRICTS

The Town of Warren is divided into the following three zoning districts: North Zone, South Zone and Center Zone. The boundaries of the zoning districts are as shown on the map entitled “Warren Zoning Map” dated January 2008 which is on file in the Warren Town Hall and is hereby made a part of these Regulations. Where a question arises as to the location of a zoning district boundary, the Commission shall determine the boundary's exact location.

5.0 USES

All land, buildings and structures shall be used in accordance with the uses shown in Table 1. Uses not shown in Table 1 are prohibited. The symbols in Table 1 mean the following:

- P – Permitted use
- E – Use permitted by special exception
- N – Use permitted; no zoning permit required
- Blank – Use not permitted

TABLE 1 – USES			
USE	NORTH ZONE	SOUTH ZONE	CENTER ZONE
Agriculture	P	P	P
Single Family Residence	P	P	P
Affordable Housing Project	E	E	E
Accessory Apartment	P	P	P
Auto Repair	E		P
Automobile Service Station			P
Home Occupation	N	N	N
Home Business	E	E	E
Retail Business			P
Professional Offices	E		P
Service Business	E	E	P
Restaurant	E	E	P
Hotel			P
Inn	E	E	P
Bed and Breakfast	E	E	P
Places of Worship	E	E	E
Private Schools	E	E	E
Buildings and Uses of the Town of Warren	E	E	E
Libraries and Museums	E	E	E
Golf Course	E	E	E
Kennels	E	E	
Cemetery	E	E	E
Warehouses	E		
Manufacturing	E		
Nursing Homes	E	E	E
Excavation	E		
Day Care Center	E	E	E
Assisted Living Facility	E	E	E
Outdoor Recreation Facilities	E	E	E
Camp Grounds	E	E	
Farm Building Conversion	E	E	E
Wind Turbines	E	E	

6.0 AREA REQUIREMENTS

6.1 Buildable Area

- 6.1.1 Each lot shall contain at least one buildable area. The buildable area shall be a rectangular area containing a minimum of 20,000 square feet and having a minimum dimension of 100 feet.
- 6.1.2 All structures and septic systems shall be located within a buildable area except accessory structures with a footprint under 250 square feet and wells which may be located outside of the buildable area, and as allowed by Section 6.1.3; 6.1.4 and 6.1.5.
- 6.1.3 For lots which legally existed prior to the adoption of Sections 6.1.1 and 6.1.2 above, as evidenced by deed recorded in the office of the Town Clerk, the buildable area requirements of Sections 6.4.1 and 6.4.2 shall not apply to the expansion of existing structures.
- 6.1.4 For lots which legally existed prior to the adoption of Section 6.4.1 and 6.4.2 above, as evidenced by deed recorded in the office of the Town Clerk, new structures that cannot be placed in a buildable area may be constructed provided a special exception is obtained from the Commission. In deciding on the special exception, the Commission may impose such conditions that most closely conform to the buildable area requirements.
- 6.1.5 The Commission may allow, by special exception, structures and septic systems outside of the buildable area if the placement will:
- A. result in less grading and other disturbances to the natural environment; or
 - B. preserve a scenic view or significant natural feature.
- 6.2 The requirements for all zones, except where otherwise noted, are given below. All measurements are minimums unless otherwise noted.
- 6.2.1 Area: 2 acres
- 6.2.2 Frontage: 150 feet
- 6.2.3 Front Yard: 30 feet
- 6.2.4 Side Yard: 25 feet
- 6.2.5 Rear Yard: 25 feet
- 6.2.6 Building Height: the maximum height permitted for any building, whether primary or accessory shall be 35 feet measured from the average finished ground level within 10 feet of the exterior walls of the building or structure to the topmost point of the roof, except for flat roofs in which case the maximum height shall be 28 feet. In addition, the maximum height of the roof eave or any parapet wall shall be 28 feet. Solar heating equipment may be placed on a roof, but may not exceed 40 feet measured to the highest point of the equipment.
- 6.2.7 Minimum Square: 100 feet

6.3 Impervious Surface Ratios

The maximum impervious surface ratios are as follows:

- A. for lots less than or equal to two acres: 20%;
- B. for lots greater than two acres but less than or equal to ten acres: 15%;
- C. for lots greater than ten acres: 10%.

6.4 **Setbacks**

All front, side and rear yard setbacks are to be unoccupied by structures except as follows:

- A. flag poles, fences, mail boxes, newspaper tubes, sidewalks, handicap ramps, children's play sets, and other minor ornamental or recreational structures;
- B. septic systems, irrigation systems, underground utilities and wells;
- C. as otherwise provided in these Regulations.

6.5 A corner lot shall comply with the setback requirements for two front yards and two side yards.

6.6 **Fences**

6.6.1 No wall or fence located between the property line and the minimum yard setback distances shall be greater than six feet in height.

6.6.2 No wall or fence or fence shall obstruct visibility to traffic on a public road.

6.6.3 No part of any fence on the Lake Waramaug side of Lake Road or North Shore Road shall be more than three feet higher than the center of the road when viewed in a direction perpendicular to the center line of the road.

SUPPLEMENTARY REGULATIONS

7.0 ACCESSORY BUILDINGS, STRUCTURES AND USES

7.1 All accessory building and structures shall conform to the area requirements in Section 6.0.

7.2 Barns, stables, silos and other agriculture related buildings and structures shall be classified as primary buildings or structures on parcels that have agriculture as their primary use.

7.3 A certificate of zoning compliance shall be issued for the principal building on a parcel prior to the issuance of a zoning permit for any accessory building on the parcel. The only exception to this requirement shall be if the applicant posts a performance bond to ensure the completion of the principal building. The amount and form of the bond must be acceptable to the Commission and in accordance with the requirements of the Connecticut General Statutes.

7.4 Accessory uses are permitted in all zoning districts provided they conform to the specific requirements of these regulations. A home occupation (see Section 13) is classified as an accessory use.

7.5 Airports and heliports shall not be allowed as an accessory use.

8.0 ACCESSORY APARTMENTS

8.1 One accessory apartment is permitted on a parcel as an accessory to one single family dwelling unit. No accessory apartment shall be permitted on a parcel with a two family dwelling unit or multi-family dwelling units.

8.2 Either the main dwelling unit or the accessory apartment shall be occupied by the property owner.

8.3 An accessory apartment may be an addition to, or conversion of an existing single family dwelling, or it may be in a separate structure.

8.4 An accessory apartment is permitted by right subject to all of the following conditions:

- A. the accessory apartment is less than or equal to 900 square feet or 50% of the floor area of the main dwelling unit, whichever is less; and
- B. the apartment is either in same building as the main dwelling unit or in a building that is within fifty feet of the main dwelling unit; and
- C. the lot containing the main dwelling unit and accessory apartment is a minimum of two acres.

8.5 An accessory apartment may be allowed by special exception if:

- A. the accessory apartment is:
 - i. in a building that is more than fifty feet from the main dwelling unit; and
 - ii. the parcel is greater than or equal to four acres; or
- B. the accessory apartment is:
 - i. less than or equal to 1,250 square feet or 50% of the floor area of the main dwelling unit; and
 - ii. the parcel is greater than or equal to four acres.

8.6 Only one common driveway is permitted to serve the main dwelling and the accessory apartment. The driveway must conform to current safety standards.

9.0 DRIVEWAYS

9.1 Driveway Widths

9.1.1 The driveway width for one and two family residences shall be a minimum of 10 feet and a maximum of 12 feet.

9.1.2 The driveway width for all uses other than one and two family residences shall be:

- A. a minimum of 10 feet and a maximum of 12 feet for one way travel; and
- B. a minimum of 20 feet and a maximum of 24 feet for two way travel.

9.1.3 For driveways serving seven or fewer parking spaces, the Commission may allow the driveway to be reduced to a minimum of twelve feet. In making this determination, the Commission shall consider the amount of anticipated traffic, the length of the driveway, the type of activity on the property, and the character of the surrounding properties.

9.1.4 Horizontal clearance of 16 feet minimum shall be maintained - 3 feet on each side of the driveway - for the entire length of the driveway. All potential obstructions including, but not limited to, fences, trees, stone walls, and gates shall not be located within this area.

9.1.5 All driveway curves shall have a minimum radius of 60 feet.

9.2 Driveway Grades

Driveway grades shall not exceed 15%, and driveways with grades exceeding 10% shall be paved. Driveway grades shall not exceed 10% over the first 20 feet from the road. Driveway side slopes shall not exceed a slope of three horizontal to one vertical (3:1) unless retaining wall or other stabilizing measures are provided. The maximum grade across the width of any portion of a driveway shall not exceed 5%. All grades are to be measured using 2 foot contours.

9.3 Sightline Distances

The minimum sightline distances at the intersection of the driveway with the public road shall conform to the requirements of the Connecticut Department of Transportation. The distance may be increased where the Commission determines that the rate of traffic requires a higher standard for safety.

9.4 **Driveway Location and Number**

- 9.4.1 Each parcel shall be served by only one driveway. The Commission, however, may approve multiple driveways where the applicant can demonstrate to the Commission that more than one driveway is necessary for fire protection or the safe and efficient movement of vehicular traffic on site and that the presence and location of said driveways do not interfere with the normal movement or queuing of traffic on the intersecting street.
- 9.4.2 No portion of any driveway shall be within five feet of any side property line. The Commission, however, may allow a driveway to be within five feet of a side property line to meet the required sightline distances required in Section 22.3 above.
- 9.4.3 Driveways that serve seven or fewer parking spaces shall be located a minimum of fifty feet from a street intersection, as measured from the centerline of such driveway to the extension of the intersecting curbs.
- 9.4.4 Driveways that serve more than seven parking spaces shall be located a minimum of one hundred feet from a street intersection, as measured from the centerline of such driveway to the extension of intersecting curbs.
- 9.4.5 The Commission may allow a single driveway to serve two or more parcels provided:
- A. the applicants demonstrate that all the parcels can be served by individual driveways that meet all the requirements of these regulations; and
 - B. easements, acceptable to the Commission, covering all the parcels served by the single driveway are filed on the Town Land Records.

9.5 **Angle of Intersection**

Driveways shall intersect with the public road at an angle of ninety degrees or as close to 90 degrees as possible. In no case shall the angle of intersection be an angle of less than seventy-five degrees.

9.6 **Turnaround Area**

A turnaround area shall be provided on each lot to avoid backing into the street, except that the Commission may waive this requirement where the Commission determines that lot topography or shape makes this requirement impracticable. Where driveway length exceeds 200 feet, a turnaround area of sufficient size and load-bearing capacity to accommodate emergency equipment shall be provided.

9.7 **Pullout Areas**

On driveways exceeding 300 feet in length, the Commission may require pullouts, measuring 8 feet by 50 feet, to accommodate two-way traffic. Passing areas shall generally be provided at 300 foot intervals, depending upon site conditions.

