TOWN OF WARREN
ZONING REGULATIONS



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WARREN ZONING REGULATIONS

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ARTICLE I – GENERAL REGULATIONS

1.0 INTRODUCTION

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

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

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

2.0 GENERAL PROVISIONS

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

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

2.3 Any Use of land, building, or structure not expressly permitted by these Regulations in the various zoning districts is prohibited.

2.4 **Prohibited Uses:**

As an aid in the interpretation of these Regulations, the following uses are specifically prohibited in any district:

1. Horse, dog, or automobile racing tracks.
2. Mobile Homes and Mobile Home Parks.
3. Junk Yards and Junk or salvage businesses, except as permitted by Section 10.8 of these Regulations.
4. Airports and Heliports.
5. The production, manufacturing, and retail of adult recreational cannabis as provided for in Public Act 21-1.

2.5 In the event that there are found to be conflicting requirements within these Regulations, the most restrictive provision shall be applied.

3.0 DEFINITIONS

3.1 General Terms

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

3.1.1 Words used in the present tense include the future.
3.1.2 Words uses in the singular include the plural; the plural includes the singular.
3.1.3 The word "Town" means the Town of Warren, Connecticut.
3.1.4 The word "regulation" means the Town of Warren Zoning Regulations.
3.1.5 The word "shall" is mandatory; the word "may" is permissive.
3.1.6 The word "Board" means the Town of Warren Zoning Board of Appeals.
3.1.7 The word “Commission” means the Town of Warren Planning and Zoning Commission.

3.2 Specific Terms

ACCESSWAY: A strip of land fronting on a Town-accepted Street that serves as the means of obtaining access to the useable portion of an interior lot. The access way is part of the lot that it serves.

ACCESSORY BUILDING OR STRUCTURE: A building or structure located on the same parcel as a principal structure, and which is subordinate in size or purpose to the principal structure.

ACCESSORY USE: An activity which is conducted on the same parcel as the principal use and is secondary/subordinate to the parcel’s principal use.

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

AFFORDABLE HOUSING PROJECT: Any subdivision or multi-family project in which at least thirty per cent of the dwelling units meet the criteria for affordable housing.

AREA MEDIAN INCOME: As adjusted for household size, the lesser of the State median income or the Litchfield County median income as determined by the United States Department of Housing and Urban Development.

AWNING: A roof-like cover that project from the wall of a Building, such as for the purpose of shielding a doorway or window from the elements.

BALCONY: An exterior floor projecting from and supported by a Structure without additional independent supports.

BARN: A Building Accessory to a Farm for sheltering harvested crops, commodities and other Farm products, livestock, Farm machines and equipment.

BREEZEWAY: A roofed Structure, open to the air, built or used for the purpose of connecting a Building with other Buildings or Structures.

AUTOMOBILE REPAIR: A business licensed by the State of Connecticut to repair motor vehicles.

AUTOMOBILE SERVICE STATION: A business licensed by the State of Connecticut to sell gasoline for motor vehicles.

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

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

BUILDING HEIGHT: The vertical distance from the average finished ground level within 10 feet of the exterior walls of the building or structure to the topmost point of the roof.

CAMPGROUND: A plot of ground used for commercial purposes with two (2) or more tents, Camping Vehicles, or Trailers.

CAMPING VEHICLE: A mobile, vehicular Structure mounted on wheels and designed as a temporary Dwelling for travel, recreation, or vacation, including collapsible tent Trailers, and truck-mounted units.

CARPORT: A roofed extension of a Building over a driveway that shelters passengers getting into and out of a vehicle.

CERTIFICATION: A signed, written approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

CONTRACTOR SHOP & STORAGE: A storage use associated with and secondary to a contractor or Building tradesperson who conducts his or her trade primarily off the premises. This shall include but is not limited to plumbers, electricians, carpenters, excavators, landscapers, arborists, and similar occupations.

COTTAGE FOOD OPERATION (CFO): The production of food products in a private residential dwelling's home kitchen for sale directly to the consumer. Retail sales associated with a CFO shall not take place at the private residential dwelling in accordance with state licensing requirements (Public Act 18-141) and local requirements.

COTTAGE INDUSTRY OPERATION: A business in a residential area conducted primarily by residents of the property that involves manufacturing artistic, handicraft, and other homemade items.

COUNTY SOIL AND WATER CONSERVATION DISTRICT: The County Soil and Water Conservation District established under the Connecticut General Statutes.

DAY CARE: The provision of a supplementary care program to people outside their homes on a regular recurring but part-time basis.

DECK: A raised outdoor platform without a roof, supported by posts or columns.

DEVELOPMENT: Any construction or grading activities to improved or unimproved land.

DISTURBED AREA: An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

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

DOCK LENGTH: The side of the dock that is approximately perpendicular to the shore.

DOCK WIDTH: The side of the dock that is approximately parallel to the shoreline.

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

> **DRIVEWAY, SHARED:** A Driveway serving more than one (1) residential Lot, but no more than three (3) residential lots

DWELLING UNIT: A building designed or used as the living quarters for one (1) or more persons with provisions within the unit for cooking, eating, sleeping, and sanitation.

> **DWELLING UNIT, ACCESSORY:** A secondary Dwelling Unit on a Single Family residential property which is an Accessory Use to the Single Family Dwelling Unit and is a complete independent living facility from the principal single family dwelling unit on the property.
>
> **DWELLING UNIT, SINGLE FAMILY:** Building arranged, intended or designed to be occupied by one (1) Family.
>
> **GUEST SUITE:** An accessory building detached from the Single Family Dwelling Unit on the property which is used for sleeping and sanitation but which does not contain provisions for cooking or eating.

EAVE: The portion of a roof overhanging the wall of a Building.

EROSION: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

EXCAVATION: The removal from a parcel, by any means whatsoever, of rock, minerals, topsoil, gravel, sand or other earthen products.

FAMILY CHILDCARE HOME: (also "Group Childcare Home") A daycare facility within a single-family residential dwelling which meets the criteria of Public Act 23-142, as may be amended from time to time, and is subject to the approval of the State of Connecticut Office of Early Childhood. A family childcare home provides a daycare for not more than six (6) children, including the daycare provider's own children who are not in school full-time, where the children are cared for not less than three (3) nor more than twelve (12) hours during a twenty-four (24) hour period on a regularly occurring basis. This use shall be regulated in the same manner as a single-family dwelling.

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

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

FLOAT: A dock with dimensions not to exceed 10 feet by 10 feet that is not attached to the shoreline and is anchored no closer than 5 feet from the shoreline.

FRONTAGE: That part of the perimeter of a lot that abuts: (A) A State or Town accepted road; or (B) a road shown on an approved subdivision plan.

GRADING: Any excavation, filling, grubbing, moving, stockpiling of earthen materials or other activity that alters the natural contours of the parcel.

GROSS FLOOR AREA: The total floor area of a building.

HOME BUSINESS: A general term that refers to all activity on a residential property associated with professional, occupational, and/or business activity that is an accessory use to the primary residential use of the property and the business is registered to an occupant of the property. This term encompasses all the following more specific terms: Cottage Food Operation, Cottage Industry, Home Office, Minor Home Business, Major Home Business, Shop & Storage.

HOME OFFICE: A permitted activity that includes a resident of the property conducting work that is incidental to the residential use of the property. No outside clients, customers, and/or exterior storage are to be associated with home office use.

IMPERVIOUS SURFACE: A surface that is highly resistant to the infiltration of water into the soil including buildings, and paved areas for parking, roads, patios, sidewalks, driveways and all other areas covered with concrete, asphalt, packed clay, standard gravel, rock, or similar surfaces.

IMPERVIOUS SURFACE RATIO: The area of a lot covered by impervious surfaces divided by the total area of the lot.

INFLATABLE WATER TOY: A toy made from vinyl or vinyl like material that is inflatable, and floats on the water surface and whose surface area (e.g. length times width) is a minimum of 30 square feet.

INSPECTION: The periodic review of measures shown on the certified plan.

INTERIOR LOT: A residential lot which has less than the minimum required lot width on a Town accepted street and which is accessed by an access way.

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

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

KENNEL: A commercial establishment in which more than four dogs over the age of six months are housed, groomed, bred, boarded, trained, or sold.

LODGING:

BED AND BREAKFAST: A single-family dwelling unit occupied by an owner of record that provides as an accessory use transient lodging in six (6) or fewer rooms and breakfast for compensation and where stays are limited to thirty (30) days or less. Breakfast is provided only to those staying on the premises.

COUNTRY INN: A building or group of buildings used for transient lodging daily and where meals are offered to be consumed on the premises to the lodging's guests and to the general public.

HOTEL: A building or group of buildings offering transient lodging accommodations to the general public and which may provide additional services as an accessory use which shall not be operated independently of the Lodging Establishment, such as restaurants, special events, meeting rooms, entertainment, and recreational facilities. A motel or resort shall be considered a Hotel. The building shall be so designed that normal access and egress are controlled from a central point.

SHORT-TERM RENTAL: A residential property that is rented and occupied for a term of less than two (2) weeks where no owner is present on-site. A short-term rental is not considered to be an inn, hotel, and/or bed and breakfast.

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

LOW OR MODERATE INCOME HOUSEHOLD: A household whose annual income, when adjusted for household size, is less than or equal to eighty per cent of the area median income.

