# ZONING REGULATIONS OF THE TOWN OF WARREN, CONNECTICUT

## AMENDED TO: October 12, 2007

**(Section 3.1.5c; 4.1.8c; 7.4; 11.7 & 11.10)**
Amended: May 10, 2005
Effective: June 1, 2005

**(Section 7.1.1 & Section 15.24)**
Amended: May 22, 2007
Effective: May 25, 2007

**(Section 17 – Driveways)**
Amended: October 9, 2007
Effective: October 12, 2007

**OF THE**
**TOWN OF WARREN, CONNECTICUT**

## PREAMBLE

In order to provide for the highest and best use of land in the Town of Warren, Connecticut; to conserve and stabilize the value of property; to promote health, safety and the general welfare; to regulate and determine the size and location of yards; to provide adequate open spaces for light and air; to secure safety from fire, panic, flood and other dangers; to prevent undue concentration of population; to lessen congestion in the streets; and to facilitate adequate provisions for utilities and facilities, such as transportation, water, sewerage, schools, parks, and other public requirements; and to provide for sedimentation control, and control of erosion by wind or water; the Planning and Zoning Commission of said Town, acting upon its own initiative under statutory powers conferred, and believing it to be the best interest of the Town and in conformity with the comprehensive plans of and for the Town, hereby adopts the following Zoning Regulations for the Town of Warren.

## SECTION 1 - GENERAL PROVISIONS

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

1.2 All structures erected or altered after the enactment of these Regulations shall conform to the requirements specified for the districts in which the structure is located listed in **SECTION 7**, "Height, Area and Yard Requirements".

1.3 No principal building shall hereafter be constructed or placed on any tract on which a principal building then exists unless the tract is then capable of being divided into separate lots for each principal building, each such lot, the principal building and all accessory buildings to conform to all of the requirements of the Regulations for the district in which such lot is located.

1.4 Pre-existing nonconforming interior lots of record need not have frontage on a street provided such lot shall have an unobstructed right-of-way not less than twenty (20) feet wide to a street. This Section shall not apply to any lot which is subject to the provisions of the Subdivision Regulations of the Town of Warren. This Section is not intended to alter the effect of any Road Ordinance of the Town of Warren. The lot line from which the right of access leads shall be considered the frontage of the interior lot.

1.5 An enclosed area below the indicated first floor area of a dwelling as shown on Warren Zoning and Planning Commission Application for Building Permit is considered by said Commission to be a cellar or basement. The singular use of a cellar or basement as a dwelling is not permitted except temporarily by the landowner and only then by permit. The permittee must make a written request for a permit addressed to said Commission. A permit shall be issued by the Commission for a period of nine (9) months from date of issue upon written request. Such permit may be renewed for a further period of nine (9) months. No more than one renewal shall be made for such use of any one basement or cellar. No such permit shall be issued or renewal made until the Commission is satisfied that no threat to the health, safety, morals and general welfare of the Town exists or will occur.

1.6 No lot shall be divided by a road or right-of-way, whether public or private, for purposes of computing minimum lot size.

## SECTION 2 - BOUNDARIES OF DISTRICTS

2.1 The **South Zone** is the area in Warren between the lake shore and the line starting at the lake shore on the boundary line of Washington and Warren and running easterly along the boundary line to a point in the center of Route 45 and continuing easterly along the boundary line for 4,000 feet: thence northerly to the intersection of Rabbit Hill Road and Tanner Hill Road; thence westerly to a point on the center of Route 45 which is 800 feet north of the intersection with Curtiss Road; thence westerly to the junction of Curtiss Road and Mountain Lake Road; thence westerly to a point on the boundary and the center of Shore Road; thence along the Kent-Warren boundary line to the lake shore.

2.2 The **North Zone** is the area in Warren exclusive of the South Zone, and Warren Center Zone.

2.3 The **Warren Center Zone** consists of two areas on either side of Route 45 and is defined as follows and is shown on a map of Warren Center filed in the Town Clerk's Office. 4-277.

2.3.1 The area on the east side is bounded as follows: Starting at the intersection of Route 45 and the northwest corner of the property of Peter Mullen and proceeding in an easterly direction for about 350 feet along the northern boundary of the property of John Massey to its northeast corner;

thence easterly for a distance of approximately 1,100 feet to the brook; thence in a southerly direction for 600 feet along the brook to a fence marking the southern boundary of the property of Mullen-Richardson; thence westerly along this fence and property line for approximately 1,100 feet to the intersection of the eastern side of Route 45; thence along the eastern side of Route 45, as it existed in 1975, northerly to the starting point.

2.3.2 The area on the west side is a strip 400 feet deep and parallel to western side of Route 45 running northerly from the northern side of Route 341 for a distance of 1,000 feet.

## SECTION 3 - SOUTH ZONE

3.1 The following uses shall be permitted in the South Zone:

3.1.1 Farming, including forestry, dairying, truck gardening, nurseries, and greenhouses.

3.1.2 Single family dwellings.

3.1.3 Home Occupations as set forth in **SECTION 6** of these Regulations.

3.1.4 Parks and conservation areas.

3.1.5 Accessory Apartments. **(ZONING PERMIT REQUIRED)**

a. One accessory apartment is permitted as an accessory to an existing single family dwelling. Either the main dwelling unit or the accessory apartment shall be owner occupied.

b. An accessory apartment may be an addition to an existing dwelling, or conversion of an existing dwelling in accordance with **SECTION 4.1.6**, or it may be a separate structure meeting the requirements in this Section.

c. An accessory apartment shall have a total maximum floor space of 900 square feet.

d. If the accessory apartment is a separate structure or is in another structure as with a garage, it must be located less than 50 feet from the main dwelling.

e. The size of the lot containing the main dwelling unit and accessory apartment can be a minimum of two acres if enough of its soil is of favorable permeability for installation and operation of septic sewage disposal systems.

f. The buildings and all systems must comply with the T.A.H.D. Health code and the setbacks in **SECTION 7** of these Regulations.

g. Sufficient off street parking shall be provided which shall be not less than 25 feet from highways or lot lines.

h. Only the common driveway, which must conform to current safety standards, from the street, is permitted to serve the main dwelling and the accessory apartment.

3.2 The following uses shall be permitted when specifically approved by the Commission as special exceptions and subject to requirements and standards set forth in **SECTION 9** of these Regulations: Hotel, Church, Non-Profit Club, Restaurant, School and Multiple-Family Affordable Housing in accordance with **SECTION 14.**

## SECTION 4 - NORTH ZONE

4.1 The following uses shall be permitted in the North Zone:

4.1.1 Farming, including forestry, dairying, truck gardening, nurseries, and greenhouses.

4.1.2 Single family dwellings, boarding houses.

4.1.3 Home Occupations as set forth in **SECTION 6** of these Regulations.

4.1.4 Cemeteries, libraries, museums, community houses, parks, playgrounds, and conservation areas.

4.1.5 Professional offices of lawyer, doctor, dentist, engineer, surveyor, architect, real estate agent or insurance agent, and similar professional uses compatible with residential uses, provided the following requirements are met:

a. Minimum lot size shall be two (2) acres.

b. Minimum floor area shall be 700 square feet; Maximum floor area shall be 1,500 square feet.

c. Maximum height of building shall be 2 1/2 stories.

d. Not fewer than five (5) parking spaces.

e. Front yard 65 feet, side yards 25 feet, rear yards 40 feet minimum.

f. Minimum frontage 150 feet; minimum square 200 feet.

g. Screened by landscaped buffer strip where, in the opinion of the Commission, the use is likely to cause annoyance to abutting residential owners.

4.1.6 The conversion of existing one-family dwellings to contain two or more dwelling units provided that:

a. Such dwelling shall have been erected not less than five years before conversion to two dwelling units and not less than 25 years before conversion to more than two dwelling units.

b. Such dwelling shall be located on a lot having an area of not less than 40,000 square feet for each dwelling unit in the building after conversion.

c. No addition shall be made to dwelling space and no accessory buildings related to the new dwelling unit shall be created.

d. After conversion such dwelling shall retain substantially its original character and appearance as a one-family residence.

e. Sufficient off street parking shall be provided.

f. Owner resides on the premises.

g. The Town Sanitarian certifies in writing that the conversion will not create hazardous conditions for sanitary sewerage or other conditions affecting health and safety.

4.1.7 **Conversion of Farm Buildings by Special Exception:**

a. Statement of Purpose. The purpose of this Section is to allow the opportunity for productive alternative uses of substantial former farm buildings.

It is the intent of this Section to permit the conversion of such former farm buildings to professional office use as defined in **SECTION 4.1.5** or warehousing or light assembly use subject to the requirements and standards of this Section of these Regulations. The provisions of this Section are intended to limit the conversions to a type of use which is of a small size, scale, low intensity, and non-polluting and to require a site location and design that will protect community, health and safety and neighboring residential property values.

b. Procedure. In addition to the requirements and standards of this Section an application shall be subject to the requirements for a special exception and submission of a site plan as specified under **SECTION 9** of these Regulations. As a part of its decision for a special permit, the Commission shall stipulate condition(s) where authority for such condition(s) is granted in these Regulations and such condition(s) is necessary to satisfy the purpose and intent of these Regulations.

c. Requirements. The use of existing farm buildings for professional office use as defined in **SECTION 4.1.5** or warehousing or light assembly use is permitted when approved as a special exception subject to the requirements of **SECTION 9** of these Regulations, and the following specific requirements and qualifications:

(1) The owner of the property on which such farm building is located shall occupy, as his principal residence, a dwelling on the proposed lot or on a building lot abutting the land occupied by the farm building.