9.8 **Storm water Runoff From Driveways**

Driveways shall be designed to prevent storm water runoff from the driveway onto adjoining properties and onto the intersecting street. Privately owned and maintained drainage diversions, swales, rain gardens, detention areas and/or dry well shall be utilized to the greatest extent possible. Existing roadside drainage patterns in a Town or State right of way shall not be altered or obstructed without the prior approval of the Town First Selectman or the State Department of Transportation.

9.9 **Construction Standards**

Driveways shall be constructed of a durable, non-erodible, load-bearing material capable of supporting emergency equipment up to 50,000 pounds. A design must be submitted to the Commission. This shall include construction, drainage, sedimentation and erosion controls and turnarounds.

Driveways shall be paved with bituminous concrete or other approved material for a minimum distance of ten feet from the intersection of the driveway with the road.

9.10 **Completion of work**

No certificate of zoning compliance shall be issued unless the driveway installation is completed and approved or bonded.

9.11 **State Highways**

All driveways entering State highways must be approved by the State Department of Transportation.

9.12 **Town Roads**

All driveways entering Town roads must be approved the Warren Board of Selectmen.

10.0 Environmental Performance Standards

The following environmental performance standards are to ensure that all property owners have the reasonable use of their property.

10.1 **Vibration**

Except for vibration associated with demolition, excavation, or construction, no vibration shall be discernible to human touch outside of the property where the vibration originates.

10.2 **Lighting**

10.2.1 The lighting on a property shall not interfere with vehicle or pedestrian travel on any public right of way.

10.2.2 The lighting on a property shall not interfere with, or be a nuisance to, the reasonable use of another property.

10.3 **Hazardous Materials**

Materials classified as hazardous by either the State of Connecticut or the U.S. Government shall be used, stored, manufactured, processed or assembled in accordance with all applicable City, State, and Federal regulations.

10.4 **Noise**

Noise levels are regulated by the Torrington Area Health District.

10.5 **Air Pollutants**

Dust, dirt, fly ash, smoke, gas or fumes are regulated by the State of Connecticut.

10.6 **Storm Water Management Systems**

All storm water management systems shall be designed in accordance with the best management practices as described in the *2004 Connecticut Storm water Quality Manual* (as amended). The storm water management system shall be designed in accordance with the following four principles:

10.6.1 Pre-development site hydrology including amount and velocity of runoff, infiltration, and groundwater re-charge should be preserved.

10.6.2 Stream buffers, natural drainage systems, and other natural features that provide water quality and quantity benefits should be preserved.

10.6.3 Runoff velocity and volume should be managed in a manner that maintains or improves the physical and biological character of existing drainage systems and prevents increases in downstream flooding and stream bank erosion.

10.6.4 The system should be designed to minimize the amount of pollutants entering receiving waters and wetlands.

10.7 **Archaeological Report**

- 10.7.1 For any application, either the Commission or the Zoning Enforcement Officer may require the applicant to provide a report identifying archaeological and/or historic areas on the parcel. In making its decision, the Commission and the Zoning Enforcement Officer shall consider:
- A. the location of the parcel in relation to watercourses and wetlands;
 - B. the amount of grading or excavation that has previously occurred on the parcel;
 - C. the amount of grading or excavation proposed by the applicant; and
 - D. any information or reports of archaeological and/or historic artifacts in the area.
- 10.7.2 The investigation shall be done by a qualified professional archaeologist or other professional that is acceptable to either the Commission or the Zoning Enforcement Officer.
- 10.7.3 The investigative report shall include historic research, an on-site inspection identification of any artifacts or features found (with photos), an assessment of the project's impact on and the site sensitivity of any affected area, a description of the recommended research design methodologies and techniques, an estimate of implementation costs and time for more intensive site examination and recommended alternatives to mitigate adverse impacts from the project.
- 10.7.4 If the investigative report determines that the project could adversely impact an archaeologically or historically sensitive area, the Commission or the Zoning Enforcement Officer:
- A. may require a more intensive site investigation of the project prior to the start of the project; and
 - B. may request revisions to the project to mitigate the adverse impacts.
- 10.7.5 In the case of a special exception application, the Commission may either require modifications to mitigate the adverse impacts or deny the application because of the adverse impacts.

10.8 **Junk**

Except for a facility owned or operated by the Town of Warren, no junk yards shall be permitted.

11.0 **FLOOD PLAIN OVERLAY ZONE**

The Flood Plain Overlay Zone provides for the regulation of areas within the Town of Warren subject to potential, periodic, occasional or frequent flooding and which function as a part of the natural drainage system. These regulations serve to establish necessary minimum standards and review procedures over the use of land in the Flood Plain Overlay Zone in order to: reduce flooding hazard to human life and health, reduce damage to public and private property values, maintain the natural drainage system's capacity to safely store and transport flood waters and minimize damaging flood erosion and any increases in downstream flood potential. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study or Flood Insurance Rate Map (FIRM), dated January 3, 1990, with accompanying floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be part of these regulations.

11.1 **Definitions**

The following definitions shall apply only to this section of the Regulations.

Administrator - means the Federal Insurance Administrator.

Area of Special Flood Hazard - The land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

Base Flood - Means a flood having a one percent chance of being equaled or exceeded in any given year.

Development - Means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Flood Insurance Rate Map - (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. FIRMS published after January 1990 may also show the boundaries of the floodway.

Flood Insurance Study - an official report of the Federal Emergency Management Agency. The report consists of an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodway - 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 area is not considered a building's lowest floor.

Manufactured Home - Means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean Sea Level - Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

New Construction - For flood plain management purposes, 'new construction' means structure for which the 'start of construction' commenced on or after January 3, 1990 (the effective date of the Warren flood plain management regulations) and includes any subsequent improvements to such structures.

Recreational Vehicle - a vehicle which is: (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow able by a light-duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactures homes for the purpose of this regulation.

Start of Construction - the date the building permit was issued, provided the actual start of the construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home), on a site, such as the pouring of slabs or footings installation of piles, construction of columns, or any work beyond the stage of

excavation, or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations of the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure - a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any combination of repairs, reconstruction, alteration, or improvements to a structure over a one (1) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects, the external dimensions of the structure. The term does not however include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Water Surface Elevation - the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

11.2 **General Standards**

11.2.1 Within Zone A, A1-30, AE and AH, the following standards must be met prior to issuing permits for any proposed construction/development.

- A. Anchoring - All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Construction Materials and Methods:
 - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- C. Mechanical and Utility Equipment:
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- iv. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Alteration of Watercourse:

- i. Adjacent communities and the State of Connecticut Department of Water Resources Unit shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Emergency Management Agency (FEMA).
- ii. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

11.3 **Specific Standards**

11.3.1 The following Regulations apply within Zone A, A1-A-30, AE and AH:

A. A Flood Plain Permit shall be obtained before conducting any new construction, substantial improvements, or development in Zone A, A1-A-30, AE and AH.

B. Residential Construction: New construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated one foot above the base flood elevation. "Lowest floor" means the lowest floor of 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 area, is not considered a building's lowest floor, provided that each enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

C. Non-residential construction: New construction or substantial improvements of nonresidential structures located in Zone A1-30, AE and AH shall have the lowest floor, including basement elevated at least to one foot above the level of the base flood elevation; or may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer and Planning and Zoning Commission.

D. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. All temporary manufactured homes to be placed on site for 180 consecutive days or longer shall have the lowest floor elevated above the base flood level. They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation lateral movement and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground.

F. A-Zone where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill), be permitted which would increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. When utilizing data other than that by the Federal Emergency Management Agency, the following standard applies: Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of the flood more than one foot at any one point.

G. Within a floodway as designated on the Flood Boundary and Floodway Map or which may have been determined as a result of Section 11.3.1.F, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood discharge; and other development are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the 100-year base flood discharge. Such certification must be made by a registered professional engineer and be provided by the applicant.

H. First, the regulations must require that; "All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whatever is the lesser, include within such proposals base flood elevation data." Second, in all special flood hazard areas the following requirements shall apply;

"All subdivision proposals shall be consistent with the need to minimize flood damage; All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards."

12.0 HEIGHT EXCEPTIONS

12.1 The following are exempt from the height limitations in Section 6.0 provided the overall height is less than seventy feet and the part of the structure exceeding thirty-five feet is not intended for occupancy or storage:

- A. a spire, cupola or belfry;
- B. chimneys, elevator shafts and similar structural appendages;
- C. flagpoles, and water tanks;
- D. heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices located on a building's roof; and
- E. towers for noncommercial radio transmission or reception provided the distance from the base of the tower to the closest property line is greater than the height of the tower;

12.2 The Commission may, by special exception, allow for an increase in the height of the structures listed in Section 12.1 above.

12.3 The maximum height for buildings and structures used for agricultural purposes on a farm is seventy feet. The Commission may, by special exception, allow for an increase in the maximum height of these buildings and structures.

13.0 HOME OCCUPATION

13.1 The following regulations apply to Home Occupations:

13.1.1 Only full time residents of the dwelling unit are permitted to work in the home occupation.

13.1.2 A home occupation shall be clearly incidental to the use of the dwelling unit for residential purposes. No more than five hundred square feet of floor area or 25% of the dwelling unit's floor area - whichever is less - shall be used for the home occupation.

13.1.3 No outside storage or display of materials or products is allowed.

13.1.4 No toxic, explosive, flammable, combustible, corrosive, or otherwise hazardous materials shall be allowed when used in amounts and types not associated with normal household use.

13.1.5 No equipment or processes shall be used in a home occupation that creates noise, vibration, glare, fumes or odors detectable to the normal senses from off the property.

13.1.6 The residential appearance of the dwelling unit shall be maintained. No evidence of the home occupation shall be visible from the exterior of the dwelling unit.

13.1.7 No sign announcing the home occupation is permitted.

13.1.8 No customers or clients are permitted to visit the home occupation.

14.0

15.0 INTERIOR LOTS

15.1 Interior lots are permitted in the North and South Zoning Districts provided all of the following conditions are met:

- A. the access way to the interior lot is owned in fee simple by the owner of the interior lot;
- B. the access way shall have a minimum width of fifty feet from the street to the interior lot line;
- C. the area of the access way shall not be included in determining the minimum area of the interior lot;
- D. the access ways to interior lots shall be separated by least 150 feet as measured at the intersection of the access ways with the street;
- E. at the intersection of the access way and the interior lot line, the lot shall have a minimum width of 150 feet.;
- F. for access ways that are longer than 500 feet or access ways with average grades over 10%, the Commission may require a pull off or parking area located at or near the intersection of the access way and the street;
- G. the maximum length of an access way shall be 1,000 feet.