MAJOR HOME BUSINESS: Business activity conducted at a private residential property that exceeds the specific limitations of a minor home business and where one or more of the following activities occurs in association with the business activity:

a. Outside visitors and/or customers visit the property during the approved hours of operation without an appointment.
b. More than three (3) non-residential employees and/or customers/clients regularly park their vehicles on site.
c. More than one-thousand square feet (1,000 sf) of exterior activity/storage associated with the home business activity is visible from the public right-of-way.

MANUFACTURING: Engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials. Agricultural processing on Farms shall not be considered Manufacturing.

MINOR HOME BUSINESS: Business activity conducted at a private residential property is classified as a minor home business if one or more of the following occurs:

a. Outside visitors/clients/customers visit the property by appointment only.

b. Up to a maximum of two (2) non-resident/off-site employees work at the minor home business.
c. Up to a maximum of three (3) non-resident vehicles are parked on site regularly. This includes all employee and customer/client parking. Parking areas required for employees and/or clients shall be indicated on the site plan associated with the permit.
d. No more than one-thousand square feet (1,000 sf) of exterior activity/storage associated with the home business activity is visible from the public right-of-way.
e. All outside storage areas shall be at least twenty-five feet (25 ft) from all property lines.

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

OFF-PREMISE BUSINESS SIGN: Any sign that directs attention to a business, commodity or service located on a property other than the property on which the sign is located.

OPEN SPACE: Open Space is land that remains in its natural state or is used for Farming or Forestry, or a body of water or Watercourse that remains in its natural state. It is not developed for residential, commercial or government Use. The land typically provides non-facility-based passive recreational, scientific, educational, cultural or aesthetic Uses and amenities.

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

PARKING:

AISLE: The driving portion of the parking area. The aisle provides access to each parking space.

PARKING AREA: That portion of a lot set aside, marked, posted, or intended for parking, including total of circulation areas, loading and unloading areas, parking spaces and aisles, landscaped areas, bikeways, and walkways.

PARKING SPACE: A space in which a single car is parked.

PARKING SUPPLY: The actual number of spaces provided and legally available at a land use.

ANGLED PARKING: Any parking space that is not parallel to the curb or aisle.

OFF-STREET PARKING: Parking spaces provided outside of the right-of-way of a street or highway.

ON-STREET PARKING: Parking spaces provided within the right-of-way of a street or highway.

SHARED PARKING: When parking spaces are shared among different structures or uses, or among mixed uses, and can include properties with different owners.

PATIO: A more or less level surface, or series of surfaces, located at or no more than 6 inches (6”) above finished grade and paved with bricks, concrete, stone, wood, or any other impervious or partially impervious material; and having no roof or other covering, nor walls, other than retaining walls; including walkways or any other predominantly non-vegetated surfaces used or intended to be used for outdoor activities.

PERSONAL SERVICES: Establishments primarily engaged in providing individual services related to personal needs. These services include, but are not limited to, tailor shops, beauty salons, dry cleaners, health clubs, spas, banks, funeral homes and barber shops. Day care and kennels are not included in this definition.

PERFORMANCE BOND: A security accepted by the Town to assure that improvements required as part of an application for development will be completed to the satisfaction of the Town.

PORCH: An outdoor area attached to a Building or Structure, typically with a raised platform with a fixed roof or another platform above. It includes a roofed exterior landing. A Porch may be open air or with screened-in or glassed-in openings.

PREMISES: All land comprising a lot and including all buildings, structures, and uses located on the lot.

PRINCIPAL BUILDING OR STRUCTURE: A building or structure which is designed, occupied, and maintained to serve as the predominant use of the parcel.

PRINCIPAL USE: the primary activity for which a parcel is permitted.

PROFESSIONAL OFFICE: The office of an accredited professional such as a doctor, dentist, lawyer, architect, engineer, and similar professions or recognized professional artist, musician, designer, realtor, teacher, or other similar professions that, with or without staff, are qualified to perform services of a professional nature.

RESIDENTIAL DENSITY: The number of dwelling units on a parcel divided by the area of the parcel.

RESTAURANT: A business or Use where the principal function is the preparation and serving of food for consumption on the Premises at tables, booths, or similar sit-down accommodations. Take-out service is clearly incidental to the primary Permitted Use of serving customers seated at tables or counters. This includes taverns and other places licensed to sell alcoholic beverages. This excludes Restaurants with drive-through windows or curb-side service.

RETAIL BUSINESS: A business whose primary activity is the sale of merchandise kept and displayed on the Premises to customers visiting the Premises.

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

SCHOOL: A private or public educational institution, certified by the State of Connecticut, which provides a comprehensive curriculum of academic instruction.

SEDIMENT: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SHOP & STORAGE FOR TRADESPEOPLE & CONTRACTORS: A use commonly conducted by contracting and building tradesmen (such as, but not limited to, plumbers, landscapers, excavators, electricians, builders, painters, carpenters, masons, millworkers, and other similar occupations) that involves the storage of tools, materials, vehicles, and other items associated with their trade/occupation on a residentially zoned property. This use allows reasonable ancillary activity which involves equipment maintenance, storage of equipment/materials and/or the production/construction/assembly of materials on site but shall not have a significant adverse effect on adjacent properties or on public health or safety.

SHORELINE: The "normal maintained water level" of a water body controlled by a dam or the "ordinary high-water mark" for any other water body.

SHORELINE FRONTAGE: The distance measured in a straight line between points of intersection of the side lot lines with the shoreline of a water body.

SIGN: Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, emblem, device, trademark, or other representation used as an announcement, designation, direction or display to advertise or promote any person, 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.

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

SOIL: Any unconsolidated mineral or organic material of any origin.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

STRUCTURE: Anything constructed, erected, or assembled that has a fixed location on the ground, or is attached to something having a fixed location on the ground, and has any dimension exceeding six (6) feet, but excluding a patio. A building is a structure.

TERRACE: See **PATIO**.

WAREHOUSING: A Use engaging in storage, Wholesale, or distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards.

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

WIND MONITORING OR METEOROLOGICAL TOWER: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

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

WIND TURBINE HEIGHT: The distance from natural grade to either the tip of the rotor blade at its highest point or the structure's highest point, whichever is greater.

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

> **YARD, FRONT:** The yard extending the full width of a lot and being in depth the distance from the property line abutting the street to the nearest point of the structure nearest the street. If a lot abuts two streets, the front yard is considered to be on both streets.
>
> **YARD, REAR:** The yard extending the full width of a lot and being in depth the distance from the rear lot line to the nearest point of the nearest structure.
>
> **YARD, SIDE:** The yard between the side line of a lot and the nearest point of the nearest structure, and extending from the minimum front yard line to the minimum rear yard.

ZONING ENFORCEMENT OFFICER: The official(s) designated by the Planning and Zoning Commission as being responsible for enforcing the Zoning Regulations.

4.0 ZONING DISTRICTS

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

5.0 USES

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

P – Permitted use by zoning permit
E – Use permitted by special exception
N – Use permitted as of right; no zoning permit required
Blank – Use not permitted in the specified zone

TABLE 1 –USES

USE	NORTH ZONE	SOUTH ZONE	CENTER ZONE	REFER TO
Accessory Apartment	P	P	P	Section 8
Affordable Housing Project	E	E	E	Section 21
Agriculture	N	N	N	
Assisted Living Facility	E	E	E	
Automobile Repair	E		P	
Automobile Service Station			P	
Bed and Breakfast	E	E	P	
Buildings and Uses of the Town of Warren	E	E	E	
Campgrounds	E	E		
Cemetery	E	E	E	
Cottage Industry/Food Operations	N	N	N	Section 13
Day Care Center	E	E	E	
Family Childcare Home	P	P		
Farm Building Conversion	E	E	E	Section 22
Golf Course	E	E	E	
Home Office	N	N	N	Section 13
Hotel			E	
Inn	E	E	P	
Kennels	E	E		
Libraries & Museums	E	E	E	
Major Home Business	E	E	E	Section 13
Manufacturing	E			Section 24
Minor Home Business	P	P	P	Section 23
Nursing Homes	E	E	E	
Places of Worship	E	E	E	
Private Schools	E	E	E	
Professional Offices	E		P	Section 24
Restaurant	E	E	P	
Retail Business			P	
Shop & Storage	P	P	P	Section 23
Short-terms Rentals	E	E	P	
Service Business	E	E	P	
Warehouses	E			Section 24
Wind Turbines	E	E		Section 25

6.0 AREA, YARD, AND HEIGHT REQUIREMENTS

6.1 Buildable Area

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

6.1.2 All structures and septic systems shall be located within a buildable area except accessory structures with a footprint under 250 square feet and wells which may be located outside of the build able area, and as allowed by Section 6.1.3; 6.1.4 and 6.1.5.

6.1.3 For lots which legally existed prior to the adoption of Sections 6.1.1 and 6.1.2 above, as evidenced by deed recorded in the office of the Town Clerk, the buildable area requirements of Sections 6.1.1 and 6.1.2 shall not apply to the expansion of existing structures.

6.1.4 For lots which legally existed prior to the adoption of Section 6.1.1 and 6.1.2 above, as evidenced by deed recorded in the office of the Town Clerk, new structures that cannot be placed in a buildable area may be constructed provided a special exception is obtained from the Commission. In deciding on the special exception, the Commission may impose such conditions that most closely conform to the buildable area requirements.