(2) Prior use and condition of land and farm building(s). The applicant shall present documentation to prove that:

--The building proposed for conversion was constructed no less than ten (10) years prior to date of application;

--The building proposed for conversion was in active use for farm purposes as a business, for a total of not less than five (5) of the ten (10) years prior to the date of application.

(3) Lot size and setback. The minimum lot size shall be ten (10) acres. If the owner-occupied residence is on the same lot, the minimum lot size shall be twelve (12) acres. No part of a building proposed for conversion shall be within 150' of a property line.
The building shall set back 150' if the lot includes land located across from the building proposed for conversion and said land has not less than 300' street frontage centered on the proposed building and 300' depth in all points measured from the street along the frontage and said land is maintained as open space or is part of the abutting owner-occupied residential lot as required in (1) above.

(4) Open space and buffer requirements. No more than 10% of the total lot area shall be occupied by buildings, paved areas or other impervious surfaces. A building proposed for conversion which is located less than l50' from a street line shall meet the requirements for a 50' landscape buffer zone as specified in **SECTION 9.6.2**. Parking area associated with the proposed use shall meet the same landscape buffer zone requirement.

(5) Building appearances and signs. 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. 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.

(6) Employees. The proposed use shall employ a total of no more than ten (10) employees, including the owner or owner family members employed and including employees who work part time or at different hours.

(7) Site location. The proposed lot shall be located on a state highway or improved Town Road.

(8) In order to protect the public health, safety, convenience and property values, the Commission may limit days and hours of operation as a condition of the Special Exception.

d. Standards. This Section establishes the standards upon which the Commission will evaluate the proposed use to determine that it qualifies as a use which meets the purpose and intent as stated in **4.1.7.a.** above.

(1) Submission requirements. It shall be the applicant's responsibility to show that the proposed use meets the following standards and the purpose and intent of these Regulations. The applicant shall submit the following information as part of the application.

Statement of use: A written statement signed by the applicant describing the following in sufficient detail to determine compliance with these Regulations and to establish the information necessary to review the proposal.

(a) The nature and extent of the proposed use or occupancy with information that will permit the Commission to measure the proposed use in comparison with the standards required herein, which must include, but not be limited to, materials used in the process, waste generated and methods of disposal.

(b) The hours of operation, the number of employees, number of persons to visit on a daily basis, including parking and loading requirements.

(c) A proposed traffic route and an estimate of the amount and type of vehicular traffic to be generated on a daily basis at peak hours.

(2) Use Standards. The proposed use shall meet the following standards:

(a) General: No use shall be of a nature that will be offensive, injurious or noxious because of gas, dirt, sewage and refuse, vibration, smoke, fumes, dust, noise, odors, damage by fire or explosion or other characteristics detrimental or offensive that tends to reduce property values in the neighborhood.

(b) Specific: Hazard or detrimental effect to adjacent property. No fire and explosion hazards shall exist as to produce dangerous exposure to adjacent property.

The Commission will refer the application to the Chief of the Warren Volunteer Fire Company for review and comments. The Commission will consider his comments in its action. The Commission may, based on the recommendation of the Fire Chief, require that the applicant provide an adequate water supply for fire protection prior to commencement of operations.

(c) Gases: No noxious, toxic or corrosive fumes or gases shall be emitted.

(d) Dust and smoke: No observable dust or smoke shall be exhausted into the air.

(e) Heat and glare: No heat or glare shall be evident beyond the property line or at the street line.

(f) Exterior lighting: No exterior lighting shall shine directly on adjacent properties or toward any street.

(g) Noise: No noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation and no noise shall be objectionable with respect to intermittence, beat, frequency or shrillness. No external loud speakers shall be permitted.

(h) Vibration: No inherent and recurrently generated vibration shall be perceptible at the property line.

(i) Storage of hazardous materials and fuel: No hazardous material, including but not limited to those listed as hazardous by the T.A.H.D. and/or Code of Federal Register, may be stored or used on the premises unless approved by the Commission as part of the application.

(j) Traffic: No use shall generate more than a total of seventy-five (75) trips per day, including but not limited to employee trips, visitor trips and deliveries. Where the proposed use is on a Town road, the applicant shall show that the street providing access to the lot is adequately designed to accommodate the amount and types of traffic generated by the proposed use.

(3) The Commission shall refer the application to the Torrington Area Health District for review and comment of the proposed waste disposal and water supply plan.

The Commission may also request T.A.H.D. review the proposed use of its effect upon the environment, including but not limited to any of the above-referenced standards.

a. Inspection. An inspection by the Zoning Enforcement Officer shall be made within one month of the start of the use approved. Inspections by the Zoning Enforcement Officer may be made at least once yearly. Inspections may also be made by the chairman of the Planning and Zoning Commission or a person designated by him at any reasonable time. Inspections for compliance with the health code and fire code may be made from time to time by the Torrington Area Health District and the Fire Marshal or Fire Chief as required by state law.

b. Expiration of Permit. If the use approved has stopped for a period of twelve (12) months or more, the applicant must re-apply before resuming. Inspection by the Zoning Enforcement Officer shall then be made within one month after resumption of the use. In the event of change in ownership of the property, the new owner must so notify the Planning and Zoning Commission in writing within thirty (30) days. The Zoning Enforcement Officer will inspect the operation within one month after the change in ownership. The notification is necessary to establish owner responsibility and compliance and insure adequate inspection procedures.

c. Application shall be made to the Commission on a form prescribed by it, providing sufficient information to determine compliance with these Regulations.

**4.1.8 Accessory Apartments: (ZONING PERMIT REQUIRED)**

a. One accessory apartment is permitted as an accessory to an existing single family dwelling. Either the main dwelling unit or the accessory apartment shall be owner occupied.

b. An accessory apartment may be an addition to an existing dwelling, or conversion of an existing dwelling in accordance with **SECTION 4.1.6,** or it may be a separate structure meeting the requirements in this Section.

c. An accessory apartment shall have a total maximum floor space of 900 square feet.

d. If the accessory apartment is a separate structure or is in another structure as with a garage, it must be located less than 50 feet from the main dwelling.

e. The size of the lot containing the main dwelling unit and the accessory apartment can be a minimum of two acres if enough of its soil is of favorable permeability for installation and operation of septic sewage disposal systems.

f. The buildings and all systems must comply with the T.A.H.D. Health Code and the setbacks in **SECTION 7** of these Regulations.

g. Sufficient off street parking shall be provided which shall be not less than 25 feet from highways or lot lines.

h. Only one common driveway, which must conform to current safety standards, from the street, is permitted to serve the main dwelling and the accessory apartment.

4.2 The following uses shall be permitted when specifically approved by the Commission Special Exceptions and subject to requirements and standards set forth in **SECTION 9** of these Regulations: Hotel, Municipal Improvements, Restaurant, Church, School, Non-Profit Club and Multiple-Family Affordable Housing in accordance with **SECTION 14.**

## SECTION 5 - WARREN CENTER ZONE

5.1 Purpose: It is intended that this zone provide for the future commercial needs of the Town in a manner that complements the existing town center's commercial activities and does not conflict with residential land use in and around the Center Zone.

5.2 The following uses shall be permitted in the Warren Center Zone:

5.2.1 All uses including residential which are permitted in the North Zone subject to requirements, restrictions, and limitations set forth in the North Zone Regulations, **EXCEPT 4.1.6.f.** (which states that the owner must reside on the premises).

5.2.2 Retail stores, banks, and service businesses such as barber shop, beauty parlor, printer, and television repair provided that the following requirements are met:

a. Minimum lot size shall be one (1) acre with a minimum frontage of 150 feet.
b. The business use is exclusive.

c. The maximum floor area of the building is 2,000 square feet; minimum first floor area is 700 square feet.

d. Maximum height of the building is two (2) stories.

e. Not fewer than five (5) parking spaces.

f. No building or parking area shall be located within fifty (50) feet of an existing residential property line. A landscaping buffer zone shall be planted and maintained to protect adjoining residential property. No more than 25 percent of the lot area shall be occupied by building and paved or traveled areas. The balance of the lot area shall be planted in trees, shrubs and grass.

5.3 **Special Exceptions:** Where any of the requirements of **5.2** cannot be met, the use may be permitted when specifically approved by the Commission as a special exception and subject to requirements and standards set forth in **SECTION 9** of these Regulations with the following exceptions.

**Lot Size Area and Dimension Requirements:**

Lot size area and configuration shall be sufficient to permit use of buildings for the purposes proposed. Total lot area shall be not less than two (2) acres; the total floor area of buildings proposed shall not exceed 25 percent to the total lot area; no building or parking area shall be located within 50 feet of a property line unless there is commercial building on the adjoining property or a written waiver is obtained from the adjoining property owner. A landscaped buffer zone shall be planted and maintained in this 50 foot strip. No more than 50 percent of the lot area shall be occupied by buildings, and paved or traveled areas. At least 50 percent of the lot area shall be in trees, shrubs, and grass.