16.0 DEVELOPMENT ON MAJOR WATER BODIES

16.1 Application and Statement of Purpose

This regulation shall apply to the development of land on the shoreline of lakes, surface water reservoirs, and ponds with a surface area five acres or more including, but not limited to, the Shepaug River, Shepaug Reservoir, Upper Shepaug Reservoir, Lake Waramaug, Fiddler's Pond (aka Gritman Pond), Eel Pond, Straits Pond and the shoreline of Sucker Brook (aka Lake Waramaug Brook) beginning at the bridge on Cornwall Road (Route 45). These requirements shall be in addition to the requirements of the underlying zone. Where these requirements are more restrictive than the underlying zone, the more restrictive requirement shall apply. The purposes of this regulation are to:

- A. protect drinking water supplies and prevent pollution,
- B. protect against the eutrophication (excessive weed and algae growth),
- C. avoid the need for a public sewer treatment system, and
- D. protect important recreational resources.

16.2 Shoreline Setback Requirements

16.2.1 A dwelling or other principal building or structure and accessory buildings and accessory buildings and structures shall setback at least 100 feet from the shoreline with the following exceptions and as provided under Section 16.3 below. The following buildings and structures shall not be subject to this setback requirement:

- A. repair and replacement of existing buildings and structures,

- B. waterline rip-rap or structures necessary for shoreline or erosion stabilization or for public drinking water supply purposes,
- C. docks and floats as provided herein,
- D. a pedestrian walkway essential to access the shoreline due to steep slopes or wet areas.
- E. a storage shed provided it does not exceed 80 square feet in total area or 12 feet in height and is designed and used only for the storage purposes and meets the yard requirements for the zone.

16.3 Special Exception – Shoreline Setback

A principal or accessory building or structure, excluding automobile garages or in-ground fuel tank, may be permitted between 50 and 100 feet of the shoreline when specifically approved by the Commission as a Special Exception subject to the following requirements and the requirements set forth in Sections 22 and 33 of these Regulations.

16.3.1 The applicant shall provide a landscape and storm water management plan showing measures designed to substantially reduce the impact of storm water runoff from the lot to the water body using storage (detention), filtration and/or infiltration practices including, but not limited to, the following:

- A. within the 100 foot shoreline setback area disturbance for proposed construction shall be kept to a minimum, and
- B. at least 50% of the undeveloped portion of the 100 foot setback area shall be shown in existing and/or proposed vegetation suitable as a shoreline vegetative buffer designed to protect water quality and consisting of trees, shrubs or ground covers recommended for this purpose by the U.S.D.A., Natural Resources Conservation Service, or other recognized conservation resource organization.

16.4 Docks Floats and Inflatable Water Toys

Docks, floats and inflatable water toys shall be permitted subject to the following requirements:

16.4.1 One dock, one float and one inflatable water toy are permitted per shoreline property.

16.4.2 They shall be for the private, non-commercial use of the resident only.

16.4.3 They must be removable, but not necessarily actually removed, on a seasonal basis and have no permanent contact with the submerged land and require no excavation of the submerged land.

16.4.4 There shall be free movement of water underneath them.

16.4.5 The dock shall be no more than 8 feet in width at its juncture with the existing shoreline. This 8 foot maximum width must not be exceeded within 5 feet of the shoreline, and the dock alignment must be perpendicular to the shore, and remain so for at least 5 feet from the shoreline.

16.4.6 Maximum size permitted:

- A. Dock: 360 square feet of total surface area.
- B. The minimum dock width shall be 3 feet.
- C. The maximum dock length shall be 50 feet.
- D. Float: 10 by 10 feet.
- E. Inflatable Water Toy: Maximum surface area –120 square feet;

maximum height above water surface 4 feet.

16.4.7 A dock shall be fastened to the shoreline in a manner to minimize any disturbance to the existing shoreline. There shall be no re-grading, re-contouring, or similar modification of the existing shoreline and surrounding land.

16.4.8 Materials for dock and floats and stairs shall be as follows:

A. Non-corrosive, encapsulated, impact resistant buoyancy material that is resistant to fragmentation shall be used.

B. Rust resistant hardware shall be used.

C. Wood materials shall be naturally rot resistant such as decay resistant heartwood of redwood, black locust, cedar or other similar lumbers. Only non-toxic wood materials shall be used.

16.4.9 The height above water of docks and floats shall be minimized. They may not include appurtenances such as roofs, raised platform allowed.

16.4.10 Docks shall be subject to side yard requirements, but not front yard requirements of these Regulations. In addition, no dock may be placed any closer than 25 feet from a side lot line into the lake. A Special Permit may be issued for a dock to be placed closer than 25 feet to the lines of extension if the Commission finds that the applicant cannot reasonably meet the 25 foot setback due to the size or shape of the lot, location of physical obstructions such as rock, or the location of sensitive natural resources at the shoreline or within the lake.

16.4.11 For safety purposes, the street number, using numerals at least 3 inches high, shall be affixed to the end of the dock or float so as to be visible from the lake.

16.4.12 Stairs

Stairs to access a dock shall be no more than 5 feet in width and shall be elevated directly above the land in a manner that minimizes re-grading, re-contouring or similar modification of the existing shoreline and surrounding land. Masonry, stone stairs, and any other construction methods that require cutting into the shoreline and surrounding land are not allowed unless a pre-existing steep slope would otherwise prevent installing safe stairs. Stair design shall minimize footings and maximize permeability.

16.4.13 Applications for a dock, inflatable water toy or float may be referred for advisory comment by the Zoning Enforcement Officer or the Commission to the Lake Waramaug Authority. The comments of the Lake Waramaug Authority shall be non-binding on the Commission but the Commission shall consider any comments provided by the Authority within 35 days of the date of mailing of the referral to the Authority. Applicants should be aware that where the Lake Waramaug Authority recommends that the proposal should be modified or disapproved in order to protect the public safety the Commission may deny or modify the proposal.

16.5 Fences

No part of any fence on the Lake Waramaug side of Lake Road or North Shore Road shall be more than three feet higher than the elevation of the center of the road when viewed in a direction perpendicular to the center line of the road. Fences, walls, earthen berms, and other visual barriers are considered to be fences.

16.6 Minimum Shoreline Frontage. A proposed lot on a major water body shall have a

minimum shoreline frontage of 100 feet.

- 16.7 Maximum Impervious Surface. Not more than 20% of the portion of a lot within 500 feet of a major water body shoreline shall be covered with impervious surfaces.

17.0 NON-CONFORMING USES, STRUCTURES AND PARCELS

Any legally non-conforming use, structure or parcel that existed at the time these regulations, or amendments to these regulations, became effective may be continued. Minor repairs to, and routine maintenance of, a property where non-conforming uses and structures exist are permitted and encouraged.

17.1 Non-Conforming Uses

- 17.1.1 The volume, intensity, or frequency of use of a non-conforming property may increase provided the increase is only a change in the degree of use rather than a change in the kind of use.

- 17.1.2 No non-conforming use shall be changed except to a conforming use or, by special exception, to another non-conforming use that is, in the determination of the Commission, less objectionable in character. In making its determination on the special exception, the Commission shall consider the whether or not:

- A. the proposed non-conforming use is more suitable to the site and neighborhood than the existing non-conforming use;
- B. the proposed non-conforming use will generate traffic that is less objectionable in terms of volume, type, and hours than the existing non-conforming use;
- C. the proposed non-conforming use will require no more parking or loading space than the existing non-conforming use;
- D. the proposed use will create no more noise, emissions or vibrations than the existing non-conforming use; and
- E. any proposed modifications to either a building's exterior or the site will be more in character with the surrounding neighborhood.

- 17.1.3 If a non-conforming use is changed to a use permitted by right or by special exception, the property may not revert to a non-conforming use.

17.2 Structures with a Non-Conforming Use

- 17.2.1 One expansion of a structure with a non-conforming use is allowed by special exception provided:

- A. the expansion is no greater than 25% of the structure's gross floor area or 25% of the structure's cubic volume whichever is less; and
- B. all other applicable zoning regulations are observed.

- 17.2.2 The expansion of parking lots, outside storage areas, and other uses on a lot with a structure containing a nonconforming use is allowed by special exception provided:

- A. the expansion, in the opinion of the Commission, is the minimum necessary to support the non-conforming structure; and
- B. all other applicable zoning regulations are observed.

17.3 Non-Conforming Structures

A structure which conforms to the use regulations but which does not conform to yard setbacks, building heights, or other zoning regulations may be expanded provided:

- A. the expanded section of the structure conforms to all applicable regulations; and
- B. no other non-conforming situation is created or increased by the expansion; and
- C. no part of the expanded section extends any further than the existing structure into a non-conforming setback.

17.4 Non-Conforming Use of Land

A legally non-conforming use of land not involving a structure may be continued provided the area covered by the non-conforming use may not be increased.

17.5 Casualty

Any non-conforming structure or use, which is damaged by fire, natural disaster or force majeure, may be restored and used as before provided a zoning permit is issued for the restoration within two years of the calamity. The zoning permit may not be reissued or renewed. Neither the floor area nor the cubic volume of a non-conforming structure may be expanded. A non-conforming use of land may occupy no greater area than before the calamity.

18.0 OPEN SPACE SUBDIVISIONS

18.1 Open Space Subdivisions are permitted in the North and South Zones.

18.2 Minimum Lot Sizes and Area Requirements

The following are the minimum lot sizes and area requirements allowable in an open space subdivision.

	North and South Zoning Districts
Min. Lot Size (acres)	.75
Min. Buildable Area (sq. ft.)	10,000
Min. Side of Buildable Area Rectangle (ft.)	75
Min. Lot Width (ft.)	75
Min. Front Setback (ft.)	30
Min. Side Setback (ft.)	25
Min. Rear Setback (ft.)	25
Max. Height (ft.)	35
Minimum Square (ft.)	100

18.3 Minimum Area for an Open Space Subdivision

The minimum gross acreage for a Open Space subdivision shall be not less than five times the minimum standard lot size in the zoning district or ten acres, whichever is greater.

18.4 Maximum Number of Lots

The maximum number of lots shall not be greater than would be allowed in a standard subdivision. To determine this maximum, the applicant may calculate the number of lots according to either Section 18.4.1 or Section 18.4.2 below. If the applicant uses Section 18.4.1, the Commission may require the applicant to provide a conceptual layout as explained in Section 18.4.2 below.

18.4.1 The number of lots shall be computed as follows.

A. Net Acreage equals the gross acreage minus:

- i. the open space required by the Subdivision Regulations;
- ii. all areas designated as Inland Wetland type soils excluding areas counted as part of open space required in the Subdivision Regulations;
- iii. all areas covered by existing easements excluding Inland Wetland soil types;
- iv. all areas designated as Zone A floodplains by the Federal Emergency Management Agency excluding areas covered by easements or Inland Wetland soil types;
- v. 50% all areas with natural slopes, measured using two foot contour intervals, exceeding 20% excluding all areas covered by Inland Wetland soil types or existing easements; and
- vi. 10% of the gross acreage. The 10% of gross acreage is an allowance for roads and utilities.