6.1.5 The Commission may allow, by special exception, structures and septic systems outside of the buildable area if the placement will:

A. result in less grading and other disturbances to the natural environment; or

B. preserve a scenic view or significant natural feature.

6.2 Minimum Lot, Yard, and Height Requirements

The requirements for all zones, except where otherwise noted, are given below. All measurements are minimums unless otherwise noted.

6.2.1	Area:	2 acres
6.2.2	Frontage:	150 feet
6.2.3	Front Yard:	30 feet
6.2.4	Side Yard:	25 feet
6.2.5	Rear Yard:	25 feet

6.2.6 Building Height:

The maximum height permitted for any building, whether primary or accessory shall be 35 feet measured from the averaged finished ground level within 10 feet of the exterior walls of the building or structure to the topmost point of the roof, except for flat roofs in which case the maximum height shall be 28 feet. In addition, the maximum height of the roof eave or any parapet wall shall be 28 feet. Solar heating equipment may be placed on a roof, but may not exceed 40 feet measured to the highest post of the equipment.

6.2.7 Minimum Square: 100 feet

6.3 Impervious Surface Ratios

The maximum impervious surface ratios are as follows:

A. for lots less than or equal to two acres: 20%;

B. for lots greater than two acres but less than or equal to ten acres: 15%;

C. for lots greater than ten acres: 10%.

6.4 Setbacks

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

A. Flag poles, fences six feet or less in height, mail boxes, newspaper tubes, sidewalks, handicap ramps, children's play sets, and other minor ornamental or recreational structures;

B. Septic systems, irrigation systems, underground utilities and wells;

C. As otherwise provided in these Regulations and in Table 3 below:

TABLE 3 – FEATURES THAT COUNT TOWARD IMPERVIOUS COVERAGE AND SETBACK REQUIREMENTS:

RESIDENTIAL FEATURES	COUNTS TOWARD IMPERVIOUS COVERAGE?	MUST MEET FRONT,SIDE, &/ OR REAR YARD SETBACKS?	PERTINENT SECTIONS OF THE REGULATIONS
Principal Buildings			
The surface area covered by the principal structure, including attached garage on the Lot, as measured to the outside surface of the exterior walls, except for anything specifically excluded in this table.	Yes	Yes	
Cantilevered portions of the Building which extend beyond the outermost wall.	Yes	Yes	
Gross Floor Area of Detached Garage	Yes	Yes	
Building Features			
Roof Eaves/Overhangs	Yes	Yes	
Chimneys	Yes	Yes	
Bow or Bay Windows	Yes	Yes	
Gutters and Leaders	No	No	
Columns, Brackets, and Pilasters	Yes	Yes	
All Other Minor Architectural Features	Yes	Yes	
Exterior Features			
Driveways/Walkways			**Section 10**
A) Driveways (Standard Gravel, Standard Pavement)	Yes	No*	
B) Driveways (Permeable Paving)	No	No*	
C) Covered Driveways	Yes	Yes	
D)Uncovered Walkways (Standard Gravel, Standard Pavement)	Yes	No	
E) Uncovered Walkways (Permeable Paver)	No	No	
F) Covered Walkways and Breezeways as measured to the outside surface of the exterior walls or columns	Yes	Yes	
Fences/Walls			**Sections 6.6/15.5**
A) Fence or Wall six (6) feet or less in height	No	No	
B) Fence or Wall greater than six (6) feet in height	No	Yes	
Balconies/Decks/Patios			
A) Balconies	Yes	Yes	
B) Decks	Yes	Yes	
C) Open Patio (Permeable Paver)	No	No*	
E) Roofed Patio	Yes	Yes	
F) Awning	No	Yes	
G) Landscaped Terrace including retaining walls over six (6) feet in height, covered walks, trellises, pergolas, etc.	Yes	Yes	
Porches/Gazebos			
A) Porches or roofed exterior landings, measured to edge of platform	Yes	Yes	
B) Closed Porches	Yes	Yes	
C) Gazebos	Yes	Yes	
Steps/Stoops/Entries			
A) Exterior steps, stairs, landings	Yes	Yes	
B) Entryways for below-grade access attached to the main Building (basement hatchway doors)	Yes	Yes	
Recreation Facilities			
A) Swimming Pools and Hot Tubs and associated equipment	Yes	Yes	
B) Tennis courts, basketball courts, sports courts or similar recreational surfaces	Yes	Yes	
C) Docks	No	Yes*	**Section 15.4.10**
Other Features			
A) Accessory Buildings measured to the outside surface of the exterior walls	Yes	Yes	
B) Ground-mounted Solar Panels	Yes	Yes	
C) Minor accessory structures such as playscapes and tree houses	No	No	
D) Small accessory or ornamental features such as bird baths, well casings, etc.	No	No	
E) Dish antenna mounted off ground on a base or riser on the ground	Yes	Yes	
F) Above-ground Propane Tank	Yes	Yes	
G) Emergency generator, exterior HVAC equipment, pool equipment	Yes	Yes	

6.5 Corner Lots

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

6.6 Fences

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

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

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

6.7 Height Exceptions

6.7.1 The following are exempt from the height limitations in Section 6.2.6 provided the overall height is less than seventy feet and the part of the structure exceeding thirty-five feet is not intended for occupancy or storage:

A. A spire, cupola or belfry;

B. Chimneys, elevator shafts and similar structural appendages;

C. Flagpoles and water tanks;

D. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices located on a building's roof; and

E. Towers for noncommercial radio transmission or reception provided the distance from the base of the tower to the closest property line is greater than the height of the tower;

6.7.2 The Commission may, by special exception, allow for an increase in the height of the structures listed in Section 6.7.1 above.

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

ARTICLE II - SUPPLEMENTARY REGULATIONS

7.0 REQUIREMENTS FOR PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES

7.1 General Requirements for Accessory Buildings and Structures

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

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

7.1.3 When a structure is proposed in the absence of a primary residence on a parcel located in a residential zone, a Special Exception application (with public hearing) is required. See **Section 31- Special Exception Applications**.

7.2 General Requirements for Accessory Uses

7.2.1 Accessory uses are permitted in all zoning districts provided they conform to the specific requirements of these regulations related to such uses. For example, a home business as regulation by **Section 13- Home Business Uses,** is classified as an accessory use to a residential use.

7.2.2 Home businesses shall not be permitted where a primary residential use has not been established.

7.2.3 In the North and South Zones, a proposed accessory use on parcels where a residential use has not been established as the principal use are evaluated on a case-by-case basis in accordance with **Section 31- Special Exception Applications**.

8.0 ACCESSORY APARTMENTS

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

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

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

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

A. the accessory apartment is less than or equal to 900 square feet or 50% of the floor area of the main dwelling unit, whichever is less; and

B. the apartment is either in same building as the main dwelling unit or in a building that is within fifty feet of the main dwelling unit; and

C. the lot containing the main dwelling unit and accessory apartment is a minimum of two acres.

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

A. the accessory apartment is:

   i. in a building that is more than fifty feet from the main dwelling unit; and

   ii. the parcel is greater than or equal to four acres; or

B. the accessory apartment is:

   i. less than or equal to 1,250 square feet or 50% of the floor area of the main dwelling unit; and

   ii. the parcel is greater than or equal to four acres.

8.6 Only one common driveway is permitted to serve the main dwelling and the accessory apartment. The driveway must conform to current safety standards as detailed in Section 9.

9.0 EARTHWORK, EXCAVATION, AND GRADING

9.1 The following standards are to ensure that careful consideration is given to the pre-existing hydrology and topography of all lots in the Town of Warren before development and/or redevelopment takes place. The following provisions shall apply to all lots in Town to mitigate the impacts of erosion and sedimentation and to encourage low-impact development (LID) practices.

9.2 All extensive earthwork activity (excavation, filling, and grading) within the Town of Warren requires a Special Exception. The following activities are not considered "extensive" and do not require a Special Exception:

A. Excavation and grading necessary for the construction of a single-family home and/or other site improvements that involve less than 1,000 cubic yards of earthwork. This calculation shall include materials being brought to the site, being hauled from the site, as well as earthen materials being moved around the site.

B. Excavation and grading necessary for the development of roads, utilities, and building lots in accordance with an approved and valid (non-expired) subdivision.

C. Excavation and grading necessary for the normal operation of a cemetery, farm, and/or Town-owned and operated facility.

D. Excavation for the creation and/or maintenance of a pond provided the work has the approval of the Town of Warren Inland Wetlands and Conservation (IWC) Commission.

9.3 Although all earthwork does not require a Special Exception, any land disturbance of greater than one-half (½)acre shall comply with the standards found in the Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended. Failure to comply with these standards shall be a violation of these Regulations.

9.4 An application for a Special Exception conforming to the standards of Section 31, and that specifically satisfies the approval criteria of 31.5 General Criteria shall be required, and the following information shall be provided for and submitted based on the information provided by an A-2 survey:

A. The boundaries of the subject property as well as the areas to be excavated, graded, and/or where materials will be stockpiled.

B. The pre-existing topography of the site and the proposed contours after completion of the work.

C. The existing and proposed drainage improvements. The improvements should incorporate low-impact development standards regarding storm-water management.