## SECTION 6 - HOME OCCUPATIONS

6.1 The following Home Occupations shall be permitted in such Zones of the Town as these Regulations may designate:

6.1.1 Professional offices of a doctor, lawyer, dentist, engineer, surveyor, architect, accountant, real estate agent, or similar professional person.

6.1.2 Antique shops and shops for the sale of any goods or items produced on the premises.

6.1.3 Production of items for sale off the premises (e.g., pottery or dressmaking), and service occupations (e.g., TV repair). No additional parking area shall be permitted beyond what would be normal for the residential use.

6.1.4 Shop and storage use by contracting and building tradesman (e.g., plumbers or electricians) provided:

a. No goods, tools, materials, equipment, or vehicles with advertising thereon shall be located so as to be visible from adjoining properties or streets.

b. Use of a shop shall be incidental to the work of such a tradesman off the premises.

c. Minimum lot size shall be 2 acres.

6.2 The following requirements must be met with regard to all the foregoing Home Occupations:

6.2.1 Such use shall be clearly subordinate to the use of the premises as a residence.

6.2.2 No additional on street parking shall be permitted. The applicant shall provide sufficient parking areas, which shall be not less than 25 feet from highways or lot lines. The Commission may require that parking areas be screened from adjoining residential property.

6.2.3 Not more than 25 percent of the floor area of the residential building shall be so used. Maximum permitted area of the Home Occupation shall be not more than 750 square feet.

6.2.4 The Home Occupation shall be conducted by a resident of the premises, utilizing not more than two (2) additional non-resident persons.

6.2.5 There shall be no external evidence of such Home Occupation other than a sign as permitted by **SECTION 8.2** of these Regulations.

6.2.6 Nothing herein shall be construed to permit the creation or maintenance of a nuisance.

6.2.7 Any person seeking to conduct a Home Occupation shall first file an application for such use with the Planning and Zoning Commission on a form prescribed by it, giving all information necessary to determine compliance with these Regulations.

## SECTION 7 - HEIGHT, AREA AND YARD REQUIREMENTS

7.1 **Lot and Building Requirements** - for all zones except where otherwise specifically set forth:

| | |
|---|---|
| Area, Acres (minimum) | 2 acres |
| Frontage (minimum) | 150 feet |
| Front yard (minimum) | 30 feet |
| Side yard (minimum) | 25 feet |
| Minimum Square | 200 feet |
| Rear Yard (minimum) | 25 feet |
| Stories (maximum) | 2½ stories |

Height: The Maximum height permitted for any building, whether primary or accessory shall be 35 feet measured from the average finished grade to the highest point of any 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 measured from the average finished grade to the eave or to the top of the parapet. Solar heating equipment may be placed on a roof, but may not exceed 40 feet measured from the average finished grade to the highest point of the equipment.

### 7.1.1 Build able Area

**7.1.1.1** Each lot shall contain at least one build able area. The build able area shall be a rectangular area containing a minimum of 20,000 square feet and having a minimum dimension of 100 feet.

**7.1.1.2** 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 build able area, and as allowed by Section 7.1.1.3; 7.1.1.4 and 7.1.1.5.

**7.1.1.3** For lots which legally existed prior to the adoption of Sections 7.1.1.1 and 7.1.1.2 above, as evidenced by deed recorded in the office of the Town Clerk, the build able requirements of Sections 7.1.1.1 and 7.1.1.2 shall not apply to the expansion of existing structures.

**7.1.1.4** For lots which legally existed prior to the adoption of Section 7.1.1.1 and 7.1.1.2 above, as evidenced by deed recorded in the office of the Town Clerk, new structures that cannot be placed in a build able 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 build able area requirements.

**7.1.1.5** The Commission may allow, by special exception, structures and septic systems outside of the build able 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.

7.2 **Lots on Major Water bodies.** In addition to the above requirements in all zones a lot with shoreline frontage on a major water body (as defined in Section 11) shall also meet the requirements of Section 11.

7.3 **Interior Lots** - This Section provides for interior residential lots which may have less than the required minimum frontage. Interior lots must meet all the other minimum lot requirements of these Regulations. An interior lot will be permitted in the North and South Zones under the following conditions: the access strip shall be owned in fee simple by the owner of the lot. The frontage of the lot for access purposes shall not be less than 50 feet on a town-accepted street or a street approved as part of a subdivision plan and the access strip shall be a minimum 50 foot width from the street to the interior lot line. The area of the access strip shall not be included in determining the minimum lot area of the interior lot. The lot width shall be a minimum of 150 feet measured at the lot line from which the access strip leads. A minimum distance of 150 feet is required between access strips at their intersection with the existing street. The applicant shall show the location of the driveway within the access way. For lengthy or steep driveways, the Commission may also require a pull off or parking area located at or near the intersection of the driveway with the Town road. Interior lots may be permitted in a subdivision under these Regulations and under the provisions of the **Warren Subdivision Regulations**.

7.4 **Fences** - No wall or fence shall be over six (6) feet in height that is located within the property, between the property line and minimum Yard - Building Requirement distances of **SECTION 7.1**. No wall or fence shall obstruct visibility to traffic on a public road. No part of any fence on the Lake Waramaug side of Lake Road or North Shore Road shall be more than tree (3) feet higher than the elevation of the center of the road when viewed in a direction perpendicular to the center line of the road. **(See Section 11.7.9b) & (Fence Definition – Section 11.10).**

## SECTION 8 - SIGNS

Signs shall be permitted only as specified below:

8.1 **For Sale or Lease Sign** - One sign advertising the sale or lease of a property is permitted provided it is located on such property and further provided that no such sign shall exceed four (4) square feet in area.

8.2 **Identification Sign** - One identification sign for each access bearing the name of the resident, the residential property, and/or a permitted Home Occupation conducted on the premises shall be permitted on each residential parcel provided such sign does not exceed four (4) square feet in area. Signs announcing the name of a 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.

8.3 **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 Planning and Zoning Commission where said 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. Application for Directional Sign permit shall be made on a form prescribed by the Commission, giving sufficient information to determine compliance with these Regulations.

8.4 **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, but shall not include billboards or other types of advertising signs. The location and size of such signs shall be governed by the following standards.

8.4.1 No sign may project into any public right-of-way.

8.4.2 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. Center Zone shall allow signs on the roof if it does not project above the highest point of roof. One free-standing sign is permitted in lieu of an attached sign and shall not exceed twelve (12) square feet in area.

8.4.3 No sign shall be located on the side of a building facing a residential lot except under such special limitations as may be approved by the Commission.

8.4.4 No business sign shall be erected until an application, on a form prescribed by the Commission giving sufficient information to determine compliance with these Regulations, shall have been approved by the Commission.

8.4.5 The following signs advertising a professional office under **SECTION 4.1.5** of these Regulations shall be permitted: One sign no larger than four (4) square feet not less than five (5) feet from the front lot line; one sign no larger than ten (10) square feet attached to and flush with the front of the building.

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

8.6 **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.

8.7 **Miscellaneous Signs** - Tag Sale and similar signs not to exceed two (2) square feet in area are permitted, subject to state law, 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. Failure to remove signs accordingly shall result in penalty as provided by State Statute.

8.8 **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, political campaigns, 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.

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

## SECTION 9 - SPECIAL EXCEPTIONS

9.1 The requirements of this Section are in addition to other requirements of these Regulations with respect to the use for which a Special Exception or Special Permit is required.

9.2 Unless waived in whole or in part by the Commission, each application for a Special Exception or a Special Permit shall be accompanied by the following:

9.2.1 Five copies of a written statement describing the proposed use.

9.2.2 Five copies of a site plan, drawn to a scale of not less than 100 feet to the inch, showing at least the following:

a. Existing and proposed topography of the site.

b. The location of all existing and proposed watersheds, sewers, catch basins, manholes, bridges and culverts with invert elevations of all drainage structures and the course of the resulting run-off.

c. Location and extent of proposed structures, including signs.

d. Location and extent of proposed parking, access and unloading areas.

9.2.3 Five copies of preliminary architectural plans of all proposed buildings, structures and signs, including exterior elevations perspective drawings.

9.2.4 Five copies of a general location map showing the surrounding property within 500 feet and including the structures, roads, watercourses, names of contiguous property owners and other physical features which relate to the proposed site development plan.

9.2.5 The Commission may impose additional requirements when necessary to protect the public health, safety, convenience and property values.

9.2.6 The Commission may require a sufficient bond to secure performance of any requirement.

9.2.7 The names and addresses of the owner or owners of the premises of the proposed use and the name and address of the applicant if different from the owner.

9.2.8 An application fee as per the schedule of fees for Zoning and Subdivisions.

9.3 **Procedure:** Upon receipt of completed Special Exception application, the Commission shall schedule a public hearing and shall decide thereon and give notice of its decision as required by State Statute. The applicant may consent in writing to an extension of time for a public hearing and decision on the application.

9.4 **Approval:** After a public hearing the Commission may approve a Special Exception if it shall find the proposal in conformance with the standards herein specified. Approval shall be conditional upon completion of the proposal within two (2) years after the date of approval of the zoning permit. An extension of one (1) year may be granted.

9.5 No application will be approved which would be inconsistent with the public welfare or would impair the integrity of these Regulations or would not fully safeguard the appropriate use of the land in the immediate neighborhood.

9.6 **Standards:** Approval of a special Exception shall be subject to conditions and safeguards necessary to protect the public health, safety, convenience, welfare and property values. The proposed use shall conform to the following standards and conditions.