B. Maximum number of lots equals net acreage divided by the minimum lot size of the zoning district.

18.4.2 The Planning and Zoning Commission may require the developer to provide a conceptual layout of the property as a standard subdivision that would meet all Zoning, Subdivision, and Inland Wetland regulations. If, in the Commission's opinion, the number of lots that could be obtained according to this conceptual layout is less than could be obtained using the formula in Section 18.4.1 above, then maximum number of lots shall not be greater than shown on the conceptual layout.

18.5 Minimum Open Space

18.5.1 The minimum acreage of open space shall be computed as follows: number of lots multiplied by 80% of the difference between the minimum standard lot size and the minimum open space lot size

18.5.2 The open space required by the Subdivision Regulations shall not be counted towards meeting the minimum open space required in Section 18.5.1 above.

18.6 Open Space

The location and configuration of the open space shall be determined by the Commission as part of the subdivision approval process.

18.7 Disposition of Open Space

The method of preservation and disposition of the open space shall be determined by the Commission as part of the subdivision approval process.

18.8 Adjoining Properties

To ensure compatibility with existing areas, the Commission may require a buffer to separate the Open Space subdivision from adjoining properties. The area of the buffer

may be included as part of the open space. When an open space lot has frontage on an existing State or Town road, the Commission may require that the minimum lot width and minimum front yard setback be increased to the minimums for conventional lots.

19.0 LANDSCAPE REQUIREMENTS

This Section shall apply to all uses except one and two family residences and agricultural operations. The landscaping requirements contained in this section are the minimum required. An applicant, however, may submit to the Commission an alternative landscaping plan with greater flexibility in layout provided the alternative plan has at least the minimum number of trees and shrubs as required by these Regulations. The Commission may approve the alternate landscaping plan if, in the opinion of the Commission, the plan meets the intent of these Regulations.

19.1 General Requirements

- 19.1.1 Landscaping materials, trees, and other plants required by these Regulations shall be installed according to accepted horticultural practices and all plants shall be maintained in a healthy growing condition. It is the responsibility of the property owner to replace any required vegetation that may be lost for any reason.
- 19.1.2 At the time of planting, all deciduous trees shall have a minimum caliper of 3.5 inches measured according to American Association of Nurserymen standards. All deciduous trees shall be indigenous shade trees and have a minimum branching height of five feet.
- 19.1.3 At the time of planting, all non-deciduous trees shall have a minimum height of 8 feet.
- 19.1.3 All trees and shrubbery adjacent to parking areas, loading areas and driveways shall be protected from vehicular damage by curbing, railing, landscape timbers, bollards or other substitute.
- 19.1.4 To the extent possible, existing vegetation and unique site features, such as stonewalls, shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these Regulations.

19.2 Landscaping Within the Front Yard Setback

- 19.2.1 The required front yard setback area of lots shall be surfaced with either lawn, evergreen ground cover or other suitable vegetative cover.
- 19.2.2 Within the front yard setback, one deciduous tree is required for every forty lineal feet - or fraction thereof - of street frontage. The deciduous trees shall be planted between thirty and fifty feet apart. Alternatively, one non-deciduous tree may be planted for every ten lineal feet - or portion thereof - of street frontage.
- 19.2.3 The Commission may require the planting of non-deciduous trees within all or part of the front yard setback when, in the opinion of the Commission, the non-deciduous trees will better serve to obstruct the view of parking areas or other uses from the street.

19.3 Perimeter Buffers

When a non-residential use abuts a residential use, the Commission may require landscaping along the side and rear property lines of the non-residential use if, in the opinion of the Commission, such landscaping is needed to screen the residential use from the non-residential use. All planting shall conform to Section 19.1 above.

20.0 PARKING REGULATIONS

20.1 Number of Parking Spaces

Off-street parking shall be provided and maintained in connection with the use, substantial change in use, construction, conversion, or increase in intensity of use of buildings or structures, such spaces to be provided in the following amounts per 1,000 square foot (sf) of Gross Floor Area (GFA):

USE	MAXIMUM NUMBER OF SPACES	MINIMUM NUMBER OF SPACES
Agriculture	n/a	n/a
Single Family Residence		2
Affordable Housing Project	2 per dwelling unit	1 per dwelling unit
Accessory Apartment	2	1
Auto Repair	As determined by the Commission	As determined by the Commission
Automobile Service Station	As determined by the Commission	As determined by the Commission
Retail Business	3	1
Professional Offices	5	2
Service Business	3	2
Restaurant	10	4
Manufacturing	2	1
Hotel	1.2 per guest room or suite	1 per guest room or suite
Inn	1.2 per guest room or suite	1 per guest room or suite
Bed and Breakfast	1.2 per guest room or suite	1 per guest room or suite
Places of Worship	1 space per 3 seats in portion of the building used for services	1 space per 5 seats in portion of the building used for services
Private Schools	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Buildings and Uses of the Town of Warren	As determined by the Commission	As determined by the Commission
Libraries and Museums	2	1
Golf Course	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Kennels	As determined by the Commission	As determined by the Commission
Cemetery	As determined by the Commission	As determined by the Commission
Warehouses	1	1
Manufacturing	2	1
Nursing Homes	3	2
Excavation	As determined by the Commission	As determined by the Commission

Day Care Center	1 space per 4 children at max. capacity	1 space per 8 children at max. capacity
Assisted Living Facility	3	2
Outdoor Recreation Facilities	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Camp Grounds	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Wind Turbines	As determined by the Commission	As determined by the Commission

For uses not listed in this section, the minimum and maximum number of parking spaces required shall be comparable to the closest other similar use as determined by the Commission.

20.2 Handicapped Parking Space Requirements

All off-street parking areas, except parking areas for one or two family residences or home occupations, handicapped accessible parking spaces shall be provided in the following amounts relative to the total number of spaces provided in the parking area:

Total Number of Parking Spaces in Lot	Minimum Number of Handicapped Spaces	Minimum Number of Van Accessible Handicapped Spaces
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2% of total number of spaces	12.5 % of total number of handicapped spaces
1,001 or more	20 spaces plus 1 space for every 100 space over 1,000	12.5 % of total number of handicapped spaces

20.2.1 Handicapped parking spaces shall be at least 15 feet wide including 5 feet of cross hatch. Each van accessible handicapped parking space shall be 16 feet wide including 8 feet of cross hatch. Cross hatched portions shall not be shared between spaces.

20.2.2 Handicapped parking spaces shall be located:

A. as close as possible to the nearest accessible ramp, walkway, and

building entrance on an accessible route;

B. so that physically handicapped persons shall not be compelled to wheel or walk behind parked cars to reach the nearest accessible ramp, walkway, and building entrance.

20.2.3 Handicapped parking spaces and access aisles shall be have a slope of less than 2% in all directions.

20.2.4 All handicapped accessible parking spaces shall be clearly designated with signs situated five feet above grade and with pavement markings. Signs shall display the international symbol of access and shall bear the words "Handicapped Parking Permit Required" and "Violators Will Be Fined." Accessible spaces for vans shall also bear the words "Van-Accessible." Pavement markings shall have the international symbol of access and the appropriate cross hatching.

20.2.5 All handicapped accessible parking spaces shall be paved.

20.3 Waivers and Exceptions of Parking Requirements

20.3.1 Intent

The intent of these regulations is that all structures and land uses be provided with a sufficient amount of off-street parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties. This section of the regulations is intended to set standards for conditions under which a waiver or exception from the general parking requirements may be allowed. The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements.

20.3.2 Parking Reduction Requests

If the applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements. The Commission will consider and act on this request concurrent with and as part of the full development application process.

20.3.3 Parking in the Center Zone

All requirements for number of off-street parking spaces as listed in Section 20.1 above shall be reduced by 25% where the use and associated required parking would be located within the Center Zone.

20.3.4 Parking for Mixed-Use Developments

In mixed use developments, or developments where parking is affected by cooperative agreements between different land uses, for any proposed use, substantial change in use, construction, conversion, or increase in intensity of use of any buildings or structures, the applicant shall submit a parking demand analysis that demonstrates parking demand patterns. The parking demand analysis must be approved by the Commission and will serve as the basis for determination of required parking at the mixed-use site.

20.3.5 Parking In Excess of the Maximum

The Commission may approve parking lots with more spaces than the allowed maximum provided all of the spaces above the maximum number are composed of a pervious surface, and where adequate stormwater management is provided as specified in Section 20.9 of these regulations.

The Commission may also approve parking lots with additional impervious parking spaces above the allowed maximum where the use of pervious spaces would not be environmentally sound and where an aggressive stormwater management plan is included with the application and implemented, employing, at a minimum, the stormwater management measures specified in Section 20.9 of these Regulations.

20.4 Parking Lot Design

Parking lots shall be designed to achieve the greatest efficiency of use of space practicable. In general, the preferred layout should have:

- A. 90 degree parking; and
- B. parking provided around the periphery of the site with no parking located between the building and the principal street.

20.5 Minimum Design Requirements

At a minimum, all parking lots shall:

- A. have a minimum stall size of 9 feet by 18 feet;
- B. have rectangular parking stalls;
- C. have no greater than a 5% slope;
- D. provide sufficient stacking area (area where cars may need to wait in line to exit onto the street or to enter to circulate in the parking lot) for 2 vehicles at the outbound access drives from the site;
- E. No parking space shall be designed to allow a vehicle to protrude or overhang a sidewalk or any landscaped area;
- F. minimize potential conflict points between pedestrians, bicycles, and motor vehicles; and
- G. have aisle widths and parking angles in a minimum ratio as shown as follows:

PARKING ANGLE	MINIMUM AISLE WIDTH	DIRECTION OF FLOW
45 degrees	12'3"	One way
50 degrees	12'9"	One way
55 degrees	13'3"	One way
60 degrees	14'3"	One way
65 degrees	15'2"	One way
70 degrees	16'	One way
75 degrees	24'	Two way
90 degrees	24'	Two way

- H. All parking areas with 15 or more parking spaces shall be paved with 2 inches of bituminous pavement over a gravel sub-base.
- I. All parking areas with less than 15 parking spaces shall be either:
 - i. paved with 2 inches of bituminous pavement over a gravel sub-base; or

ii. treated with a rolled gravel surface with a minimum depth of three inches.

J. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve.

20.6 Pervious Parking Area

Parking areas composed of pervious surfaces are encouraged for all land uses and may be provided to meet all or part of any required non-handicapped parking spaces on a lot.

20.8 Shared Parking

20.8.1 The Commission encourages parking lots for different structures or uses, or for mixed uses, to be shared in any zoning district. At the applicant's request, shared parking may be provided, subject to the following provisions:

A. A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.

B. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to

- i. the type and hours of operation and parking demand, for each use,
- ii. a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot,
- iii. a description of the character of land use and parking patterns of adjacent land uses, and
- iv. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

20.8.2 Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.