D. The existing and proposed structures on the site.

E. The location of site access.

9.5 The following standards shall apply to all grading & excavation activity within the Town of Warren, even if the activity is not subject to a Special Exception:

A. Setbacks. No storing of excavation and grading materials within fifty (50) feet of any property line. All stockpiled topsoil shall be seeded with appropriate vegetation and surrounded by appropriate erosion controls if not re-spread and stabilized on the property at the project's completion.

B. Lot clearing. No parcel shall be clear cut of trees and/or graded without the issuance of a permit for associated site improvements and/or agent approvals for timber-harvesting. No more than five (5) acres are to be excavated and/or graded on a single-lot without a Special Exception.

C. Slopes. Finished slopes shall not exceed one-foot vertical to three-feet horizontal.

D. Processing. No material shall be brought onto the property for further refining, such as crushing, sorting, reducing and/or other processing.

E. Drainage. At all stages of projects associated with excavation and grading, proper drainage shall be provided to prevent erosion and siltation as well as stagnation of water. All earthwork activities shall be performed in compliance with the Connecticut Department of Environmental Protection's regulations governing the discharge of stormwater and dewatering wastewaters from construction activities.

F. Restoration. The land area disturbed by the excavation and/or grading shall be restored and stabilized by the spreading of topsoil and the planting of suitable ground cover including perennial grasses, shrubs, and legumes. Disturbed areas shall be stabilized prior to the issuance of a Zoning Certificate of Compliance.

10.0 DRIVEWAYS

10.1 Driveway Widths

10.1.1 The driveway width for one- and two-family residences shall be a minimum of 10 feet and a maximum of 20 feet.

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

A. a minimum of 10 feet and a maximum of 20 feet for one way travel; and

B. a minimum of 20 feet and a maximum of 24 feet for two-way travel.

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

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

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

10.2 Driveway Grades

10.2.1 Driveway grades shall not exceed 15%, and driveways with grades exceeding 10% shall be paved.

10.2.2 Driveway grades shall not exceed 10% over the first 20 feet from the road.

10.2.3 Driveway side slopes shall not exceed a slope of three horizontal to one vertical (3:1) unless retaining walls or other stabilizing measures are provided.

10.2.4 The maximum grade across the width of any portion of a driveway shall not exceed 5%.

10.2.5 The Town of Warren Planning & Zoning Commission and/or its agent reserves the right to request a driveway profile as-built as prepared by a CT Licensed Engineer and/or a land surveyor to ensure compliance. All grades are to be measured using 2 foot contours.

10.3 Driveway Location and Number

10.4.1 Each parcel shall be served by only one driveway. The Commission, however, may approve multiple driveways where the applicant can demonstrate to the Commission that more than one driveway is necessary for fire protection or the safe and efficient movement of vehicular traffic on site and that the presence and location of said driveways do not interfere with the normal movement or queuing of traffic on the intersecting street.

10.4.2 No portion of any driveway shall be within five feet of any side property line. The Commission, however, may allow a driveway to be within five feet of a side property line to meet the required sightline distances required in Section 9.3 above.

10.4.3 Driveways that serve seven or fewer parking spaces shall be located a minimum of fifty feet from a street intersection, as measured from the centerline of such driveway to the extension of the intersecting curbs.

10.4.4 Driveways that serve more than seven parking spaces shall be located a minimum of one hundred feet from a street intersection, as measured from the centerline of such driveway to the extension of intersecting curbs.

10.4.5 The Commission may allow a single driveway to serve two or more parcels provided:

A. the applicants demonstrate that all the parcels can be served by individual driveways that meet all the requirements of these regulations; and

B. easements, acceptable to the Commission, covering all the parcels served by the single driveway are filed on the Town Land Records.

10.4 Turnaround Area

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

10.5 Pull-off Areas

On driveways exceeding 300 feet in length, including shared driveways, a pull-off area is required to accommodate two-way traffic. The pull-off area must be at least eight (8) by fifty (50) feet.

10.6 Stormwater Runoff from Driveways

10.6.1 Driveways shall be designed to prevent storm water runoff from the driveway onto adjoining properties and onto the intersecting street.

10.6.2 Privately owned and maintained drainage diversions, swales, rain gardens, detention areas and/or dry well shall be utilized to the greatest extent possible in accordance with the Connecticut Stormwater Quality Manual, as amended.

10.6.3 Existing roadside drainage patterns in a Town or State right of way shall not be altered or obstructed without the prior approval of the Town First Selectman or the State Department of Transportation.

10.7 Completion of Work

No Certificate of Zoning Compliance shall be issued for a parcel's development that involves a new and/or re-configured driveway without the written approval and forthcoming release of the driveway bond from the Town's Road Foreman and First Selectman.

11.0 ENVIRONMENTAL PERFORMANCE STANDARDS

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

11.1 Vibration

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

11.2 Lighting

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

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

11.3 Hazardous Materials

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

11.4 Noise

Noise levels are regulated by the Torrington Area Health District.

11.5 Air Pollutants

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

11.6 Stormwater Management Systems

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

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

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

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

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

11.7 Archaeological Report

11.7.1 For any application, either the Commission or the Zoning Enforcement Officer may require the applicant to provide a report identifying archaeological and/or historic areas on the parcel. In making its decision, the Commission and the Zoning Enforcement Officer shall consider:

A. the location of the parcel in relation to watercourses and wetlands;
B. the amount of grading or excavation that has previously occurred on the parcel;
C. the amount of grading or excavation proposed by the applicant; and
D. any information or reports of archaeological and/or historic artifacts in the area.

11.7.2 The investigation shall be done by a qualified professional archaeologist or other professional that is acceptable to either the Commission or the Zoning Enforcement Officer.

11.7.3 The investigative report shall include historic research, an on-site inspection, identification of any artifacts or features found (with photos), an assessment of the project's impact on and the site sensitivity of any affected area, a description of the recommended research design methodologies and techniques, an estimate of implementation costs and time for more intensive site examination and recommended alternatives to mitigate adverse impacts from the project.

11.7.4 If the investigative report determines that the project could adversely impact an archaeologically or historically sensitive area, the Commission or the Zoning Enforcement Officer:

A. may require a more intensive site investigation of the project prior to the start of the project; and

B. may request revisions to the project to mitigate the adverse impacts.

11.7.5 In the case of a special exception application, the Commission may either require modifications to mitigate the adverse impacts or deny the application because of the adverse impacts.

11.8 Junk

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

12.0 FLOOD PLAIN OVERLAY ZONE

The Flood Plain Overlay Zone provides for the regulation of areas within the Town of Warren subject to potential, periodic, occasional or frequent flooding and which function as a part of the natural drainage system. These regulations serve to establish necessary minimum standards and review procedures over the use of land in the Flood Plain Overlay Zone 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.

12.1 Definitions

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

Administrator - means the Federal Insurance Administrator.

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

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

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

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

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

Floodway - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

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

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

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

Recreational Vehicle - a vehicle which is: (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow able by a light-duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactures homes for the purpose of this regulation.

Start of Construction - the date the building permit was issued, provided the actual start of the construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home), on a site, such as the pouring of slabs or footings installation of piles, construction of columns, or any work beyond the stage of excavation, or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations of the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

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

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

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

12.2 General Standards

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

A. Anchoring:

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction Materials and Methods:

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

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

C. Mechanical and Utility Equipment:

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

ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

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

iv. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Alteration of Watercourse:

i. Adjacent communities and the State of Connecticut Department of Water Resources Unit shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Emergency Management Agency (FEMA).

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

12.3 Specific Standards

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

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

B. Residential Construction:

New construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated one foot above the base flood elevation. "Lowest floor" means the lowest floor of the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that each enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this regulation.

C. Non-residential construction:

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

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

D. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
   i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   ii. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devises if they permit the automatic entry and exit of floodwaters.

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

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

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

H. First, the regulations must require that: "All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and

subdivisions) greater than 50 lots or 5 acres, whatever is the lesser, include within such proposals base flood elevation data." Second, in all special flood hazard areas the following requirements shall apply: "All subdivision proposals shall be consistent with the need to minimize flood damage; All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards."

13.0 HOME BUSINESS USES

13.1 The following provisions shall apply to all home business uses that are permitted by right (without a zoning permit) such as cottage food operations, cottage industry operations, and home offices:

13.1.1 A home business shall be incidental to the use of the dwelling unit for residential purposes.

13.1.2 Only residents of the dwelling are permitted to work on-site in the home business.

13.1.3 The home business use may be conducted either in the dwelling or in a separate structure.

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

13.1.5 No toxic, explosive, flammable, combustible, corrosive, or otherwise hazardous materials that may pose a significant adverse effect on adjacent property or on public health or safety shall be allowed.

13.1.6 No equipment or processes shall be used in a home business that creates objectionable noise, vibration, glare, fumes, or odors above and beyond what is customary in a residential zone.

13.1.7 The residential appearance of the dwelling shall be maintained. No evidence of the home office or the cottage operation shall be visible from the exterior of the dwelling unit other than authorized signage.

13.1.8 Signage for authorized home businesses may be displayed provided a zoning permit is obtained. No signage for a home business shall exceed four square feet (4 sf) in sign area. All signage shall be displayed in accordance with 20.1 Requirements for Signs in all Zones.

13.1.9 No customers or clients are permitted to visit the premises in association with the home business.

13.1.10 The retail sale of products associated with a cottage operation must occur off-site.

13.1.11 All home businesses may be subject to additional approvals such as state licensing and renewals, local health district review, and/or other applicable regulations such as the building, fire, and health codes. The Land-Use Office may request proper documentation for other approvals.