9.6.1 **Character** - The character and extent of the proposed building or buildings, landscaping, parking and paved or traveled areas shall be in harmony with development in the Town and neighborhood.

9.6.2 **Lot Size Area and Dimension Requirements** - The lot size and configuration shall be sufficient to permit use of the buildings and the area for the purposes proposed. The total lot area shall be no less than 4 acre and have a street frontage of at least 300 feet.

The ground floor or foundation area of all the buildings shall not exceed 15 percent of the total lot area. No building or parking area shall be located with 50 feet of a property line. A landscaped buffer zone shall be planted and maintained in this 50 foot strip. The shrubs and trees in the buffer zone must adequately screen, within two years after permit is issued, any machinery, buildings, parking, etc. from view of adjoining property. No more than 25 percent of the lot area shall be occupied by buildings, paved or traveled areas and parking areas. At least 75 percent of the lot area shall be in trees, shrubs, grass, or plants. The Maximum height permitted for any building, whether primary or accessory shall be 35 feet measured from the average finished grade to the highest 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 measured from the average finished grade to the eave or to the top of the parapet. Solar heating equipment may be placed on a roof, but may not exceed 40 feet measured from the average finished grade to the highest point of the equipment.

9.6.3 **Parking** - Adequate off street parking facilities must be provided. Applicant must show how this is provided on his site plan.

a. For hotel rooms: at least one automobile parking space shall be provided for each bedroom.

b. For restaurants: at least one automobile parking space shall be provided for every two guests.

c. For employees: at least one automobile parking space for each employee.

d. For service and loading areas: as necessary in addition to above.

e. For other permitted uses: applicant must show that parking is adequate for the number of people expected to occupy the facility at any time.

9.6.4 **Access** - Provision shall be made for vehicular access to lot in a manner which will avoid creation of traffic hazards of congestion.

9.6.5 **Fire Protection -** The Commission will refer the application to the Chief of the Warren Volunteer Fire Company for review and comments. The Commission will consider the comments in its action. The Commission may, based on the recommendations of the Fire Chief, require that the applicant provide an adequate water supply and access for fire protection prior to commencement of operations.

9.6.6 **Sanitation and Water Supply** - Water supply system and subsurface sewage disposal systems shall be designed and constructed in accordance with applicable state and town laws and shall be approved by the Town Sanitarian and the State Department of Environmental Protection. The application shall include when necessary a certificate of public convenience and necessity pursuant to **SECTION 16-262m** of the Connecticut General Statutes.

9.6.7 **Drainage and Wetlands** - The plan shall provide for the collection and discharge of storm water in a manner that will protect streams and wetlands from pollution. This shall be accomplished in accordance with sound design criteria under good engineering practices as approved by the Commission. The requirements of **SECTION 11,** "Stream belt and Inland-Wetlands Setback" shall be observed. Any aspect of the application affecting an inland-wetland shall be reviewed for approval by the Warren Conservation Commission under provision of the **Town of Warren Inland-Wetlands and Watercourses Regulations**.

9.6.8 **Erosion and Sedimentation Control:**

a. A plan for erosion and sedimentation control covering all proposed excavation, filling, and grade work for improvements shall be required, unless waived by the Commission for good cause shown, for review and approval prior to the start of any work. Said plan shall be prepared, signed and sealed by professional engineer registered in the State of Connecticut. In accordance with **Public Act No. 83-388,** if the disturbed area will be cumulatively more than one-half acre, the professional engineer shall also submit the following statement: "I certify that to the best of my knowledge, this plan complies with the requirements of these Regulations." If the Commission upon review is satisfied that the plan complies with the Regulations, it shall so certify on the application. Certification by the Commission must be supplied before zoning approval can be granted. Inspection for compliance will be made by the Zoning Enforcement Officer during construction, soil disturbance, or soil removal and upon completion, for issuance of the certificate and/or release of bond.

b. The Commission may refer these plans to other town commissions or boards for approval; said plans may also be referred to the Litchfield County Conservation District or to other agencies or persons for consultative technical assistance.

c. Measures to be taken to control erosion and sedimentation, if required, may be described and provided for in a construction agreement, and estimated cost of accomplishing such measures may be covered in a performance bond acceptable to the Commission.

d. **Data Required:** The site plan must contain the following information whether or not the tract will be developed in stages:

1. Description of the features existing and proposed, surrounding the site, of importance to the proposed development.

2. Description of general topographic and general soil conditions on the site.

3. Location and description of existing and future man-made features of importance to the proposed plan.

4. Plans and specifications of soil erosion and sedimentation control measures in accordance with standards and specification of the publication "Guidelines for Soil Erosion and Sediment Control", as amended, published by the Connecticut Department of Environmental Protection.

5. A timing schedule indicating the anticipated starting and completion dates of the development sequence, and the time of exposure of each area prior to completion of effective erosion and sediment control measures.

e. **General Design Principles:**

1. The site plan shall be fitted to the topography and soils so as to create the least erosion potential.

2. Grading of land within a designated stream belt or flood hazard area of watercourses will not be permitted unless sufficient topographic and hydrological data is presented to indicate that such alteration will have no detrimental influence on the watercourse. **SECTION 11.2** shall be complied with.

3. Permanent vegetation and improvements such as streets, storm sewers or other features of development, capable of carrying storm run-off in a safe manner, shall be scheduled for installation to the greatest extent possible before removing the vegetative cover from an area.

4. Wherever feasible, natural vegetation shall be retained and protected.

5. Where inadequate vegetation exists, temporary or permanent vegetation shall be established.

6. The smallest practical area of land shall be exposed at any one time during development/excavation.

7. When land is exposed during development/excavation, the exposure shall be kept to the shortest practical period of time.

8. Critical areas exposed during construction/excavation shall be protected with temporary vegetation and/or mulching.

9. Sediment basins (debris basin, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development/excavation.

10. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development/excavation. (Retention basins or other measures).

11. The permanent final vegetation and structures shall be installed as soon as possible in the development/excavation.

12. Finished slopes shall be no steeper than 3:1; no closer than 20 feet from any property line, and no closer than 100 feet from a watercourse.

f. **Further Maintenance**: The applicant shall include a brief statement detailing plans for future maintenance of all permanent erosion control measures, devices and plantings shown on the plan.

9.7 **Review by Other Agencies -** Before final approval can be given, the Commission may ask for reviews and reports by any governmental agencies including the following:

a. Board of Selectmen.

b. Fire Marshal.

c. Town Sanitarian, State Department of Health, Department of Environmental Protection.

d. Warren Conservation Commission.

e. Connecticut Department of Transportation, if on a State Highway or road including North Lake Shore Road.

f. Regional Planning Agencies.

9.7.1 The granting of a special Exception shall not relieve the applicant from obtaining such other approvals as may be required by law, ordinance or regulation of any other official, department or agency.

## SECTION 10 - NONCONFORMING USES

10.1 Any use of land or building lawfully existing on the effective date of these Regulations may be continued although such use, lot area, minimum yard dimensions, or the height or location of such building on the lot does not conform to the provisions of these Regulations.

10.2 Non conforming use of land shall not be enlarged, extended or altered and no building which is nonconforming or is on any nonconforming lot or is used for a nonconforming use shall be enlarged or extended so as to increase the nonconformity. **(REFER TO SECTION 15.3 a)**

10.3 Land shall not be conveyed which shall create a nonconforming lot or make any existing building nonconforming or increase the nonconformity of an existing nonconforming lot or building.

10.4 Nonconformity as to minimum area of lot, minimum square, or minimum frontage on a road, of any unimproved lot shown on the Warren Land Records as having been conforming at the time of conveyance as a lot, and which is not thereafter reduced in size, shall not prevent the erection and alteration and maintenance on such lot of any building which, when erected and altered shall comply with all the other provisions of these Regulations.

10.5 Nonconformity as to use of any principal building or accessory building existing on the effective date hereof, shall not prevent said buildings from being repaired or, if destroyed by fire, explosion, act of God or other catastrophe, from being remodeled or rebuilt and continued in the existing nonconforming use provided that such remodeling or rebuilding is commenced within one (1) year and completed within two (2) years of such catastrophe and that any such principal or accessory building so repaired, remodeled or rebuilt shall not be larger in any dimension than the like building existing on said date. Any non-conforming use which has been discontinued for a period of one (1) year shall not be resumed.

## SECTION 11
## FLOOD PLAIN OVERLAY ZONE, EROSION AND SEDIMENTATION CONTROL AND DEVELOPMENT ON MAJOR WATER BODIES

### Section 11.1
### 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.

### DEFINITIONS

**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** - Is 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** - Means 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 ordinance.

**START OF CONSTRUCTION** - Means 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** - Means 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** - Means 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** - Means 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** - Means 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.

**GENERAL STANDARDS:**

**11.2** 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:

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Mechanical and Utility Equipment:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. 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.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. 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:

1. 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).

2. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**SPECIFIC STANDARDS:**

**11.2.1** 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 ordinance.

C. Non-residential construction: New construction or substantial improvement of non-residential 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: 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. 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 devises 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 11.2.2A, 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."