20.8.3 Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of 500 feet from the closest parking space in the lot providing the shared spaces. A waiver of the maximum allowable distance between the use and associated shared parking may be approved by the Commission with written justification and supporting information provided by the applicant.

20.8.4 Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well marked pedestrian crossings, signage, and adequate lighting.

20.8.5 If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a violation of zoning regulations for any use approved expressly with shared parking. The applicant must then provide written notification of the change to the Zoning Enforcement Officer and, within 60 days of that notice,

provide a remedy satisfactory to the Commission to provide adequate parking.

20.8.6 Where shared parking is provided among a mix of land uses, the Commission may allow the following, at the applicant's request:

A. Up to 30% of the parking spaces required for the predominant use on a site may be shared with other uses operating during the same time of day and days of the week. The predominant use is considered to be that which requires the most parking of those sharing the parking facilities.

B. Up to 75% of the parking spaces required for uses such as churches and other uses exclusively in operation during the weekend may be shared with uses such as offices, banks, and other similar uses predominantly in operation on weekdays.

20.9 Design Standards for Stormwater Management and Landscaping in Parking Lots

20.9.1 Intent

The intent of these regulations is to require the use of Best Management Practices (BMPs) to minimize, treat, prevent and/or reduce degradation of water quality and flooding potential due to stormwater runoff from parking. In all districts, all developments shall be designed to the extent practicable with the goal of no-net runoff from the site. That is, the volume of runoff from the site after development shall not, to the extent practicable, exceed the volume of site run-off prior to the proposed development. In addition, the stormwater management system shall be designed, constructed, and maintained with BMPs to minimize run-off volumes, prevent flooding, reduce soil erosion, protect water quality, maintain or improve wildlife habitat, and contribute to the aesthetic values of the project.

20.9.2 General Standards

Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the *Connecticut Stormwater Quality Manual* (CTDEP), and in accordance with the erosion and sedimentation control requirements and flood protection zone requirements specified in Sections 34 and 11 of these Regulations respectively, and to meet the following general standards:

A. Infiltration of stormwater shall be accommodated to the extent possible through limitation of land disturbance and grade changes, retention of existing natural drainage areas and wetlands, and use or creation of vegetated islands, vegetated medians, and vegetated perimeter buffer strips.

B. All stormwater detention and conveyance structures shall be constructed to control the post-development peak discharge rates from 10, 25, and 100-year storms to the corresponding pre-development peak discharge rates.

C. Site plans must include information regarding all existing and proposed landscaping and stormwater management structures and features.

D. Natural drainage patterns shall be maintained to the extent practicable. The applicant must demonstrate through information provided on and in association with the proposed site plan, the existing and proposed drainage patterns and calculated flows.

E. Parking lot drainage shall be designed such that all surface runoff (both piped and overland flow) is conveyed through a vegetated swale, vegetated filter strip, created wetlands, rain gardens, or detention basins with bio-filtration prior to discharge into existing wetlands, streams, ponds, or other water bodies.

F. The use of native grasses and small-diameter wood-stemmed shrubs is encouraged as plantings for all vegetated swales, vegetated filter strips, created wetlands, rain gardens, or detention basins with bio-filtration.

G. Direct discharge of untreated stormwater to any natural wetland or water body is prohibited.

H. Stormwater runoff discharged to wetlands must be diffused to non-erosive velocities prior to reaching any natural wetland based on calculations submitted with the application package.

I. The applicant must demonstrate that any receiving wetlands or water bodies have sufficient holding capacity, based on calculations submitted with the application package.

J. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design and maintenance guidelines to be followed shall be in accordance with the most recent version of *The Connecticut Stormwater Quality Manual* (CTDEP).

20.10 Landscaping Standards for Parking Lot Stormwater Management

The landscaping requirements in this section are intended to maximize the natural areas retained in any parking lot in order to optimize natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development. In order to accomplish these goals the following standards shall apply:

20.10.1 Developments with proposed parking areas of 15 spaces or more shall provide a minimum of 10% of the total parking area as landscaped open space. Such landscaped open space may be provided in the form of islands, and/or other planted areas and may include the perimeter buffer between the parking lot and adjacent streets.

20.10.2 Developments with proposed parking areas of 25 or more spaces shall also provide landscaped islands of a minimum width of 9 feet and 18 feet in length throughout the parking area planted with a mix of shrubs and trees. Such islands shall be located:

- A. At each parking lot entrance;
- B. At the ends of each parking aisle;
- C. As intermediate islands in long rows of spaces, located every 15 spaces;
- D. As separation between long rows of parking spaces where they abut other rows; and

E. As separation between pedestrian walkways and parking spaces and/or driving aisles.

20.10.3. All landscaped islands shall be situated below the grade of the parking spaces and driving aisles such that stormwater runoff flow is directed to and trapped by such

islands.

20.10.4. A minimum of one deciduous or evergreen tree and two shrubs shall be planted on the parking lot islands for every 10 parking spaces. Trees and shrubs shall conform to the following standards:

- A. Deciduous trees shall be planted at 3 inches in caliper with a mature height of at least 35 feet.
- B. Evergreen trees shall be coniferous species planted at 6 feet in height.
- C. Shrubs shall be either deciduous species planted at 2.5 feet in height or evergreen species planted at 2.5 feet in spread.
- D. Trees and shrubs shall be situated such that they do not obstruct vehicle sight lines when at full growth.
- E. All landscaped islands shall be protected where they meet the driving aisles with bollards or other barriers.

21.0 SIGNS

Signs shall be permitted only as specified below.

21.1 Requirements for Signs in All Zones

- 21.1.1 No sign may project into any public right-of-way or onto another property.
- 21.1.2 No sign shall interfere with any sight lines from streets or driveways or any views necessary for the safe movement of vehicles, pedestrians or cyclists.
- 21.1.3 Signs that move are prohibited.
- 21.1.4 Signs, or any part thereof, that are animated or change electronically are prohibited.
- 21.1.5 No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
- 21.1.6 Exterior illuminated tubing or strings of lights that outline property lines, roof lines, doors, windows, sales areas or similar areas are prohibited. This restriction shall not apply to holiday lighting installed on residential structures. Holiday lighting may be installed on non-residential structures provided the lighting is illuminated no more than 30 days prior to the holiday and turned off within 30 days after the holiday.
- 21.1.7 Except for directional signs and signs for non-profit organizations, no off-premise business signs are allowed.

21.2 Identification Sign

- 21.2.1 One identification sign bearing the name of the resident, the residential property, and/or a permitted home occupation or home business conducted on the premises shall be permitted on each residential parcel provided such sign does not exceed four (4) square feet in area.
- 21.2.2 Identification signs announcing the name of a residential development or subdivision shall be allowed at no more than two (2) entrances to said development or subdivision and shall be no larger than nine (9) square feet in area.

21.3 Directional Signs

A reasonable number of directional signs each not to exceed three (3) square feet in area are permitted on showing of need and may be required by the Commission where the Commission determines that such signs are necessary or appropriate to facilitate the flow of

traffic on the premises or in relation to the adjoining street system. Directional signs not to exceed six (6) square feet in area may be permitted for any public building, including churches, subject to Commission approval as herein provided.

21.4 Business Signs

Business signs shall be permitted which advertise the name of the business, the sale of goods or services on the premises, and the name of a shopping center group. The location and size of such signs shall be governed by the following standards.

21.4.1 Signs attached to buildings shall be limited to one (1) per business establishment, shall not be placed on nor project above the roof of any structure, and shall not be more than twenty-four (24) square feet in area nor wider than the front face of the store, shop, office, or building to which they are attached. In the Center Zone, signs shall be allowed on the roof if the sign does not project about the highest point on the roof.

21.4.2 One free-standing sign is permitted in lieu of an attached sign provided

A. the sign shall not exceed twelve (12) square feet in area; and

B. the top of the free-standing shall not be more eight (8) feet above the ground. The grade cannot be altered by filling, berming, excavating or other means for the purpose of altering the height of the sign.

21.5 Miscellaneous Signs

21.5.1 Governmental Signs

Signs erected by governmental agencies in connection with traffic control or governmental operations shall be permitted.

21.5.2 Posted and No Trespassing Signs

Posted and No Trespassing signs not to exceed one (1) square foot in area are permitted on the owner's property.

21.5.3 Tag Sale Signs

Tag Sale and similar signs, not to exceed two (2) square feet in area, are permitted one (1) day prior to such sale. Said signs must bear the owner's name and dates of the event and be removed within twenty-four (24) hours after the last day of the event.

The maximum period these signs may be displayed is for any two (2), three (3) day periods per year.

21.5.4 Temporary Signs

Temporary signs of any size or nature, including the use of pennants, streamers or flags, may be permitted announcing art shows, church fairs, civic events and other activities of non-profit organizations, and may be allowed on the day(s) of said event and up to four (4) weeks prior to said event provided that these signs are removed twenty-four (24) hours after said event.

21.5.5 For Sale or Lease Sign

One sign advertising the sale or lease of a property is permitted provided:

A. the sign is located on the property; and

B. the sign is less than or equal to four (4) square feet in area.

21.6 Condition of Sign

Any sign in a state of disrepair shall be in violation of these Regulations, and the Commission may order it removed.

21.7 Permits

The permits required for the different signs are shown in the Table below.

SIGN	ZONING PERMIT REQUIRED
Directional Sign	Yes
For Sale/For Lease Sign	No
Identification Sign	Yes
Business Sign	Yes
Posted/No Trespassing Sign	No
Temporary Sign	No
Tag Sale Sign	No
Government Sign	No

22.0 SPECIAL EXCEPTIONS

22.1 General Criteria

The Commission shall grant a special exception only if the Commission determines all of the following criteria are met. The following criteria are in addition to any other requirements or conditions found elsewhere in these Regulations.

22.1.1 The proposed use will not have an adverse impact on the public health, safety and welfare of the general public.

22.1.2 The proposed use in terms of size, intensity and layout will not adversely impact the surrounding properties and will not be detrimental to the development of the surrounding properties.

22.1.3 The design of all structures is compatible with existing character of the surrounding properties.

22.1.4 The vehicular traffic from the proposed use will be consistent in terms of volume and type with the existing traffic on the adjoining streets. The proposed use will not create a hazardous situation for vehicular or pedestrian traffic. The adjoining streets shall be acceptable in width, grade, alignment, capacity, and visibility to accommodate the increased traffic from the proposed use.

22.1.5 The proposed use will provide for proper access for fire and emergency service vehicles.

22.1.6 The proposed use will provide for the adequate, long-term protection of the parcel's natural, scenic, archeological and historic features.