14.0 INTERIOR LOTS

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

14.1.1 The access way to the interior lot is owned in fee simple by the owner of the interior lot;

14.1.2 The access way shall have a minimum width of fifty feet from the street to the interior lot line;

14.1.3 The area of the access way shall not be included in determining the minimum area of the interior lot;

14.1.4 The access ways to interior lots shall be separated by least 150 feet as measured at the intersection of the access ways with the street;

14.1.5 At the intersection of the access way and the interior lot line, the lot shall have a minimum width of 150 feet;

14.1.6 For access ways that are longer than 500 feet or access ways with average grades over 10%, the Commission may require a pull off or parking area located at or near the intersection of the access way and the street;

14.1.7 The maximum length of an access way shall be 1,000 feet.

15.0 DEVELOPMENT ON MAJOR WATER BODIES- TOWN OF WARREN WATERBODY AND WATERSHED OVERLAY

15.1 Application and Statement of Purpose

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

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

15.2 Shoreline Setback Requirements

15.2.1 A dwelling or other principal building or structure and accessory buildings and structures shall be setback 100 feet from the shoreline with the following exceptions and as provided under Section 15.3 below. The following buildings and structures shall not be subject to this setback requirement:

A. Repair and replacement of existing buildings and structures.
B. Waterline structures (such as retaining walls) and/or drainage improvements necessary for shoreline or erosion stabilization or for public drinking water supply purposes.
C. Docks and floats as provided herein.
D. A pedestrian walkway and/or staircase essential to access the shoreline due to steep slopes or otherwise.
E. A storage shed provided it does not exceed 80 square feet in total area or 12 feet in height and is designed and used only for the storage purposes.
F. A patio/hardscaped impervious surface of 100 square feet or less.

15.3 Docks, Floats, and Inflatable Water Toys

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

15.3.1 One dock, one float and one inflatable water toy are permitted per shoreline property.
15.3.2 They shall be for the private, non-commercial use of the resident only.
15.3.3 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.
15.3.4 There shall be free movement of water underneath them.
15.3.5 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.
15.3.6 Maximum size permitted:

A. Dock: 360 square feet of total surface area.
B. The minimum dock width shall be 3 feet.
C. The maximum dock length shall be 50 feet.
D. Float: 10 by 10 feet.
E. Inflatable Water Toy: Maximum surface area –120 square feet; maximum height above water surface 4 feet.

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

15.3.8 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, ipe, or other similar lumbers. Only non-toxic wood materials shall be used.

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

15.3.10 No dock may be placed any closer than 25 feet from a side lot line into the lake. Docks shall be placed in a matter that is perpendicular to the shoreline to the maximum extent possible.

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

15.3.12 Stairs

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

15.3.13 Applications for a dock, inflatable water toy or float may be referred for advisory comment by the Zoning Enforcement Officer or the Commission to the Lake Waramaug Authority. The comments of the Lake Waramaug Authority shall be non-binding on the Commission, but the Commission shall consider any comments provided by the Authority within 35 days of the date of mailing of the referral to the Authority. Applicants should be aware that where the Lake Waramaug Authority recommends that the proposal should be modified or disapproved in order to protect the public safety the Commission may deny or modify the proposal if it does not comply with the Regulations.

15.4 Fences

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

15.6 Minimum Shoreline Frontage

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

15.7 Maximum Impervious Surface.

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

16.0 NON-CONFORMING USES, STRUCTURES, AND PARCELS

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

16.1 Non-Conforming Uses

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

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

A. the proposed non-conforming use is more suitable to the site and neighborhood than the existing non-conforming use;

B. the proposed non-conforming use will generate traffic that is less objectionable in terms of volume, type, and hours than the existing non-conforming use;

C. the proposed non-conforming use will require no more parking or loading space than the existing non-conforming use;

D. the proposed use will create no more noise, emissions or vibrations than the existing non-conforming use; and

E. any proposed modifications to either a building's exterior or the site will be more in character with the surrounding neighborhood.

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

16.2 Structures with a Non-Conforming Use

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

A. the expansion is no greater than 25% of the structure's gross floor area or 25% of the structure's cubic volume whichever is less; and

B. all other applicable zoning regulations are observed.

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

A. the expansion, in the opinion of the Commission, is the minimum necessary to support the non-conforming structure; and

B. all other applicable zoning regulations are observed.

16.3 Non-Conforming Structures

No extension or enlargement, including vertical or horizontal enlargement, of any nonconforming building or structure which increases the nonconformity of such building or structure shall be made, except as follows:

A. A nonconforming building or structure conforming to the use regulations may be extended or enlarged where such extension or enlargement complies with the applicable yard requirements; or

B. A nonconforming building or structure which conforms to the use regulations but which does not conform to yard setbacks may be expanded within a line which is not nearer to the lot lines than the existing building or structure by special exception approval of the Planning and Zoning Commission subject to the requirements of Section 31 provided:

1. The extension or enlargement does not extend beyond the existing footprint, i.e. foundation wall. For the purpose of this section, the distance that the roof overhangs beyond the footprint (i.e, the eave) shall not be considered an expansion or enlargement provided that such overhang does not extend beyond any roof overhang located on any eave or roof surface below it.
2. The extension or enlargement provides for a permitted use containing no more dwelling units than the existing building.
3. The extension or enlargement is no higher than the maximum height of the building or structure existing on the effective date of this Section 15.3.B (March 25, 2016).

16.4 Non-Conforming Use of Land

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

16.5 Casualty

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

17.0 OPEN SPACE SUBDIVISIONS

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

17.2 Minimum Lot Sizes and Area Requirements

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

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

17.3 Minimum Area for an Open Space Subdivision

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

17.4 Maximum Number of Lots

The maximum number of lots shall not be greater than would be allowed in a standard subdivision. To determine this maximum, the applicant may calculate the number of lots according to either Section 17.4.1 or Section 17.4.2 below. If the applicant uses Section 17.4.1, the Commission may require the applicant to provide a conceptual layout as explained in Section 17.4.2 below.

17.4.1 The number of lots shall be computed as follows.

A. Net Acreage equals the gross acreage minus:

i. the open space required by the Subdivision Regulations;

ii. all areas designated as Inland Wetland type soils excluding areas counted as part of open space required in the Subdivision Regulations;

iii. all areas covered by existing easements excluding Inland Wetland soil types;

iv. all areas designated as Zone A floodplains by the Federal Emergency Management Agency excluding areas covered by easements or Inland Wetland soil types;

v. 50% all areas with natural slopes, measured using two foot contour intervals, exceeding 20% excluding all areas covered by Inland Wetland soil types or existing easements; and

vi. 10% of the gross acreage. The 10% of gross acreage is an allowance for roads and utilities.

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

17.4.2 The Planning and Zoning Commission may require the developer to provide a conceptual layout of the property as a standard subdivision that would meet all Zoning, Subdivision, and Inland Wetland regulations. If, in the Commission's opinion, the number of lots that could be obtained according to this conceptual layout is less than could be obtained using the formula in Section 16.4.1 above, then maximum number of lots shall not be greater than shown on the conceptual layout.

17.5 Minimum Open Space

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

17.5.2 The open space required by the Subdivision Regulations shall not be counted towards meeting the minimum open space required in Section 16.5.1 above.

17.6 Open Space

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

17.7 Disposition of Open Space

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

17.8 Adjoining Properties

To ensure compatibility with existing areas, the Commission may require a buffer to separate the Open Space subdivision from adjoining properties. The area of the buffer may be included as part of the open space. When an open space lot has frontage on an existing State or Town road, the Commission may require that the minimum lot width and minimum front yard setback be increased to the minimums for conventional lots.

18.0 LANDSCAPE REQUIREMENTS

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

18.1 General Requirements

18.1.1 Landscaping materials, trees, and other plants required by these Regulations shall be installed according to accepted horticultural practices and all plants shall be maintained in a healthy growing condition. It is the responsibility of the property owner to replace any required vegetation that may be lost for any reason.

18.1.2 At the time of planting, all deciduous trees shall have a minimum caliper of 3.5 inches measured according to American Association of Nurserymen standards. All deciduous trees shall be indigenous shade trees and have a minimum branching height of five feet.

18.1.3 At the time of planting, all non-deciduous trees shall have a minimum height of 8 feet.

18.1.4 All trees and shrubbery adjacent to parking areas, loading areas and driveways shall be protected from vehicular damage by curbing, railing, landscape timbers, bollards or other substitute.

18.1.5 To the extent possible, existing vegetation and unique site features, such as stone walls, shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these Regulations.

18.2 Landscaping Within the Front Yard Setback

18.2.1 The required front yard setback area of lots shall be surfaced with either lawn, evergreen ground cover or other suitable vegetative cover.

18.2.2 Within the front yard setback, one deciduous tree is required for every forty lineal feet - or fraction thereof - of street frontage. The deciduous trees shall be planted between thirty and fifty feet apart. Alternatively, one non-deciduous tree may be planted for every ten lineal feet - or portion thereof - of street frontage.

18.2.3 The Commission may require the planting of non-deciduous trees within all or part of the front yard setback when, in the opinion of the Commission, the non-deciduous trees will better serve to obstruct the view of parking areas or other uses from the street.