**ADMINISTRATION/APPLICATION:**

Application for a Special Permit shall be submitted to the Planning and Zoning Commission and shall also include the following:

a. Four (4) copies of an application and plot plan of the premises, drawn to scale and certified by and bearing the seal of a professional engineer, licensed to practice in the State of Connecticut, showing the actual shape and dimensions of the lot, the size and location of all existing and proposed structures, utilities and land uses, the layout of parking and loading facilities, where applicable and access thereto, existing and proposed contours at an interval not exceeding two (2) feet based on field and aerial survey, base flood elevation data and limits of the Flood Plain area.

b. Four (4) copies of such other information required by the Commission to determine compliance with these Regulations.

c. Where Federal to State permits may be required, a copy of each approval permit shall accompany the application: These may include but are not limited to the Connecticut DEP Water Diversion Program, Dam Safety Unit, and U.S. Army Corps of Engineers.

**PROCEDURE**

The Commission shall approve, disapprove or approve with modifications the proposed application and related plans. One copy of the approved plan, the approval noted thereon shall be filed with the Zoning Enforcement Officer, one copy to the applicant and one copy shall be filed with the Building Official.

**CONDITIONS**

No building permit shall be issued which is not in conformance with the approved plans and with any other regulations governing the use of the applicant's property.

**EROSION AND SEDIMENT CONTROL**

11.3 Steps to control erosion and sedimentation must be taken on all construction of new dwellings and any other construction involving or creating a disturbed area of more than one-half acre.

11.3.1 A dwelling to be constructed on a lot in a subdivision approved after July 1, 1986 must comply with the erosion and sediment control plan for that lot in the plan of the subdivision.

11.3.2 An applicant for a single family dwelling that is not part of a subdivision of land or is in a subdivision approved prior to July 1, 1986, must show on his plot plan how erosion and sedimentation will be controlled.

11.3.3 Any construction involving or creating a disturbed area of more than one-half acre must show on the application and plot plan how erosion and sedimentation will be controlled.

11.3.4 Principles to guide the applicant in drawing up his plan are shown in **SECTION 9.6.8.e**. Assistance may be obtained from the Litchfield Soil and Water Conservation District for help with the plan. Certification by an engineer is not required, but compliance to prevent excessive erosion and sedimentation is required and will be enforced by the Building Inspector and Zoning Enforcement Officer.

11.3.5 The Commission may require that a cash bond be posted.
In the event that proposed preventative measures are inadequate, or are not taken, and erosion and sedimentation does in fact take place, the Commission shall notify the applicant, and if the condition is not corrected within a reasonable time after notification, the Commission may have the condition corrected and deduct the cost thereof from the amount of the bond. On completion of all work, the bond, or balance thereof shall be returned to the applicant.

**DEVELOPMENT ON MAJOR WATER BODIES**

11.4 Application and Statement of Purpose. This regulation shall apply to development of land on the shoreline of lakes, surface water reservoirs, and ponds in the Town of Warren 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 and 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:
- Protect drinking water supplies and prevent pollution,
- Protect against the eutrophication (excessive weed and algae growth),
- Avoid the need for a public sewer treatment system, and
- Protect important recreational resources.

11.5 Shoreline Setback Requirements.

11.5.1 A dwelling or other principle building or structure and accessory buildings and accessory buildings and structures shall setback at least 75 feet from the shoreline with the following exceptions and as provided under Section 11.6 below.

The following buildings and structures shall not be subject to this setback requirement:
- repair and replacement of existing buildings and structures,
- waterline rip-rap or structures necessary for shoreline or erosion stabilization or for public drinking water supply purposes,
- docks and floats as provided herein,
- a pedestrian walkway essential to access the shoreline due to steep slopes or wet areas.

- a storage shed provided it does not exceed 80 square feet in total area or 12 feet in height (measured from any point on the finished grade to the highest roof point), is designed and used only for the storage purposes and meets the yard requirements for the zone.

11.6 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 75 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 Section 9 of these Regulations.

11.6.1 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:
- within the 75 foot shoreline setback area disturbance for proposed construction shall be kept to a minimum, and
- at least 50% of the undeveloped portion of the 75' 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.

11.7 Docks and Floats: Docks and floats as defined herein shall be permitted subject to the following requirements:

11.7.1 One dock and one float as defined herein are permitted per shoreline property.

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

11.7.3 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.

11.7.4 There shall be free movement of water underneath them.

11.7.5 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.

11.7.6 Maximum size permitted:

a. Dock: 360 square feet of total surface area.
b. Float: 10 by 10 feet.

11.7.7 Applications for a dock or float may be referred for advisory comment by the ZEO 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.

11.7.8 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.

11.7.9 a: If stairs are proposed to access the dock, the stairs 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.

11.7.9 b: If fences are proposed, no part of any fence on the Lake Waramaug side of Lake Road or North Shore Road shall be more than three (3') 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.

11.7.10 Materials for dock and floats and stairs shall be as follows;

a. Non corrosive, encapsulated, impact resident 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. Chemically pressure treated wood shall not be used.

11.7.11 The height above water of docks and floats shall be minimized. They may not include appurtenances such as roofs, raised platforms, decks, etc. Removable fabric canopies or umbrellas and removable water slides are allowed.

11.7.12 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.

11.7.13 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.

11.8 Minimum Shoreline Frontage. A proposed lot on a major water body shall have a minimum shoreline frontage of 100 feet.

11.9 Maximum Impervious Surface. Not more than 20% of the portion of a lot within 300' of a major water body shoreline shall be covered with impervious surfaces.

11.10 Definitions

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; 5) allow the free movement of water underneath.

Float. A dock with dimensions not to exceed 10' by 10' which is not attached to the shoreline and is anchored no closer than 5 feet from the shoreline.

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

Impervious Surfaces. A surface that does not permit the absorption of water into soil including buildings, and paved areas for parking, roads, sidewalks, driveways and all other areas covered with concrete, asphalt or similar surfaces that do not allow water to penetrate.

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.

## SECTION 12 - REMOVAL OF EARTH PRODUCTS

12.1 **Introduction** - In regulating the excavation and removal of earth materials and earth products under this **SECTION 12,** the Commission intends to exercise not only authority conferred upon it by Section 7-148 of the Connecticut General Statutes, but also the authority conferred upon it by Section 8-2 of the Connecticut General Statues. Accordingly, if, and to the extent that, Section 7-148, as the same may from time to time be amended, does not authorize the regulation of excavation and removal of a given earth material of earth product, it is the purpose and intention of the Commission to regulate the excavation and removal of the same hereunder pursuant to the powers and authority conferred upon it by Section 8-2, as the same may from time to be amended.

12.2 **General Restrictions** - Pursuant to the provisions of Section 7-148 of the Connecticut General Statutes and The Zoning Enabling Act, no earth product shall be excavated or removed from any land, and no earth products, having been excavated or removed from any land, shall be piled, kept or stored on any land, except as hereinafter permitted.

12.3 **Permitted Removal** - Earth products may be excavated and removed but only:

12.3.1 **Construction** - To the extent necessary in the excavation for the foundation of any building or swimming pool and in land grading incidental to the construction of any such building or pool or of access ways and parking facilities.

12.3.2 **Non-Indigenous** - For any purpose when the earth products removed are not indigenous to the premises from which they are removed and are in a manufactured or processed form.

12.3.3 **Minor Removal** - Of materials for personal use is permitted. Removal shall be limited to 1,000 cubic yards per year and shall meet standards of Special Removal pertaining to erosion and any other condition deemed necessary by the Commission.

12.3.4 **Special Removal** - For any purpose when such removal is authorized in the particular instance by a Special Exception granted by the Commission pursuant to **SECTION 9.**

12.4 **Conditions of Special Exception** - The grant of a Special Exception authorizing a use described in **12.3.4** shall be subject to the following conditions:

12.4.1 **Drainage** - Provision shall be made for proper drainage of surface or other waters without adversely affecting any other property, and the excavation and removal shall not result in the creation of sharp potholes, depressions, soil erosion or drainage or sewerage problems.

12.4.2 **Protection of Watercourses and Wetlands** - No removal or fill shall take place within 100 feet of a watercourse or wetland. Protective vegetation shall be maintained in the strip between the watercourse or wetland and the removal or fill operation. Sediment and erosion run-off shall be controlled so as not to enter the watercourse and wetlands. Requirements of **SECTION 9.6.8** "Erosion and Sediment Control" will be observed where applicable.

12.4.3 **Standing Water** - The excavation and removal shall not result in the creation or enlargement of any body of standing water unless expressly and specifically authorized by the terms of such Special Exception.

12.4.4 **Slopes** - No bank shall exceed a slope of 1 foot vertical rise in 3 feet horizontal distance.

12.4.5 No removal of earth products shall take place within 50 feet of a property or roadway line. A buffer zone consisting of shrubs and trees which will screen the operation from view of adjoining properties shall be planted and maintained in this 50 foot strip where necessary.

12.4.6 **Cover** - Topsoil stripped away to gain access to material below, shall not be removed from the property unless expressly and specifically authorized by the terms of such Special Exception. At the conclusion of the removal operation, or of any substantial portion thereof, the whole area where the removal takes place shall, unless it is put to cultivation, be covered with not less than 4 inches of topsoil measured after compaction, and shall be seeded with grass, permanent pasture mixture or other fast growing vegetation, repeated as necessary until the area is stabilized with a firmly established growth of permanent vegetation.

12.4.7 **Truck Access** - Truck access to the excavation shall be so arranged as to minimize the danger to traffic and nuisance to premises in the general neighborhood.