22.2 In approving a special exception, the Commission may impose conditions to minimize any potential adverse impacts:

A. on surrounding properties;

B. on the natural, scenic, archeological or historic features of the property;

C. on water quality and/or water supply; and

D. on the public health, safety and welfare.

22.2.1 These conditions include, but are not limited to, landscaping, buffers, location and size of structures, and limitations on hours of operation.

22.3 In acting on a special exception, the Commission shall state on the record the reasons for its decision.

22.4 Any special exception for which either a site plan approval or a building permit has not been issued within two years of the date of the Commission's approval shall be void. Upon the applicant's written request, the Commission may extend the deadline for obtaining site plan approval or a building permit for up to one additional year.

23.0 AFFORDABLE HOUSING PROJECT

An affordable housing project is allowed by special exception in all zoning districts subject to the following conditions.

23.1 The residential density shall be less than or equal to one.

23.2 The minimum lot area shall be two acres.

23.3 For single family dwelling units, the minimum front, side and rear yard setbacks and the maximum height shall be as shown in Section 6.2.

23.4 For structures containing two or more dwelling units, the Commission may increase the minimum front, side and/or rear yard setbacks by 50%.

23.5 No more than four dwelling units shall be allowed in any one structure.

23.6 The minimum build able area shall be 7,500 square feet per dwelling unit. The minimum dimension of the build able area shall be 75 feet per dwelling unit.

23.7 The affordable dwelling units shall be comparable in quality and size to the project's market rate dwelling units.

24.0 CONVERSION OF FARM BUILDINGS

Existing farm buildings may be converted to other uses subject to the following conditions. A special exception is required.

24.1 The farm buildings may be used only for the following:

A. professional offices;

B. manufacturing; or

C. warehouse.

24.2 The owner of the parcel on which the farm building is located shall occupy either the principal dwelling on the parcel or a principal dwelling on a parcel abutting the farm building parcel.

24.3 The applicant shall present documentation to prove that the building proposed for conversion was constructed no less than ten years prior to the date of application.

24.4 The minimum lot area requirements shall be ten acres.

- 24.5 The front yard setback shall be a minimum of fifty feet. The side and rear yard setbacks shall be a minimum of one hundred and fifty feet.
- 24.6 There shall be no addition to the building or change to the building facade except modifications required for access and loading and as necessary to meet fire code and building code requirements. Where any change to the building facade is proposed, the applicant is to present an architect's rendering showing that such modification maintains the integrity of the building exterior.
- 24.7 One sign not exceeding four (4) square feet in area shall be permitted. The sign shall not be illuminated, nor shall any part of the sign be in an apparent motion. The sign shall not be less than five (5) feet from the front lot line.
- 24.8 The parcel shall be located on a State highway or an approved Town road.

25.0 EXCAVATION AND GRADING

25.1 All excavations, grading and filling shall conform to the following regulations. The placement of more than 100 cubic yards of earthen material or clean fill on a lot shall be subject to the same regulations as an excavation and grading. Except as specified in Section 25.2 below, all excavations, filling and grading shall require a Special Exception.

25.2 The following activities shall not require a Special Exception.

A. Excavation and grading necessary for the construction of a building or other structure that has a valid building permit. Included in this excavation and grading is the construction of driveways, septic systems and other utilities approved as part of the building permit process.

B. Excavation and grading necessary for the development of a parking area for which Commission approval has been obtained.

C. Excavation and grading necessary for the development of the roads, utilities, and building lots in accordance with an approved subdivision plan.

D. Excavation and grading necessary for the normal operation of a cemetery, farm or town facility.

E. Excavation of less than of 500 cubic yards of material within five calendar years.

F. Excavation for the creation and/or maintenance of a pond provided the work has the approval of the Town Inland Wetlands Commission.

G. Grading of less than 20,000 square feet within five calendar years.

Even though these activities do not require a Special Exception, these activities shall comply with the standards found in *Connecticut Guidelines for Soil Erosion and Sediment Control* as amended. Failure to comply with these standards shall be a violation of these regulations.

25.3 Along with an application for a Special Exception conforming to the requirements

of Section 33, the following information, based on an A-2 survey, shall be submitted.

A. The boundaries of the property where the excavation and/or grading is proposed and the area to be excavated or graded.

B. The existing contours in the area to be excavated or graded and proposed contours after completion of the work. The existing contours shall be prepared from an actual field survey based on benchmarks noted and described on the survey and drawn to a scale of not less than 1 inch equals 40 feet with a contour interval not to exceed five (5) feet.

C. The existing and proposed drainage on the area during and after the excavation or grading and drainage easements or flowage rights.

D. The existing and proposed structures on the premises.

E. The location of proposed driveways, roads, fences, gates and topsoil storage areas.

F. A vicinity map at a scale sufficient to show all streets, driveways, schools, parks, and zone boundaries within 1,000 feet of the property's boundaries.

25.4 Information

In addition to any other information required, the applicant shall provide, at a minimum, the following information:

A. the proposed days and hours of operation;

B. the location of the excavation and/or grading;

C. the methods of excavation and/or grading proposed for the site;

D. the location and frequency of any proposed blasting;

E. the proposed location of any large scale machinery, trailers or other operations on the site;

F. an estimate of the number of trucks that are proposed to enter or leave the site each day; and

G. the approximate number of acres to be excavated and/or graded per year, the cubic yards of earthen material to be removed per year, the estimated duration of the operation, and the estimated depth of excavation below the existing grade;

H. a plan for the restoration of the site that includes the location of the areas to be restored, the schedule for the restoration and a list of the type and amount of the plant material to be used; and

I. any other information that the Commission determines is necessary and relevant to the application.

25.5 Setbacks

No excavation shall take place within fifty feet of any property line except where the Commission determines that such excavation would:

A. improve sight lines on existing roadways;

B. provide a more appropriate system of stormwater drainage; or

C. provide a more usable area for future development when excavation is complete.

25.6 Screening

Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm. Existing vegetation and natural topography shall be preserved where feasible.

25.7 Slopes

Finished slopes shall not exceed a one-foot vertical to three-foot horizontal slope. Fences, guardrails, or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic.

25.8 Topsoil

No topsoil is to be removed from the property unless specifically authorized by the terms of the Special Exception.

25.9 Processing

No sorting, crushing, reducing, refining, or other processing of the excavated material shall be done on the parcel except as specifically authorized by the terms of the Special Exception. No material may be brought onto the property for sorting, crushing, reducing, refining or other processing.

25.10 Drainage

At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. The excavation and grading shall be in compliance with the Connecticut Department of Environmental Protection's regulations governing the discharge of stormwater and dewatering wastewaters from construction activities.

25.11 Restoration

At the completion of all excavation and grading, the property shall be in such condition that it can readily accommodate uses permitted by these regulations and will not adversely impact the surrounding properties. The area disturbed by the excavation and/or grading is to be restored by the spreading of topsoil and the planting suitable ground cover including perennial grasses, shrubs, and legumes. Restoration shall be a continuous operation. The following regulations shall govern the restoration.

A. Topsoil shall be stored on the property for re-spreading to a minimum depth of 4 inches over the excavated area. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.

B. Following the re-spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized.

C. No sharp declivities, pits, or depressions shall remain after restoration. No accumulation of boulders or debris shall remain on the surface after restoration.

D. Restoration is to occur so that no more than five (5) acres are actively being excavated, used, or without topsoil at any one time. The

Commission may increase the five acre maximum if the Commission determines that the five acre maximum does not provide sufficient space for the excavating or grading operations.

25.12 Issuance of Special Exception

25.12.1 To protect the character of the surrounding neighborhood and/or the environment, the Commission may

A. restrict the hours of operation, the type of operation, the types and location of equipment, limit the use of explosives or any other aspect of the operation that may have adverse impacts on the surrounding properties;

B. provide for increased buffering of surrounding properties;

C. limit access to the property to specific roads.

25.12.2 The Commission shall require a performance bond be posted with the Town of Warren to guarantee completion of all work necessary to fulfill the terms of the Special Exception including the site restoration. The amount and form of the bond shall be determined by the Commission and in accordance with the requirements of the Connecticut General Statutes. No excavation, grading or other work shall commence until the bond has been accepted by the Commission.

25.12.3 The Special Exception shall be renewed by the applicant every two years from the date of issuance. The Special Exception shall not be renewed unless the work completed to date conforms to the approved Special Exception.

25.12.4 In renewing a Special Exception for an existing, legally non-conforming excavation or grading operation, the Commission may impose such conditions as would bring the operation more nearly into conformance with these Regulations.

26.0 HOME BUSINESS

The following regulations apply to Home Businesses:

26.1 In addition to full time residents of the dwelling unit, a maximum of two non-resident employees may work in the home business.

26.2 The home business may be conducted either in the dwelling unit or in a separate structure.

26.3 No more than 1,000 square feet or a floor area equal to 33.3% of the dwelling unit –whichever is less – shall be used for the home business.

26.4 No equipment or processes shall be used in a home business that create noise, vibration, glare, fumes or odors detectable to the normal senses from off the property.

26.5 The residential appearance of the dwelling unit shall be maintained. No evidence of the home business, other than a permitted sign, shall be visible from the exterior of the dwelling unit.

26.6 No more than five commercial vehicles shall be stored on the property outside of a building.

26.7 Any additional parking area required for non-resident employees shall be at least 25 feet from any property line. As a condition of the special exception, the Commission may require screening of the additional parking. The screening may consist on landscaping,

fencing or other means.

26.8 All outside storage areas shall be at least 25 feet from all property lines. The storage area shall not be visible from the adjoining properties or from a public right of way. As a condition of the special exception, the Commission may require screening of the storage area. The screening may consist on landscaping, fencing or other means.

26.9 Customers and clients are permitted on the property.

27.0 MANUFACTURING, PROFESSIONAL OFFICES AND WAREHOUSES

27.1 Manufacturing, professional offices and warehouses may be allowed by special exception in the North Zone provided all of the following conditions are met.

27.2 The minimum area requirements, except where otherwise noted, shall be:

Area: 10 acres

Frontage: 400 feet

Front Yard: 150 feet

Side Yard: 150 feet

Rear Yard: 150 feet

Building Height: 35 feet (maximum)

Minimum Square: 400 feet

27.3 The lot must have its minimum frontage on either Route 45 or Route 341.

27.4 All driveways serving the lot shall be on either Route 45 or Route 341. No access shall be allowed from any Town owned road.

27.5 No structure, parking or storage shall be located within the front, side or rear yard setbacks.

27.6 No dwelling units are permitted on the lot.

27.7 The visibility of the buildings, parking area and storage areas from the adjoining properties and the right of way is to be kept to a minimum. As a condition of the special exception, the Commission may require screening of the buildings, parking areas and storage areas. The screening may consist of landscaping, fencing or other means

28.0 WIND TURBINES

Wind turbines are allowed only as an accessory use.

28.1 Area and Height

28.1.1 The minimum lot area on which a wind turbine shall be located is five acres.

28.1.2 The maximum height of the wind turbine shall be 200 feet.

28.2 Setbacks

28.2.1. The wind turbine shall be set back from all property lines a minimum distance equal to 1.5 times the turbine's height.