18.3 Perimeter Buffers

When a non-residential use abuts a residential use, the Commission may require landscaping along the side and rear property lines of the non-residential use if, in the opinion of the Commission, such landscaping is needed to screen the residential use from the non-residential use. All planting shall conform to Section 18.1 above.

19.0 PARKING REGULATIONS

19.1 Number of Parking Spaces

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

USE	MAXIMUM NUMBER OF SPACES	MINIMUM NUMBER OF SPACES
Agriculture	n/a	n/a
Single Family Residence		2
Affordable Housing Project	2 per dwelling unit	1 per dwelling unit
Accessory Apartment	2	1
Automobile Repair	As determined by the Commission	As determined by the Commission
Automobile Service Station	As determined by the	As determined by the Commission
Retail Business	3	1
Professional Offices	5	2
Service Business	3	2
Restaurant	10	4
Manufacturing	2	1
Hotel	1.2 per guest room or suite	1 per guest room or suite
Inn	1.2 per guest room or suite	1 per guest room or suite
Bed and Breakfast	1.2 per guest room or suite	1 per guest room or suite
Religious Institutions	1 space per 3 seats in portion of the building used for services	1 space per 5 seats in portion of the building used for services
Private Schools	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Buildings and Uses of the Town of Warren	As determined by the Commission	As determined by the Commission
Libraries and Museums	2	1
Golf Course	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Kennels	As determined by the Commission	As determined by the Commission
Cemetery	As determined by the Commission	As determined by the Commission
Warehouses	1	1
Manufacturing	2	1
Nursing Homes	3	2
Excavation	As determined by the Commission	As determined by the Commission
Day Care Center	1 space per 4 children at maximum capacity	1 space per 8 children at maximum capacity
Assisted Living Facility	3	2
Outdoor Recreation Facilities	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Camp Grounds	As determined by the Commission based on a parking demand study	As determined by the Commission based on a parking demand study
Wind Turbines	As determined by the Commission	As determined by the Commission

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

19.2 Handicapped Parking Space Requirements

Handicapped Parking Space shall be provided for all non-residential uses in number and design as specified by the laws and regulations of the State of Connecticut (State Building Code). No new structure, addition, or use shall receive a Certificate of Zoning Compliance or Certificate of Occupancy until the required handicapped parking has been provided, striped, and signed as provided by current specification. Handicapped parking spaces shall be provided in addition to the minimum number of required parking spaces listed in Section 18.1.

19.3 Waivers and Exceptions of Parking Requirements

19.3.1 Intent

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

19.3.2 Parking Reduction Requests

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

19.3.3 Parking in the Center Zone

All requirements for number of off-street parking spaces as listed in Section 17.1 above shall be reduced by 25% where the use and associated required parking would be located within the Center Zone.

19.3.4 Parking for Mixed-Use Developments

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

19.3.5 Parking In Excess of the Maximum

The Commission may approve parking lots with more spaces than the allowed maximum provided all of the spaces above the maximum number are composed of a pervious surface, and where adequate stormwater management is provided as specified in Section 18.9 of these regulations.

The Commission may also approve parking lots with additional impervious parking spaces above the allowed maximum where the use of pervious spaces would not be environmentally sound and where an aggressive stormwater management plan is included with the application and implemented, employing, at a minimum, the stormwater management measures specified in Section 18.9 of these Regulations.

19.4 Parking Lot Design

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

A. 90 degree parking; and

B. parking provided around the periphery of the site with no parking located between the building and the principal street.

19.5 Minimum Design Requirements

At a minimum, all parking lots shall:

A. have a minimum stall size of 9 feet by 18 feet;

B. have rectangular parking stalls;

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

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

H. All parking areas with 15 or more parking spaces shall be paved with 2 inches of bituminous pavement over a gravel sub-base.
I. All parking areas with less than 15 parking spaces shall be either:
   i. paved with 2 inches of bituminous pavement over a gravel sub-base; or
   ii. treated with a rolled gravel surface with a minimum depth of three inches.
J. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the facilities are designed to serve.

19.6 Pervious Parking Area

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

19.7 Shared Parking

19.7.1 The Commission encourages parking lots for different structures or uses, or for mixed uses, to be shared in any zoning district. At the applicant's request, shared parking may be provided, subject to the following provisions:
   A. A reciprocal written agreement has been executed by all the parties concerned that assures the perpetual joint use of such common parking, a copy of which has been submitted to and is acceptable to the Commission. The Commission may forward such agreements to the town legal counsel for review.
   B. The Commission may require the applicant to provide a parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes but is not limited to:
      i. the type and hours of operation and parking demand, for each use,
      ii. a site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot,
      iii. a description of the character of land use and parking patterns of adjacent land uses, and
      iv. an estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

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

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

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

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

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

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

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

19.8 Design Standards for Stormwater Management and Landscaping in Parking Lots

19.8.1 **Intent**

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

19.8.2 **General Standards**

Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the Connecticut Stormwater Quality Manual (CTDEP), and in accordance with the erosion and sedimentation control requirements and flood protection zone requirements specified in Sections 32 and 11 of these Regulations respectively, and to meet the following general standards:

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

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

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

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

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

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

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

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

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

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

19.9 Landscaping Standards for Parking Lot Stormwater Management

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

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

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

A. At each parking lot entrance;

B. At the ends of each parking aisle;

C. As intermediate islands in long rows of spaces, located every 15 spaces;

D. As separation between long rows of parking spaces where they abut other rows; and

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

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

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

A. Deciduous trees shall be planted at 3 inches in caliper with a mature height of at least 35 feet.

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

20.0 SIGNS

Signs shall be permitted only as specified below.

20.1 Requirements for Signs in All Zones

20.1.1 No sign may project into any public right-of-way or onto another property.

20.1.2 No sign shall interfere with any sight lines from streets or driveways or any views necessary for the safe movement of vehicles, pedestrians or cyclists.

20.1.3 Signs that move are prohibited.

20.1.4 Signs, or any part thereof, that are animated or change electronically are prohibited.

20.1.5 No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.

20.1.6 Exterior illuminated tubing or strings of lights that outline property lines, roof lines, doors, windows, sales areas or similar areas are prohibited. This restriction shall not apply to holiday lighting installed on residential structures. Holiday lighting may be installed on non-residential structures provided the lighting is illuminated no more than 30 days prior to the holiday and turned off within 30 days after the holiday.

20.1.7 Except for directional signs and signs for non-profit organizations, no off-premise business signs are allowed.

20.2 Identification Sign

20.2.1 One identification sign bearing the name of the resident, the residential property, and/or a permitted home occupation or home business conducted on the premises shall be permitted on each residential parcel provided such sign does not exceed four (4) square feet in area.

20.2.2 Identification signs announcing the name of a residential development or subdivision shall be allowed at no more than two (2) entrances to said development or subdivision and shall be no larger than nine (9) square feet in area.

20.3 Directional Signs

A reasonable number of directional signs each not to exceed three (3) square feet in area are permitted on showing of need and may be required by the Commission where the Commission determines that such signs are necessary or appropriate to facilitate the flow of traffic on the premises or in relation to the adjoining street system. Directional signs not to exceed six (6) square feet in area may be permitted for any public building, including churches, subject to Commission approval as herein provided.

20.4 Business Signs

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

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

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

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

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

20.5 Miscellaneous Signs

20.5.1 Governmental Signs

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

20.5.2 Posted and No Trespassing Signs

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

20.5.3 Tag Sale Signs

Tag Sale and similar signs, not to exceed two (2) square feet in area, are permitted one (1) day prior to such sale. Said signs must bear the owner's name and dates of the event and be removed within twenty-four (24) hours after the last day of the event. The maximum period these signs may be displayed is for any two (2), three (3) day periods per year.

20.5.4 Temporary Signs

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

20.5.5 For Sale or Lease Sign

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

A. the sign is located on the property; and

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

20.6 Condition of Sign

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

20.7 Permits

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

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

ARTICLE III - SPECIAL USE PROVISIONS

21.0 AFFORDABLE HOUSING PROJECT

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

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

21.2 The minimum lot area shall be two acres.

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

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

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

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

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

22.0 CONVERSION OF FARM BUILDINGS

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

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

A. professional offices;
B. manufacturing; or
C. warehouse.

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

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

22.4 The minimum lot area requirements shall be ten acres.

22.5 The front yard setback shall be a minimum of fifty feet. The side and rear yard setbacks shall be a minimum of one hundred and fifty feet.

22.6 There shall be no addition to the building or change to the building facade except modifications required for access and loading and as necessary to meet fire code and building code requirements. Where any change to the building facade is proposed, the applicant is to present an architect's rendering showing that such modification maintains the integrity of the building exterior.

22.7 One sign not exceeding four (4) square feet in area shall be permitted. The sign shall not be illuminated, nor shall any part of the sign be in an apparent motion. The sign shall not be less than five (5) feet from the front lot line.