12.4.8 **Processing** - There shall be no processing of excavated materials on the premises except when expressly and specifically authorized by the terms of such Special Exception.

12.4.9 **Warning Signs and Fencing** - Adequate provisions shall be made for warning signs and security fencing as may be necessary or required, all subject to the approval of the Zoning Enforcement Officer or Commission

12.4.10 **Bond –** The bond or bonds by owner, operator required by the Commission pursuant to **SECTION 12.5** shall be posted and maintained In effect until conclusion of the removal operation and all conditions Prescribed herein or pursuant hereto have been fulfilled.

12.4.11 **General** - Such other reasonable conditions as the Commission may deem necessary or appropriate to impose for the purpose of preventing or diminishing any adverse effect of such use upon the health, safety or welfare of the community, any undue annoyance or disturbance of the occupants of premises in the general neighborhood of such use and any impairment of the suitability, usefulness or value of premises involved in such use and in the general neighborhood of such use for the uses prescribed therefore under these Regulations and predominantly existing therein.

12.4.12 **Duration of Permit** - Permits for removal of earth products shall not be issued for periods exceeding one (1) year and may be renewed if upon inspection by the Commission or its Zoning Enforcement Officer, the character of the surrounding area has not been adversely affected; it is found that the operation is not detrimental to the public health, safety, and general welfare; and if the operation is being conducted in compliance with the provisions of these Regulations.

12.4.13 **Inspection Fees** - A yearly fee is payable on issuance of the permit to cover inspection costs. This is in addition to the filing fee payable with the Special Exception Application. See the schedule of fees for Zoning and Subdivision.

12.5 **Bonds** - The Commission shall require that one or more performance bonds be posted with the Treasurer of the Town of Warren to guarantee completion of all work necessary to fulfill all conditions prescribed in or pursuant to **SECTION 12.4** in connection with the grant of a Special Exception. It may require that a single comprehensive bond be posted to guarantee fulfillment of all such conditions or it may require that a single comprehensive bond be posted to guarantee fulfillment of all such conditions or it may require that several separate bonds be posted to guarantee completion of separate components of any such conditions.

Such bond or bonds, in which the applicant shall be the principal and the surety shall be a bonding company licensed to do business in Connecticut, shall be given in such amount or amounts as the Commission shall prescribed. The Commission may in its discretion accept a cash bond or bonds. A single comprehensive bond, posted to guarantee completion of a separable component of any such conditions, shall remain in effect until completion of such component. The posting and maintenance of a bond or bonds required by the Commission hereunder shall themselves be conditions of the use permitted under **SECTION 12.3.4**. No removal shall be commenced unless and until the bond or bonds required hereunder have been posted.

12.6 **Stockpiling** - No earth products shall be piled, kept or stored upon any land except when authorized in the particular instance by a special exception granted by the Commission pursuant to **SECTION 9** or by a special exception authorizing the excavation and removal or earth products under **SECTION 12.3.4**.

12.7 **Standards** - Whenever an application for a Special Exception is made to the Commission for a use described in **SECTION 12.3.4**, the Commission shall, in deciding such application, consider the following criteria:

12.7.1 **Neighboring Premises** - The probable effect of such use upon the enjoyment, usefulness and value of premises in the general neighborhood thereof and the degree and character of noticeable noise, odor, smoke, fumes, vibration, illumination, dust, hours of operation to be specified in the permit, or radio or television interference produced thereby.

12.7.2 **Traffic** - The probable effect of such use upon the patterns, flow, intensity or character of traffic in the streets and the degree of traffic congestion produced thereby.

12.7.3 **Neighborhood** - The character of the neighborhood, and zone classification thereof, in which the proposed use is to be located.

12.7.4 **Instrumentalities** - The number, size and character of the vehicles and other instrumentalities to be used in carrying on such proposed use.

12.7.5 **Streets** - The character of the public streets of necessary, probable or possible use for vehicular transport of earth products removed in carrying on such proposed use.

12.7.6 **Past Performance** - The actual use of the same or nearby premises for the same or a substantially similar use as the use proposed and the applicant's performance in adhering to and fulfilling the conditions of any previous Special Exception granted to him for a use described in **SECTION 12.3.4** and of all representations made by him in support of his application thereof.

12.8 **Pre-existing Removal or Storage Operation** - The use of land for the removal, piling, keeping or storage of earth products shall not be considered a nonconforming use and any removal or storage operation which was being carried on at the effective date of these Regulations shall not be continued except when authorized in the particular instance by a Special Exception granted by the Commission hereunder.

## SECTION 13 - TIMBER HARVESTING

13.1 Timber harvesting is permitted in all zones subject to the standards and conditions as set forth in these Regulations. Timber harvesting is construed as a commercial logging operation. Harvesting of wood by the owner for his personal use is not included in the scope of this Section.

13.2 Application for a permit to conduct a Timber Harvesting Operation shall be made pursuant to the provisions of **SECTION 16** of these Regulations. The application shall include the name and signature of the owner, the name and signature of the logger, the estimated starting date, the estimated completion date, and such other information as the Commission may require determining compliance with these Regulations.

The regular filing fee must accompany the application.

An inspection fee is payable on issuance of the permit to cover inspection costs. See the schedule of fees for Zoning and Subdivisions.

The application shall also be accompanied by a map of sufficient accuracy to determine compliance with the Regulations, and showing the following information:

13.2.1 boundaries and names of adjacent property owners;

13.2.2 all access roads to logging areas;

13.2.3 location of inland-wetlands;

13.2.4 all streams, seasonal or perennial, ponds, lakes, or reservoirs;

13.2.5 location of all proposed and existing roads and main skid trails;

13.2.6 contours at 10-foot intervals may be required to show slope of roads and main skid trails; and

13.2.7 location of yarding and landing areas.

13.3 **Procedure** - Before issuing any permit for timber harvesting hereunder, the Commission shall refer the plans therefore submitted with the application to other town commissions and boards and the Zoning Enforcement Officer for their review as the Commission may deem appropriate. The Commission may also refer said plans to other agencies and persons for their review and technical assistance.

The Commission may also, in its discretion, require the applicant, as a condition of the issuance of said permit, to post a bond in such form, amount, and with or without surety, as the Commission may deem appropriate to insure that the area logged will be left so that there will be no stream blockage and minimum erosion or sedimentation into any watercourse and that any damage caused to the town roads will be repaired. The bond shall remain in effect until completion of the timber harvesting operation and until the Zoning Enforcement Officer and the Selectmen certify to the Commission that the standards and conditions set forth in **SECTION 13.4** have been complied with.

In the event that the standards and conditions set forth in this Section have not been complied with, the Commission shall so notify the applicant, and if the non-compliance is not corrected within a time specified by the Commission, the bond shall be forfeited and the amount thereof used by the Commission to correct the non-compliant condition.

13.4 Timber harvesting must conform to the following standards and conditions:

13.4.1 If logging is to be done in or near wetlands or watercourses, a permit may be required from the Warren Conservation and Inland-Wetlands Commission.

13.4.2 Logging within 100 feet of any seasonal or perennial watercourse shall be conducted in accordance with the following requirements based on the Section "Wetlands and Stream Protection" from the **Timber Harvesting Guidelines** of the Wood Producers' Association of Connecticut.

a. Within 100 feet of streams only a portion of the timber volume should be harvested. A minimum of 50% of the volume shall be left to guarantee protection of the stream to provide shade and filter strip. Trees growing in wetlands have a shallow root system and can suffer wind throw if a sufficient residual volume is not restrained. Exception may be made in the case of diseased trees.

b. Avoid falling trees into streams and other watercourses.

c. Remove tops and limbs from streams and watercourses.

d. Debris which finds its way into streams must be removed before completion of the logging operation.

e. Stream crossings, when necessary, should be made at right angles to the stream, and where banks are low and bottom is rock or impacted, and in accordance with Wetland's Regulations.

f. Temporary structures used to cross wetlands and watercourses must be removed after their use has ended.

g. Disturbed areas near streams must be seeded with a mix of grass seed prescribed by the Litchfield County Soil and Water Conservation District.

h. Changing crankcase or hydraulic oil in or near wetlands or watercourses is not permitted.

13.4.3 **Logging Roads and Skid Trails** shall be so located or constructed so they will not cause erosion or sedimentation into an inland-wetland area or watercourse. They shall be located and constructed in accordance with the following standards and conditions which are based on the section "Logging Roads and Skid Trails" from the **Timber Harvesting Guidelines** of the Wood Producers' Association of Connecticut.

a. Skid trails shall not be made directly up a hill where an alternate route is available.

b. Grades of roads and skid trails shall be kept below 10%. Grades in excess of 10% may be used if it can be shown to the Commission's satisfaction that steps will be taken to prevent undue erosion and sedimentation. Soil erosion and sedimentation control measures shall be in accordance with standards and specifications of the Litchfield County Soil and Water Conservation District.

c. Road surface diversions, such as water bars and open top culverts, should be placed at distances commensurate with the road grade. This should be done in accordance with standards and specifications of the Litchfield County Soil and Water Conservation District and/or the Wood Producers' Association of Connecticut.

d. After the logging operation is completed, the logging roads and skid trails must be put in condition so there will be minimum erosion from them.