28.2.2 The wind turbine shall be set back from all structures except those accessory structures used solely in conjunction with the wind turbine, a minimum distance equal to 1.1 times the turbine's height.

28.3 The minimum distance between the ground and any part of the rotor blade system shall be fifteen feet.

28.4 Wind turbines shall be painted a non-reflective, non-obtrusive color.

28.5 Brand names, advertising or other signage associated with any installation shall not be visible from any adjacent property or public right of way.

28.6 Lighting

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

28.7 Electromagnetic Interference

The wind facility shall conform to all Federal and State regulations regarding electromagnetic interference.

28.8 Noise

The Wind Facility shall conform to any applicable provisions of the Torrington Area Heath District (TAHD) Noise Control Regulations and all other applicable noise laws, regulations and statutes.

28.9 Visualizations

Upon receiving a special exception application for a wind facility, the Commission shall select between three and six sight lines, including from the nearest building with a view of the wind facility, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

A. View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind facility (e.g. superimpositions of the wind facility onto photographs of existing views).

B. All view representations will include existing, or proposed, buildings or tree coverage.

C. Include description of the technical procedures followed in producing the visualization (distances, angles, lens, etc...).

The applicant shall provide the view representations to the Commission at least ten days prior to the start of the public hearing on the special exception.

28.10 Within 21 days of filing for a Special Exception, the applicant shall arrange for a balloon test, or a crane test, at the proposed site to illustrate the height and position of the proposed tower. The balloon shall have a minimum diameter of eight feet. The date, and alternate dates to allow for inclement weather, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least 15 days, but not more than 21 days, prior to the primary date of the test. The balloon or crane test shall be conducted for at least two days, one of which shall be a Saturday or a Sunday.

28.11 A wind monitoring or meteorological tower may be erected on a property for a maximum period of no more than two years provided:

A. the tower's maximum height is 200 feet; and

B. the applicant obtains a zoning permit.

At the end of the two year period, the tower must be removed.

ADMINISTRATION

29.0 ZONING BOARD OF APPEALS

29.1 General

29.1.1 As authorized by the Connecticut General Statutes, the Zoning Board of Appeals shall have the following powers and duties.

A. The Board may adopt such rules and procedures as may be necessary to carry out these regulations.

B. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer.

C. The Board shall hear and decide upon all requests for variances from these regulations.

D. The Board shall grant no variance allowing in a zoning district a use that is otherwise not permitted by these Regulations.

29.1.2. In making its decisions, the Board shall give careful consideration to the Town's Plan of Conservation and Development and the purpose of these regulations as expressed in Section 1.0.

29.1.3. Whenever the Board grants or denies any appeal or variance, the Board shall state on the record the reasons for its decision. In the case of a variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based.

29.2 Appeals

Any appeal from an order, requirement, or decision made by the zoning enforcement officer shall be made within 30 days of the date of the decision being appealed. Appeals shall be made on forms required by the Board. Failure of the applicant to provide the necessary information shall be grounds for denial of the appeal.

29.3 Variance

29.3.1 A variance may be granted by the Board provided all of the following conditions are present.

A. There are special conditions or circumstances affecting the lot but not affecting, in general, the zoning district in which the lot is situated. These conditions or circumstances are related solely to:

- i. the unusual shape or topography of the land; or
- ii. the condition or location of an existing structure.

These special conditions or circumstances shall not be related to the personal conditions or circumstances of the applicant.

B. The exceptional difficulty or unusual hardship claimed by the applicant is not due to the actions either of the current property owner, a previous property owner or the applicant.

C. The strict application of these regulations would deprive the property owner of all reasonable use of the property.

D. The exceptional difficulty or unusual hardship is not merely financial.
E. The relief granted is the minimum necessary to provide a reasonable use of the property.

F. The relief granted will not adversely affect the surrounding properties or be otherwise harmful to the public welfare.

29.3.2 In granting a variance, the Board may impose reasonable conditions to minimize any potential adverse impacts on surrounding properties or on the public welfare. Any violation of a condition is a violation of the regulations and is subject to the same enforcement measures.

29.3.3 Any variance that is not acted upon within two years of the date of approval shall be void. Upon written request of the applicant, the Board may grant an extension of up to one additional year.

29.3.4 An applicant for a variance shall submit:

- A. a formal variance application on forms prescribed by the Board;
- B. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut;
- C. any other information deemed necessary by the Board to make a decision on the application; and
- D. the application fee.

29.3.5 Failure of the applicant to provide the necessary information shall be grounds for denial of the variance.

30.0 ZONING PERMIT

30.1 Permit Required

The issuance of a zoning permit shall be required before:

- A. commencement of construction, placement, relocation, alteration, or installation of any building or structure; and
- B. change of use of any building, structure or use of land.

30.1.1 Routine repairs and maintenance of existing buildings and structures do not require a zoning permit.

30.1.2 Any timber harvesting operation where the timber is removed from the property shall require a zoning permit.

30.2 Applicants

An application for a zoning permit may be made by:

- A. the owner of the property to which such application relates.
- B. the purchaser of the property provided that the written consent of the property owner to the grant of such zoning permit accompanies the application; or
- C. the owner of a leasehold interest in the property under a written lease provided that the written consent of the property owner to the grant of such zoning permit accompanies the application.

30.3 Submission of Application

A complete application shall consist of the application form and filing fee prescribed by the Commission and all documents and statements required to accompany the form. Five copies of each application form and the accompanying documents and statements shall be delivered to the Town Land Use Office. The date of receipt by the Commission of a complete application shall be the day of its next regularly scheduled meeting immediately following the day of submission to the Commission.

30.4 Supporting Information

Each application shall be on a form prescribed by the Commission and shall be filled out in accordance with any instructions accompanying the application form.

The Commission or the Zoning Enforcement Officer may require the applicant to submit additional information if, in their opinion, such information is needed to determine the conformance of the application with these regulations.

30.5 Determination

30.5.1 The Planning and Zoning Commission may authorize the Zoning Enforcement Officer to issue zoning permits. The Zoning Enforcement Officer may refer any zoning permit application to the Commission for the Commission's review and approval.

30.5.2 The Planning and Zoning Commission or the Zoning Enforcement Officer shall grant the application and issue a zoning permit if it is determined that the proposed activity complies with all applicable requirements of these Regulations including any conditions imposed as part of a site plan, special exception or variance.

30.5.3 The application shall be denied if the Commission or the Zoning Enforcement Officer:

- A. is unable, for lack of information, to determine whether or not the proposal complies with all pertinent requirements, or
- B. finds that the proposal does not comply with all pertinent requirements;

or

- C. there is a zoning violation on the property and the proposal will not remedy the violation.

30.6 When the application is approved by the Commission or Zoning Enforcement Officer, the approval will be noted thereon by signature of the authorized agent of the Commission and will constitute the zoning permit. An application may be approved by the Commission or Zoning Enforcement Officer subject to such special conditions as are noted thereon or by attachment or letter.

30.7 Notice of Approval or Denial

In the event of denial, the Planning and Zoning Commission or the Zoning Enforcement Officer shall issue within five (5) days after its decision, written notice of denial to the applicant either personally or by certified mail.

30.8 Expiration of Permit

A zoning permit authorizing a new improvement or changes in an existing improvement shall expire twelve (12) months following its issuance if construction thereof shall not have been commenced within said period, and shall expire twenty-four (24) months following its issuance if exterior construction shall not have been completed within said period. A new permit shall be required to complete construction begun under a permit that has expired.

30.9 Other Permits and Requirements of Other Agencies

Permits, approvals and required statements from other agencies as listed below shall be obtained prior to applying for a zoning permit. Such permits, approvals and statements, or copies thereof, shall accompany the application for a zoning permit. An application shall not be considered complete in the absence thereof.

30.9.1 Warren Conservation and Inland-Wetlands Commission

If the proposed activity is in or affects a regulated area of inland-wetlands or watercourses, a statement must be obtained from the Warren Conservation and Inland-Wetlands Commission showing that the requirements of the Inland-Wetlands and Watercourses Regulations of the Town of Warren are being complied with.

30.9.2 Town Sanitarian

The zoning permit application must be endorsed by the Town Sanitarian.

30.9.3 Connecticut Department of Transportation

If a driveway is to be constructed to connect with a State Highway, a permit must be obtained from the State Department of Transportation and one copy thereof must be attached to the application for zoning permit or its endorsement must be put on the application.

30.9.4 Town of Warren Driveway Permit

If a driveway is to be constructed to connect with a town road, a permit must be obtained from the Board of Selectmen and approval, by the First Selectman, shall be endorsed on the application for zoning permit.

30.9.5 Other Permits or Approvals

If the proposal described in an application for zoning permit is one which requires a permit or approval issued any other governmental official or agency prior to commencing construction or the use of the property involved, the Commission or the Zoning Enforcement Officer may, before issuing a zoning permit require the applicant to submit evidence that such permit or approval has been granted.

30.10 Notice Provisions

In accordance with Connecticut General Statutes Section 8-3(f), the Commission or the Zoning Enforcement Officer shall inform the recipient of a zoning permit that notice of the issuance of a zoning permit may be published by the recipient in a newspaper having substantial circulation in Warren in order to establish the appeal period per Connecticut General Statutes Section 8-7. Any such notice to be published by the recipient shall contain:

- A. a description of the building, use or structure,
- B. the location of the building, use or structure,
- C. the identity of the applicant, and

D. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of Connecticut General Statutes Section 8-7.

31.0 **SITE PLANS**

31.1 Site plan approval from the Commission shall be required for:

- A. the construction, expansion, outside alteration, or change of use of any building or structure other than one or two family dwellings;
- B. any use that requires a special exception;
- C. any alteration or expansion of a parking area; and
- D. any change of use of a parcel.

Site plan approval shall be obtained prior to obtaining a Zoning Permit.

31.2 A site plan shall be approved, approved with conditions, approved subject to modification, or denied. A site plan may be modified or denied only:

- a. if it fails to comply with the requirements of these regulations;
- b. if, in the case of a special exception or variance, the plan does not conform to the uses or conditions imposed as part of the special exception or variance; or
- c. if the location or design of proposed storm drainage, water, electrical, or other utilities are not in keeping with good engineering practice.

31.3 Application Procedure

31.3.1 Prior to submission of a formal site plan application, the Commission recommends that the applicant meet with the Zoning Enforcement Officer to discuss the application requirements and review preliminary plans.

31.3.2 The applicant shall submit:

- A. a formal site plan application on forms prescribed by the Commission;
- B. five paper copies and one electronic copy of the plans with the information as described in Section 31.5 below; and
- C. the application fee.

31.4 The Commission may refer the application for comment and review to any Town department or other organization that the Commission deems appropriate.