22.8 The parcel shall be located on a State highway or an approved Town road.

23.0 MINOR HOME BUSINESSES AND SHOP & STORAGE FOR TRADESMEN & CONTRACTORS:

23.1 Minor home businesses shall be permitted by zoning permit provided the following criteria have been met (*a- h, inclusive*):

a. Outside visitors/clients/customers visit the property by appointment only.
b. Up to a maximum of two (2) non-resident/off-site employees work at the minor home business.
c. Up to a maximum of three (3) non-resident vehicles are parked on site regularly. This includes all employee and customer/client parking. Parking areas required for employees and/or clients shall be indicated on the site plan associated with the permit.
d. No more than one-thousand square feet (1,000 sf) of exterior activity/storage associated with the home business activity is visible from the public right-of-way.
e. All outside storage areas shall be at least twenty-five feet (25 ft) from all property lines.
f. Signage for authorized home businesses may be displayed provided a zoning permit is obtained for the signage. No signage for a home business shall exceed four (4) square feet in sign area. All signage shall be displayed in accordance with **20.1 Requirements for Signs in All Zones**.
g. Home businesses may be subject to additional approvals such as state licensing and renewals, local health district review, and/or other applicable regulations such as building, fire, and health codes. The Land-Use Office may request the proper documentation of other approvals.
h. Safe access on and off the site is to be maintained.

23.2 Shop & storage for tradespeople & contractors allows reasonable ancillary activity which involves equipment maintenance, storage of equipment/materials, and/or the production/construction/assembly of materials on-site but shall not have a significant adverse effect on adjacent property or on public health or safety.

a. In addition to compliance with the criteria listed in Section 23.1 items a-h (inclusive) shop & storage for tradespeople & contractors allows up to a maximum of five (5) commercial vehicles on-site.

23.3 All home businesses that do not conform to the limitations of cottage industry/food operations, home office, minor home business, and/or shop & storage, tradesmen & contractors as specified in Section 23.1 and 23.2 shall be considered Major Home Businesses and shall be subject to a Special Exception (**See Section 31**).

23.4 The application for a Special Exception for a Major Home Business shall be submitted on a form provided by the Land-Use Office, and shall include the following information:

a. A narrative summarizing the nature of the home business
b. A list of all potentially hazardous materials used or stored on the premises associated with the proposed home business as well as the proposed methods for disposing of said waste or materials
c. Proposed hours of operation
d. Proposed number of employees and number of vehicles associated with the home business that will be regularly parked on the premises
e. A site plan that indicates where the major home business will be conducted, the on-site parking area, and other elements of the home business such as proper screening from adjacent properties, signage, and/or exterior elements such as lighting. The Commission may ask for specific details such as the distance of business activity from

the property lines as well as the floor plan of the structure associated with the proposed major home business

f. Anticipated traffic (ie number of daily trips to the site that may be conducted by non-residents) and other adverse impacts (eg noise, frequent deliveries) based on the proposed major home business use
g. The Land-Use Office may request the proper documentation of other approvals required to lawfully operate the major home business, such as but not limited to, state licensing and renewals, local area health district review, and/or other documentation certifying adherence to applicable regulations such as building, health, and/or fire code.

23.5 Special Exception for Major Home Businesses may be issued and will be conditioned by a renewal requirement involving the filing of an additional application and fee with the Zoning Enforcement Officer (ZEO).

a. At the time a Major Home Business is approved, the Commission will determine an appropriate period in which an application for renewal is required based on the information provided for the approval.
b. The approximate date of renewal will be determined at the time the initial approval is granted.
c. An on-site inspection of the Major Home Business may be required as a condition of approval.

Approval Criteria See Section 31.5 General Criteria for Special Exceptions

24.0 MANUFACTURING, PROFESSIONAL OFFICES AND WAREHOUSES

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

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

Area:	10 acres
Frontage:	400 feet
Front Yard:	150 feet
Side Yard:	150 feet
Rear Yard:	150 feet
Building Height:	35 feet (maximum)
Minimum Square:	400 feet

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

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

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

24.6 No dwelling units are permitted on the lot.

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

25.0 WIND TURBINES

Wind turbines are allowed only as an accessory use in the North and South Zone by special exception approval.

25.1 Area and Height

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

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

25.2 Setbacks

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

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

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

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

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

25.6 Lighting

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

25.7 Electromagnetic Interference

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

25.8 Noise

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

25.9 Visualizations

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

View representations shall have the following characteristics:

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

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

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

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

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

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

A. the tower's maximum height is 200 feet; and
B. the applicant obtains a zoning permit.
C. At the end of the two-year period, the tower must be removed.

26.0 TELECOMMUNICATIONS FACILITIES AND TOWERS

26.1 Jurisdictional Clarification

"SPECIAL PERMIT FOR TELECOMMUNICATIONS FACILITIES AND TOWERS" was written in 1998 when Connecticut municipalities controlled for the placement of such facilities in the PCS frequencies. In 2000, all freestanding tower-siting jurisdiction was awarded to the Connecticut Siting Council (CSC) in U.S. District Court and upheld in federal court in SPRINT SPECTRUM LP v. CONNECTICUT SITING COUNCIL 274 F.3r 674 (2d. Cir 2001). Nevertheless, Connecticut towns have been advised by the CSC to maintain their tower regulations as advisory to the CSC process, which is conducted in partnership with municipalities according to state statute. In 2007, the Connecticut State legislature passed Public Act #07-222 that requires the CSC to officially take a Town's regulations, including for cell towers as well as Plans of Conservation & Development, into consideration in tower siting. Because Warren has no final jurisdiction over the siting of free-standing telecommunications towers at this time, those aspects that pertain to free-standing towers in SECTION 26 are to be considered advisory to the CSC. SECTION 26 was updated in 2011 to be consistent with federal and state laws. Although the Town of Warren can comment on the acceptability of any free-standing telecommunications tower facility that comes before the CSC, it is understood that the provisions in SECTION 26 are advisory only and are legally unenforceable at this time in the State of Connecticut. It is also understood that no application fees for free-standing towers under CSC review are payable directly to the Town of Warren. The Town may, at its discretion and sole expense, hire independent consultants, including, but not limited to, RF engineers, to review any application that comes before the CSC. In the event that jurisdiction over the placement of free-standing telecommunications towers returns to Connecticut municipalities, in whole or in part, SECTION 26 will be reviewed for technical accuracy and legal consistency; application fees will be reassessed; consultant fees will be payable by the applicant directly to the town; and SECTION 26 will be returned to full Warren Planning and Zoning Commission Special Exception Permit regulatory status in a timely manner.

26.2 Transmission Equipment Mounted On, Or In, Pre-Existing Buildings:

Connecticut municipalities maintain full control over the placement, construction, and modification of telecommunications transmitting antennas, accessory buildings/equipment and antenna arrays placed on, or in, pre-existing buildings. SECTION 26 - SPECIAL PERMIT FOR TELECOMMUNICATIONS FACILITIES AND TOWERS contains review guidelines for such applications and shall therefore be used by the Commission to review all such applications in accordance with state and federal law, under Special Use Permit, subject to the exclusions noted below, and for any other aspect in which the Town of Warren maintains jurisdiction over telecommunications facilities now and/or in the future. For transmission equipment applications mounted on, or in, pre-existing buildings, Commission review shall include, but is not limited to, the following provisions in SECTION 26:

- Compliance with the Town's Plan of Conservation and Development;
- Preservation of historic buildings;
- Protection of wetlands and environmentally sensitive areas;
- Setback requirements from dwellings and property lines;
- Antenna height when mounted outside on pre-existing structures;
- Hiring of independent consultants at the applicant's expense;
- Requirements for structural integrity,
- Determinations for adequate coverage and adequate capacity;
- Monitoring for radio frequency (RF) compliance with Federal Communications Commission (FCC) emissions standards;
- Bonding, fees, and whatever else the Commission deems necessary to review an application contained in SECTION 31 Special Exception Permit regulations.

26.3 Exclusions, Exemptions, and Disallowances:

No antennas or transmission equipment shall be mounted on, or in, preexisting structures less than 50 feet in height as measured at ground level. The following wireless telecommunications facilities are exempt: police, fire, ambulance and other emergency dispatch; amateur (HAM) radio, citizens band radio; any existing commercial radio tower, and radio dispatch services for local businesses. Also exempt from this regulation are antennas used solely for residential household television and radio reception, and satellite dishes measuring 2 meters or less in diameter. No personal wireless service facility mounted on, or in, a pre-existing building shall be considered exempt from this article for any reason, whether or not said facility is proposed to share a tower or other structure with such exempt uses. Teleports utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites are not allowed in the Town of Warren.

26.3 Purpose:

The Purpose of this Regulation is to:

A. Preserve the character and appearance of the Town of Warren while allowing adequate telecommunications services to be developed.
B. Protect the scenic, historic, environmental, and natural or manmade resources of Warren.
C. Locate towers and/or antennas in a manner which protects property values, as well as the general safety, health, welfare and quality of life of the citizens of Warren and all those who visit this community.
D. Minimize the total number and height of towers throughout Warren.
E. Provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunications facilities and towers.
F. Require the sharing of existing towers, and the clustering of new facilities/towers where possible.
G. Locate towers so that they do not have negative impacts such as – but not limited to -- attractive nuisance, and falling objects.
H. Insure that new commercial uses are compatible with prevailing rural residential land-use patterns as specified in The Town of Warren Plan of Development.
I. Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify telecommunications facilities.

26.4 Consistency with Federal Law:

These regulations are intended to be consistent with The Telecommunications Act of 1996 in that:

- they do not prohibit, or have the effect of prohibiting, the provision of Personal Wireless Services;
- they are not intended to be used to unreasonably discriminate among providers of functionally equivalent Services;
- they do not regulate Personal Wireless Services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated Services and Facilities comply with the FCC's regulations concerning such emissions.