Water bars should be repaired so that proper road drainage can be obtained while vegetation is re-establishing itself on the roads. Seeding should be done on areas where necessary to stop soil erosion.

e. If damage to town roads results from the logging operation, the logger will repair same, or have the town do it at the logger's expense.

13.5 **Conformity of Plans and Operation to Standards and Conditions -** The conduct of the timber harvesting operation, as well as the plans contained in the application for a permit, shall conform to the standards and conditions set forth in **SECTION 13.4** above.
In the event that any authorized operation shall at any time violate said standards and conditions or fail to conform to them or any provision of the Zoning Regulations, or the terms of any permit issued authorizing such operation, the Commission may revoke the permit authorizing said timber harvesting operation and all such operations shall forthwith cease. The authority of the Commission herein set forth to revoke a permit issued shall be in addition to such other enforcement powers and authorities as the Commission and Zoning Enforcement Officer have by law.

13.6 A permit must be obtained from the Board of Selectmen to provide an adequate driveway connection to a town road from the logging site. Also because of possible damage to the road and shoulders during the thaw period, permission must be obtained from the Board of Selectmen to move the vehicles to and from the logging site over town roads during months of March and April.

## SECTION 14 - SPECIAL PERMIT FOR MULTIPLE-FAMILY AFFORDABLE HOUSING

14.1 **Statement of Purpose:** In order to promote the development, by the Town of Warren or any non-profit organization, of housing affordable to persons and families of low and moderate income, affordable multiple-family dwelling uses may be permitted by special exception in all zones subject to the conditions and restrictions contained in this Section, such conditions and restrictions as generally apply to uses within the zone in which any such affordable multiple-family dwelling use is proposed (except as modified herein) and subject to compliance with the provisions generally applicable to Special Permit Uses in **SECTION 9** of these Regulations.

14.2 **Definitions:**

14.2.1 An affordable multiple-family dwelling use is any new construction of a multiple-family affordable housing structure, together with such sidewalks, driveways, parking areas and other accessory improvements.

14.2.2 A multiple-family affordable housing structure is any structure which contains two or more family dwelling units and for which use the applicant/developer has placed covenants upon the land which shall run with the land for a period of no less than thirty (30) years from the date of completion of the multiple-family affordable housing structure and be enforceable by the municipality acting through its Board of Selectmen or its designee, providing that each dwelling unit within the multiple-family affordable housing structure shall:

(a) not be converted to common interest ownership;

(b) constitute affordable housing as hereinafter defined by Section 8-39a of the Connecticut General Statutes;

(c) shall be offered for rent only to persons and families not exceeding the area median income of the municipality as determined by the U.S. Department of Housing and Urban Development.

14.3 **Eligible Applicants:**

14.3.1 Applicants or co-applicants for this special permit use shall be limited to the following:

(a) the Town of Warren, or Town authorized housing agency, whether now existing or hereinafter created or designated;

(b) the Warren Affordable Housing Corporation.

14.4 **Other General Requirements:**

14.4.1 No more than one multi-family dwelling structure shall be allowed on any lot.

14.4.2 No multi-family dwelling structure shall contain more than five (5) separate family dwelling units.

14.4.3 Multiple-family affordable housing uses shall be exempt from the Provisions of **SECTION 9.6.2.**

14.4.4 A multi-family dwelling structure shall conform to all other regulations of the zone in which it is located.

14.5 **Landscaped Buffer Strip/Common Area:**

14.5.1 The Commission may require a Landscaped Buffer Strip.

14.5.2 All land not utilized for dwellings and private outdoor space shall be considered common land. Such land shall be in such condition, size and shape as to be readily usable for circulation, parking, recreation or conservation.

14.6 **Building Dimensions and Configuration:**

14.6.1 No separate dwelling unit may have more than three (3) bedrooms and no multi-family dwelling structure may have more than a total of ten (10) bedrooms.

14.6.2 Ramps and rails shall be provided for the handicapped.

14.6.3 A laundry room of sufficient size shall be provided for the residents.

14.7 **Off Street Parking:**

14.7.1 At least 1.5 parking spaces shall be provided for each separate bedroom in the multi-family dwelling structure. Additional visitor parking may be required.

14.7.2 Off street parking facilities shall be located so as to be in compliance with the front, side and rear yard setback requirements, as required in **SECTION 7.1**.

14.8 **Two (2) Access Ways:**

14.8.1 The Commission may require that two (2) access ways to a public street be provided for each multiple-family dwelling structure.

14.8.2 Access to every multiple-family dwelling structure shall be from an existing or proposed public street. Driveways shall be located as approved by the Planning and Zoning Commission. Driveways entering the streets at a curve or at the crest of a hill shall be located to provide the maximum site distances possible. Driveways shall be flared where they meet the street pavement by curves having radii of not less than twenty (20) feet, tangent to the driveway, and to the curb or to the outer edge of the shoulder of a road having no curb.

14.8.3 The Planning and Zoning Commission may require that separate driveways be designated and suitably marked for entrance only or for exit only.

14.8.4 Standards for sidewalks, drainage, landscaping, outdoor lighting, parking and other site improvements shall be included in the site plan application submitted to and subject to the approval of the Planning and Zoning Commission.

14.8.5 Main interior walks and driveways shall be of sufficient width and construction to serve emergency vehicles and apparatus.

## SECTION 15 - DEFINITIONS

Certain words in these Regulations are defined for the purpose thereof as follows:

15.1 Words used in the present tense include the future; the singular numbers include the plural, and the plural are the singular; the word "building" includes the word "structure".

15.2 For the purpose of these Regulations, a building shall be defined as any structure intended for the shelter, housing or enclosure of persons, animals, or materials, and shall include any in-ground swimming pool, and any above-ground swimming pool larger than 600 gallons.

15.3 A nonconforming building or use is one that does not conform to the use regulations of the zone in which it is situated.

a. For purposes of **SECTION 10.2** hereof, any increase in the size of the building within the required yard areas of the lot shall be considered an increase in the non-conformity.

15.4 An alteration, as applied to a building or structure, is any change or rearrangement of the structural parts, or any enlargement, whether by extending on any side or by increasing in height, or the moving from one location or position to another. It does not include ordinary repairs to buildings or structures.

15.5 Zoning and Planning Regulations or Zoning Ordinances refers to these Regulations.

15.6 For the purpose of these Regulations, a dwelling is defined as a building used primarily for single family occupancy, but not including camp trailer, camper, trailer, or mobile home except for emergency use not to exceed 45 days in any one year.

15.7 For the purpose of these Regulations, a mobile home is a vehicle which was, is, or can be wheel mounted, without motor power and is intended, designed, and so constructed as to permit its use and occupancy for residence.

15.8 Camp trailer includes any trailer designed and used exclusively for camping or pleasure purposes or used for the purpose of transporting personal property of the owner.

15.9 Camper means any rubber tired vehicle primarily equipped, designed, converted or used for private living quarters by one or more individuals.

15.10 Trailer means any rubber tired vehicle without motor power and is designed to be drawn or propelled by a motor vehicle.

15.11 Frontage shall be that part of the perimeter of a lot which abuts a town accepted road, or a road shown on an approved subdivision map, provided such road has actually been constructed to the standards set forth in the Town of Warren Road Ordinance, and is so certified by the Board of Selectmen.

15.12 Minimum Square shall mean a square of land which is located entirely within a proposed building lot, and not bisected by a road or right-of-way.

15.13 Boarding House is defined as a building, the owner of which for compensation provides meals and guest rooms for sleeping for not more than five (5) persons and who occupies at least one room therein.

15.14 Hotel is defined as a building or buildings designed to be used as the temporary abiding place of nine or more persons, or providing six (6) or more sleeping rooms, in which lodging is provided for compensation.

15.15 Accessory use or building shall mean a use or building subordinate and customarily incidental to the principal use of land or building and located on the same lot, or on a contiguous lot under the same ownership, with the principal use or building.

15.16 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, form, 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.

15.17 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 which encompasses all of the letters or symbols.

15.18 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.

15.19 Front Yard - 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 edge of the structure nearest the street. If a lot abuts two streets, the front yard is considered to be on both streets.

15.20 Rear Yard - The yard extending the full width of a lot and being in depth the distance from the rear lot line to the rearmost edge of the nearest structure.

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

15.22 Ground Floor Area (minimum) is the permanently enclosed area of a dwelling based on foundation or first floor size, excluding any attached garage or appurtenant structure.

15.23 Inland-Wetland Watercourses in these Regulations shall be as defined by the Public Act 155 as amended.

15.24 Build able 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.

## SECTION 16 - PERMITS

16.1 **Permit required** - Whether or not a special exception or a variance has been granted therefore, the issuance of a zoning permit shall be required before:

16.1.1 **New Improvements** - Commencement of construction, placement, relocation or installation of any new improvement other than an accessory improvement which is neither a building nor a sign.

16.1.2 **Changes in Improvements** - Commencement of enlargement or material exterior alteration of any improvement other than accessory improvement which is neither a building nor a sign.

16.1.3 **Timber Harvesting** - Commencement of timber harvesting as defined and permitted in **SECTION 13** of these Regulations.

Nothing herein shall be construed to require a zoning permit for ordinary repairs and maintenance of an existing improvement.

16.2 **Who May Apply** - An application for a zoning permit may be made by:

16.2.1 **Owner** - The owner, or all the joint owners, of the premises to which such application relates.