31.5 Site Plan

31.5.1 All plans shall be prepared, signed, and sealed by a professional engineer, landscape architect, land surveyor or architect - whichever is appropriate. The professional engineer, landscape architect, land surveyor or architect shall be registered in the State of Connecticut. All plans shall be based on an A-2 survey. The scale of the plans shall be a minimum of inch equals forty feet. The plans shall include the following information:

- A. date, north arrow, and scale;
- B. existing and proposed contours at two foot intervals;
- C. existing major landmarks such as inland wetlands, streams, floodplains, rock outcropping, tree lines, etc.;
- D. construction limit line identifying all those areas to remain undisturbed and in their natural state;
- E. proposed parking and loading areas including stalls, driveways, and aisles; dimensions, curbing, landscaping, turning radii and identification of proposed surface material;

- F. the sight distance for proposed driveways;
- G. the location, size, height, and intensity of all proposed lighting fixtures;
- H. proposed landscaping plan showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting; the landscaping plan shall be signed by a landscape architect;
- I. the location and design of all existing and proposed sanitary sewer, storm drainage, water, electrical, and other utilities; all engineering improvements shall be accompanied by appropriate data in accordance with good engineering practice;
- J. proposed location and screening of all trash receptacles;
- K. the location of all existing and proposed fire ponds and fire hydrants;
- L. the proposed size, colors, location and lighting of all signs;
- M. architectural plans;
- N. an informational table showing:
 - i. existing use of the property;
 - ii. proposed use of the property;
 - iii. zone in which the property is located;
 - iv. size of the property in square feet or acres;
 - v. gross floor area of existing structures;
 - vi. gross floor area of proposed structures;
 - vii. building height in feet and number of stories;
 - viii. number of parking spaces required;
 - ix. number of parking spaces provided;
 - x. number of loading spaces required;
 - xi. number of loading spaces provided;
 - xii. a vicinity map at a scale sufficient to show:
 - a. parking areas and driveways on all properties within 200 feet of the site;
 - b. all streets within 200 feet of the site; and
 - c. all zone boundaries within 200 feet of the site;
- O. Any additional information needed by the Commission to determine compliance of the plan with the zoning regulations.

31.6 Waiver

Upon written request of the applicant, the Commission may waive any of the items required for a site plan application if the Commission determines that the information is not needed to determine compliance with these regulations.

31.7 Performance Bond

31.7.1 As a condition of approval, the Commission may require the applicant to post a performance bond to cover all improvements in the public right of way and any on-site improvements needed to ensure that the site is maintained and/or restored in a satisfactory manner. The bond shall be in an amount and form that is acceptable to the Commission and is in accordance with the requirements of the Connecticut General Statutes.

31.7.2 The applicant shall make a written request to the Commission for any release or reduction of the performance bond. The developer shall indicate the value of the improvements completed and the value of the improvements that remain to be completed. The Commission shall make the decision on whether or not to release or reduce the bond within sixty-five days of receiving the applicant's written request. If the Commission does not release the amount requested, the Commission shall provide the applicant with a written explanation as to the additional modifications that must be completed before the amount requested is released.

31.7.3 Within sixty days of the date of approval, the applicant shall deliver to the Town Zoning Officer the following: one paper copy of the approved plans, one Mylar copy of the approved plans and one electronic version of the approved plans. Upon written request of the applicant, the Commission may extend the sixty days for an additional sixty days.

31.8 Modifications

Site improvements and development, including architectural design, shall be carried out in strict compliance with the site plan approved by the Commission. If an applicant determines that minor modifications to the approved plan are needed because of unanticipated site conditions, the applicant shall request, in writing, approval of those modifications. The Zoning Enforcement Officer may approve, in writing, minor modifications. The Zoning Enforcement Officer shall notify the Commission of any request for modification and the action taken. All other modifications to the approved site plan shall be referred to the Commission for approval or denial.

32.0 CERTIFICATE OF ZONING COMPLIANCE

32.1 All site improvements including all modifications shown on the approved site plan and/or the zoning permit shall be completed to the satisfaction of the Zoning Enforcement Officer before a Certificate of Zoning Compliance is issued. The Zoning Enforcement Officer may require the submission of an "as built" A-2 survey of the property if, in the opinion of the Zoning Enforcement Officer, the survey is needed to determine the improvements compliance with the approved plan.

32.2 When the required site improvements cannot be completed because of weather or other relevant conditions, a certificate of zoning compliance may be issued provided a performance bond is posted for the entire cost of the needed improvements. The performance bond shall be in a form and amount satisfactory to the Commission and in accordance with the requirements of the Connecticut General Statutes.

33.0 SPECIAL EXCEPTION APPLICATIONS

33.1 Prior to submission of a formal special exception application, the Commission recommends that the applicant meet with the Zoning Enforcement Officer to discuss the application requirements and review preliminary plans.

33.2 The applicant shall submit:

- A. a formal site plan application on forms prescribed by the Commission;
- B. a site plan as described in Section 31.0; and
- C. the application fee.

33.3 Upon written request of the applicant, the Commission may waive the requirement for submission of a site plan if, in the opinion of the Commission, the site plan is not needed to determine compliance with these regulations.

34.0 EROSION AND SEDIMENT CONTROL PLAN

34.1 Activities Requiring a Certified Erosion and Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

34.2 Erosion and Sediment Control Plan

34.3.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

34.3.2 Said plan shall contain, but not be limited to:

A narrative describing:

- A. the development;
- B. the schedule for grading and construction activities including:
 - i. start and completion dates;
 - ii. sequence of grading and construction activities;
 - iii. sequence for installation and/or application of soil erosion and sediment control measures;
 - iv. sequence for final stabilization of the project site;
- C. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
- D. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
- C. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
- D. the operation and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

34.3.3 A site plan map at a sufficient scale to show:

- A. the location of the proposed development and adjacent properties;
- B. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;
- C. the existing structures on the project site, if any;
- D. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
- E. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

- F. the sequence of grading and construction activities;
 - G. the sequence for installation and/or application of soil erosion and sediment control measures;
 - H. the sequence for final stabilization of the development site.
- 34.3.4 Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.
- 34.4 Minimum Acceptable Standards**
- 34.4.1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- 34.4.2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 34.4.3 The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.
- 34.5.0 Issuance or Denial of Certification**
- 34.5.1 The Commission or its designated agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- 34.5.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application.
- 34.5.3 Prior to certification, any plan submitted to the Commission may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- 34.5.4 The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.
- 34.6.0 Conditions Relating to Soil Erosion and Sediment Control**
- 34.6.1. The Commission may require a performance bond be posted for the estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan. The performance bond shall be in a form acceptable to the Commission and in accordance with the requirements of the Connecticut General Statutes.
- 34.6.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- 34.6.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

34.6.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

34.7 Inspection

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The

Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

35.0 NOTIFICATION OF PUBLIC HEARINGS

The following shall apply to all applications except for those where the applicant is the Planning and Zoning Commission.

35.1 For all applications involving a public hearing, the applicant shall notify the owners of properties within two hundred (200) feet of the subject property of the pending application by mailing a notice at least ten (10) days prior to the scheduled hearing. At a minimum, such notice shall consist of:

- A. a description of the proposed activity,
- B. notification of the date, time, and place of the scheduled hearing, and
- C. a copy of the application form submitted to the Commission or the Board.

35.2 Notices to such property owners shall be sent by United State Postal Service “certified mail.” If the property owner has an address outside the United States, the notice shall be sent by United States Postal Service “Express Mail International.”

35.3 The owner of each property shall be determined by the applicant from the most current records of the Town Assessor. If such information is not available, the applicant shall notify the Board or Commission of that fact.

35.4 No later than the date of the scheduled public hearing on the application, the applicant shall submit the following to the Commission or Board:

- A. a copy of the complete package of information sent to the adjacent property owners,
- B. a list of the property owners to whom the notices were sent, and
- C. proof of mailing such as “Certificates of Mailing” issued by the United States Postal Service.

If this information is not submitted on or before the date of the public hearing, the application shall be considered incomplete.

35.5 Public Hearing Sign

For all applications involving a public hearing, the applicant shall post on the parcel affected by the application a sign notifying the public of the hearing. The sign shall conform to the following requirements.

- A. The sign shall be rectangular in shape with minimum dimensions of two foot by three foot. All lettering on the sign must have a minimum height of 1.5 inches.
- B. The applicant shall post the sign in a conspicuous location.
- C. The sign shall state the reason for the public hearing, give the name of the applicant, and the time, date, and location of the public hearing. An example of an acceptable sign format can be obtained from the Warren Land Use Office.
- D. The sign shall be clearly legible from a road.
- E. The sign shall be posted at least 10 consecutive days before the public hearing. The sign shall not be removed until after the close of the public hearing.
- F. The Commission or Board may deny the application if the applicant fails to post and maintain the sign as required by this section.

36.0 **AMENDMENTS**

The Commission may amend these regulations and the zoning map on its own initiative or upon request of an applicant.

36.1 Amendment of the Zoning Map

For an amendment to the zoning map, applicants, other than the Commission, shall submit the following:

- A. a completed application on a form provided by the Commission;
- B. the application fee; and
- C. a map drawn to scale showing:
 - i. the area covered by the proposed zone change and all areas within 1,000 feet of the proposed change;
 - ii. the existing and proposed zoning districts; and
 - iii. the property boundaries.

36.2 Amendment to the Text of the Zoning Regulations

For an amendment to the text of the zoning regulations, applicants, other than the Commission, shall submit the following:

- A. a completed application on form provided by the Commission;
- B. the application fee; and
- C. a document showing the existing and the proposed text.

36.3 Action by the Commission

In deciding on proposed amendment, the Commission shall consider:

- A. the conformance of the proposed amendment to the Town Plan of Conservation and Development;
- B. the impact the proposed amendment would have on the public health, safety, and welfare;
- C. the impact the proposed amendment would have on the overall purpose of the regulations; and
- D. in the case of an amendment to the zoning map, the impact the change would have on the surrounding properties.

37.0 SEVERABILITY, ADMINISTRATION, AND REPEAL

37.1 Severability

If a court of competent jurisdiction finds any provision of these Regulations invalid, such decision shall not affect the validity of any other provision of these Regulations.

37.2 Administration and Enforcement

The Commission is responsible for the enforcement of these regulations. The Commission may delegate enforcement to a Zoning Enforcement Officer appointed by the Town Board of Selectmen. Any person violating these Regulations and failing to comply with the lawful orders of the Zoning Commission or the Zoning Enforcement Officer shall be subject to such fines and penalties as are provided by the Connecticut General Statutes and Town Ordinances.

37.3 Repeal and Effective Date

All previously enacted zoning regulations for the Town of Warren, including any and all amendments, are repealed and replaced with these Regulations. These Regulations shall be in effect from the date established by the Commission in accordance with the Connecticut General Statutes.