16.2.2 **Purchaser** - The purchaser, or all the purchasers, under a written contract to purchase the premises provided that the written consent of the owner, or all the joint owners, of the premises to the grant of such zoning permit accompanies the application; or

16.2.3 **Lessee** - The owner, or all the joint owners, of a leasehold interest in the premises under a written lease provided that the written consent of the owner, or all the joint owners, of the premises to the grant of such zoning permit accompanies the application.

16.3 **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. Each application form and the accompanying documents and statements shall be delivered, in quintuplicate, to the Planning and Zoning Commission. 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 or its Chairman, Vice-Chairman or Secretary. A completed application may also be filed with the Zoning Enforcement Officer.

16.4 **Supporting Information** - Each application shall be on a form prescribed by the Commission and shall be filled out in accordance with any instructions which may accompany the application form. Whenever the Commission or Zoning Enforcement Officer shall deem it reasonably necessary or appropriate to a proper disposition of any application, the Commission may require the applicant to submit other information, in such form as the Commission may prescribe, including a report issued by an attorney admitted to practice law in Connecticut describing the state of the title to the land to which such application relates.

16.5 **Determination** - The Planning and Zoning Commission or Zoning Enforcement Officer shall grant the application and issue a zoning permit if the Commission finds that the proposed improvement or change and the use to be made thereof, or the proposed timber harvesting operation, complies with all of the pertinent requirements of these Regulations, including any special exception or variance granted therefore. The Commission shall deny the application if the Commission:

16.5.1 is unable, for lack of information, to determine whether or not the proposal complies with all such pertinent requirements, or

16.5.2 finds that the proposal, or the land upon which it is to be situated, does not comply with all such pertinent requirements.

16.6 **Time for Decision: Notice of Denial** - The Planning and Zoning Commission shall grant or deny an application for a zoning permit within sixty-five (65) days after receipt by the Commission of such application, except that said period may be extended with the consent of the applicant. If such application shall have been neither granted nor denied with such period, it shall be considered to have been granted upon the expiration of said sixty-five (65) day period and any extension thereof. In the event of denial, the Planning and Zoning Commission shall issue within five (5) days after its decision, written notice of denial to the applicant either personally or by certified mail.

16.6.1 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.

16.7 **Expiration of Permit** - A zoning permit authorizing a new improvement or changes in an existing improvement shall expire six (6) months following its issuance if construction thereof shall not have been commenced within said period, and shall expire eighteen (18) 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 which has expired.

16.8 **Other Permits and Requirements of Other Agencies** - Permits or approvals and required statements from other agencies as hereinafter set forth must 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 and an application shall not be considered complete in the absence thereof.

16.8.1 **Warren Conservation and Inland-Wetlands Commission -** If the proposed new improvement or change in an improvement 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.

16.8.2 **Town Sanitarian** - Where a water supply or sewage disposal system is required; the Town Sanitarian's approval must be endorsed upon the application for zoning permit.

16.8.3 **Connecticut Department of Transportation** - If a driveway is to be constructed to connect with a State Highway or road, including North Lake Shore Road, 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.

16.8.4 **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.

16.8.5 **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 premises involved, the Commission may, before issuing a zoning permit hereunder, require the applicant to submit evidence that such permit or approval has been granted.

## SECTION 17 - DRIVEWAYS

General Requirements: The following standards shall apply.

**a. Runoff from driveways.** Driveways shall be designed 1) to prevent runoff onto town property unless the Town has approved such design and 2) to prevent runoff from Town property onto private property and 3) to prevent runoff onto abutting property and 4) to prevent run off into wetlands without a permit. Privately owned and maintained drainage diversions, swales, rain gardens, detention areas and/or dry well shall be utilized to the greatest extent possible. Where private drainage features are utilized it shall be noted in the land records that maintenance of such features is the responsibility of the lot owner and that, subject to proper notification by the Town, the Town may undertake any necessary maintenance and bill the cost to the property owner. Existing roadside drainage in the Town right of way shall not be altered or obstructed. If modifications are required, the applicant (at his or her expense) shall provide plans and details of the proposed modification. The plans may be required to be prepared by a licensed professional engineer as determined by the First Selectman or his designate.

**b**. **Construction Standards.** Driveways shall be constructed of a durable, nonerodible, 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 turn arounds. Driveway aprons shall be paved with bituminous concrete or other approved material from the edge of the town road to the property line or 12 feet, whichever is longer. All costs shall be borne by the applicant.

**c. Grading Standards.** Driveway grades shall not exceed 15%, and driveways with grades exceeding 10% shall be paved. Driveway grades shall not exceed 5% 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.

**d. Width.** Driveway width shall be a minimum of 10 feet. Driveways shall have sufficient radius at curves to accommodate emergency equipment.

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.

Residential driveways shall have a minimum with of 10 feet, but shall not exceed 20 feet wide at the intersection with a public road.

Commercial driveways in the center zone shall have a minimum with of 12 feet for one-way travel and 22 feet for two-way travel.

**e. Sightline.** 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 Town Engineer determines that the rate of traffic requires a higher standard for safety.

**f. 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.

**g. Work in Town Right of Way.** A permit is required for any work in the Town right of way, including tree trimming or removal. Any disturbance of the Town right of way shall be repaired by the permittee. Any damage by construction shall be removed at the permittee's expense and/or may be required to be restored. The construction of the driveway within the right of way is subject to inspection by the town. The town reserves the right to require additions or modifications that in the town's opinion may be necessary to protect life and property. A 72 hour notice shall be given by the applicant to the First Selectman or his designee before installation of the driveway to allow for the scheduling of inspection.

**h**. **Turnaround.** A turnaround area shall be provided on each lot to avoid backing into the street, except that this requirement may be waived where it is determined that lot topography or shape makes this requirement impracticable. A turnaround area of sufficient size and load-bearing capacity to accommodate emergency equipment shall be provided where driveway length exceeds 200 feet.

**i. Passing Areas.** Pullouts to accommodate two-way traffic, measuring 8 feet by 50 feet may be required on all driveways exceeding 300 feet in length. Passing areas shall generally be provided at 300 foot intervals, depending upon site conditions.

**j. Liability.** The property owner and the permittee shall be responsible for all claims of damage resulting from the construction or alteration of the driveway. The applicant and the land owner agree to hold the Town harmless against any claims made for property damage or personal injury during the construction and life of the driveway.

**k. Certificate of Construction.** Certification that the driveway was built according to the approved plan shall be provided by the installer. The Zoning officer may require that such certification is provided by a Professional Engineer in order to determine compliance with the approved plan and applicable regulations.

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

**m.** No portion of any driveway shall fall within 5' of any property boundary except to meet optimum site lines as called for in section e. Driveways shall be located no less than 25 feet from intersections with safety being the main consideration.

**n.** All driveways entering state highways must conform to the current specifications of the State of Connecticut Department of Transportation, and must be approved by the department.

## SECTION 18 - VALIDITY OF REGULATIONS

18.1 If any section, paragraph, subdivision, clause or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of these Regulations shall be deemed valid and effective.

## SECTION 19 - PROVISIONS FOR AMENDMENTS

19.1 These Regulations may be amended by the Planning & Zoning Commission on its own initiative or when initiated by a petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be accompanied by four (4) copies of the existing and proposed texts of the Regulations and maps where necessary and a petition fee as per schedule of fees for Zoning and Subdivisions.

## SECTION 20 - ENFORCEMENT

20.1 The Zoning Commission shall administer these Regulations. The Zoning Commission will recommend to the Board of Selectmen and they will appoint a Zoning Enforcement Officer to determine violation of these Regulations, to order corrections or termination of such violation and to perform other functions as delegated by the Commission. 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.

## SECTION 21 - EFFECTIVE DATE

21.1 The effective date of these Regulations, as amended, shall be October 12, 2007.

TOWN OF WARREN
ZONING REGULATIONS
TABLE OF CONTENTS


| Section and Title | Page |
|---|---|
| PREAMBLE | 2 |
| 1 GENERAL PROVISIONS | 2 |
| 2 BOUNDARIES OF DISTRICTS | 3 |
| 3 SOUTH ZONE | 4 |
| 4 NORTH ZONE | 5 |
| 5 WARREN CENTER ZONE | 12 |
| 6 HOME OCCUPATIONS | 13 |
| 7 HEIGHTS, AREA AND YARD REQUIREMENTS | 15 |
| 8 SIGNS | 16 |
| 9 SPECIAL EXCEPTIONS | 18 |
| 10 NONCONFORMING USES | 24 |
| 11 FLOOD PLAIN OVERLAY ZONE, EROSION & SEDIMENT CONTROL AND DEVELOPMENT ON MAJOR WATER BODIES | 25 |
| 12 REMOVAL OF EARTH PRODUCTS | 36 |
| 13 TIMBER HARVESTING | 40 |
| 14 SPECIAL PERMIT FOR MULTIPLE FAMILY AFFORDABLE HOUSING | 43 |
| 15 DEFINITIONS | 46 |

16 PERMITS REQUIRED 48

17 DRIVEWAYS 52

18 VALIDITY OF REGULATIONS 54

19 PROVISIONS FOR AMENDMENTS 54

20 ENFORCEMENT 54

21 EFFECTIVE DATE 54

**22 SPECIAL PERMIT FOR TELECOMMUNICATIONS FACILITIES & TOWERS (SEPARATE PACKET)**

TABLE OF CONTENTS 55-56