26.5 Definitions and Word Usage:

The following terms shall have the meanings indicated:

- The word "shall" or "will" indicate mandatory requirements; "may" is advisory and indicates recommendations which are not mandatory.
- Where the term “applicant” is used, it indicates any service provider or tower company applying directly to the Connecticut Siting Council, or, in the event of tower siting

jurisdiction being returned to Connecticut municipalities, in whole or in part, it indicates any service provider or tower company applying directly to the town.

- The term “applicant” also applies to any telecommunications service provider seeking to install or place transmitting equipment on, or in, a pre-existing building in the Town of Warren, which has jurisdiction over such applications.

ADEQUATE COVERAGE - Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural environment like Warren, this would be a signal strength of at least -90 dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90 dBm, as long as the signal regains its strength to greater than -90 dBm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain strength of greater than -90 dBm.

ADEQUATE CAPACITY - Capacity is considered to be “adequate” if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question. The GOS shall be determined by the use of standard Erland B Calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the Personal Wireless Services Facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with the total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

ANTENNA - A device which is attached to a Tower or other structure for transmitting or receiving electromagnetic waves. Examples include, but are not limited to, whip, panel, and dish antennas.

AVAILABLE SPACE - The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and Electromagnetically able to be attached.

BASE STATION - The primary sending and receiving site in a wireless Telecommunications network. More than one base station and/or more than one variety of telecommunications providers can be located on a single tower or structure.

BULLETIN 65 - Published by the FCC Office of Engineering and ethnology specifying radiation levels and methods to determine compliance.

CAMOUFLAGED FACILITY - Any telecommunications facility that is designed to blend into the surrounding environment, such as towers and/or attached equipment designed to look like trees or barn silos, etc.

CHANNEL - The segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

CO-LOCATION - the use of a single mount on the ground by more than one carrier (vertical co-location), and /or several mounts on an existing structure by more than one carrier.

COMMISSION - The Planning and Zoning Commission of the Town of Warren.

DBM - Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 mili watt (1/1000th watt), correctly written as "dBm".

ELECTROMAGNETICALLY ABLE - The determination that the new signal from and to the proposed new Antennas will not significantly interfere with the existing signals from and to other facilities located on the same Tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

ELEVATION - The elevation at grade or ground level shall be given in Above Mean Sea Level (AMSL). The height of the wireless service facility shall be given in Above Ground Level (AGL). AGL is a measurement of height from the natural grade at base of the structure to the highest point of the structure. The total elevation of the wireless service facility is AGL plus AMSL.

ELECTROMAGNETIC FIELDS (EMF) - often expressed in wavelengths or frequencies to indicate their placement on the electromagnetic spectrum. The radio frequencies usually radiate away from their generating source -- hence wireless capability. The radio frequencies are identified between 3 kilohertz to 300 gigahertz and include AM & FM radio, TV, radar, cellular/PCS technologies, emergency fire & police, paging services, and satellite broadcasting among many others. Microwaves are a portion of the radio frequencies.

ENVIRONMENTAL ASSESSMENT (EA) - An EA is the document required by The Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a wireless communication facility is placed in certain designated areas such as wetlands and sensitive habitats.

ERP - Effective Radiated Power

EQUIPMENT SHELTER - An enclosed structure, cabinet, shed or box located at the Base Station designed principally to house batteries and electrical equipment used in connection with Personal Wireless Service Transmissions.

FACILITY SITE - a property or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility(s) and required landscaping are located. This includes any lot or location, having met all other criteria in this telecommunication facility may be able to provide Adequate Coverage and Adequate Capacity to a significant portion of the Town of Warren.

FALL ZONE - The area on the ground within a prescribed radius from the base of a wireless communications facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FEDERAL COMMUNICATIONS COMMISSION (FCC) - The government agency Responsible for regulating telecommunications in the United States.
FCC-97-326 - A report and order which sets new national standards for Exposure to radio frequency emissions from FCC-regulated transmitters.

GIGAHERTZ (GHZ) - A measure of electromagnetic radiation equaling one Billion hertz.

GRADE OF SERVICE - A measure of the percentage of calls which are able to connect to the Base Station, during the busiest hour of the day. Grade of Service is expressed as a number, such as p.05, which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better Grade of Service.

HEIGHT OF TOWER - The vertical distance from the highest point of the structure, plus any device attached, to the grade before construction.

HERTZ - One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

LICENSED CARRIER - A company authorized by the FCC to construct and operate a Wireless Communications facility.

LOCATION - References to site location as the exact longitude and latitude, to the nearest tenth of a second, with bearing or orientation referenced to true North.

MAJOR MODIFICATION OF AN EXISTING FACILITY - Any change, or proposed change in power input or output, number of Antennas, change in Antenna(s) type or model, repositioning of Antenna(s), change in number of Channels per Antenna above the maximum number approved under an existing Special Permit.

MAJOR MODIFICATION OF AN EXISTING TOWER - Any increase, or Proposed increase in dimensions of an existing and permitted Tower or other structure designed to support telecommunications transmission, receiving, and/or relaying antennas, and/or equipment.

MEGAHERTZ (MHZ) - A measure of electromagnetic radiation equaling one million hertz.

MONITORING - The measurement, by use of instruments in the field, of nonionizing radiation exposure at a site as a whole, or from individual telecommunications facilities, towers, antennas, or repeaters.

> **MONITORING PROTOCOL** - The testing protocol shall be consistent with the FCC Regulations (Title 47, Part 1, Section 1.1307 referenced as IEEE C95.3 1991), or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, (Reports 86 and 119) which is to be used to monitor emissions and determine exposure risk from existing and new telecommunications facilities. The Warren Planning and Zoning Commission may, as the technology changes, require by written regulation, the use of other testing protocols. A copy of the Monitoring Protocol shall be on file with the Town Clerk.

MONOPOLE - A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal, or a wooden pole with below grade foundations. (See **TOWER**.)

MOUNT - the structure or surface, upon which antennas are mounted, including the following four types of mounts:

> **ROOF MOUNTED** - on the roof of a building
> **SIDE MOUNTED** - on the side of a building
> **GROUND MOUNTED** - mounted on the ground (see **TOWER**)

STRUCTURE MOUNTED - mounted on a structure other than a building.

OMNIDIRECTIONAL (WHIP) ANTENNA - A thin rod that transmits and receives signals in all directions.

PANEL ANTENNA - A flat surface antenna usually developed in multiples.

PERSONAL WIRELESS SERVICES - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, Personal Communications Systems (PCS), specialized mobile radio services, and paging services.

PERSONAL WIRELESS SERVICE FACILITY - All equipment (including Repeaters) with which a Personal Wireless Service Provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment or any part thereof. This Facility may be sited on one or more Towers or structure(s) owned and permitted by another owner or entity.

PERSONAL WIRELESS SERVICE PROVIDER - An entity, licensed by the FCC to provide Personal Wireless Services to individuals or institutions.

RADIAL PLOTS - Radial plots are the result of drawing equally-spaced lines (radials) from the point of an antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial; a threshold plot uses a mark to indicate whether that point is strong enough to provide adequate coverage -- i.e. the points meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

RADIATED-SIGNAL PROPAGATION STUDIES OR COVERAGE PLOTS - Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide Adequate Coverage for the telecommunications facility proposed for the site.

RADIO FREQUENCY ENGINEER - An engineer specializing in the design, review, and monitoring of radio frequency technologies.

REGULATED FACILITY, SERVICE, AND/OR SITE - The equipment, towers, mount, antennas and other structures subject to local zoning regulation. This includes all telecommunication services not exempt from local regulation under the provisions of the Connecticut General Statues and the authority of the Connecticut Siting Council, or not exempt from local regulation pursuant to the Telecommunications Act of 1996, or other such federal legislation or federal authority.

REPEATER - A small receiver/relay transmitter of not more than 20 watts Output designed to provide service to areas which are not able to receive Adequate Coverage directly from a Base Station.

SECURITY BARRIER - A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION - The distance between one carrier's array of antennas and another carrier's array.

STANDING WAVE PHENOMENON - A localized concentration of energy. This can occur for instance when radio frequencies that are supposed to take off into space, concentrate around metal objects instead (metal roofs, certain architectural supports, water towers, guy wires, etc.), creating "RF hot-spots" that exceed federal guidelines.

STRUCTURALLY ABLE - The determination that a Tower or structure is capable of carrying the load imposed by the proposed new Antennas under all reasonably predictable conditions as determined by professional structural engineering analysis.

TELECOMMUNICATIONS FACILITY - All equipment (including repeaters) with which a telecommunications provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment or any part thereof. This facility may be sited on one or more towers or structures owned and permitted by another owner or entity.

TELEPORT - A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites for transmitting in the C-Band (4 - 6 GHz) spectrum.

TILED COVERAGE PLOTS - Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or tile, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over an area of interest; usually the same grid will be used as different sites are examined, and it is not necessary that the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. This method requires substantially more topographic data and longer (computer) execution time than radial plots, but is preferable for comparative analysis.

TOWER - A support structure intended to support antennas and associated equipment. This includes:

GUYED TOWER: A monopole tower or lattice tower that is tied to the ground or other surface by diagonal cables.

LATTICE TOWER: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

MONOPOLE TOWER: The type of mount that is self-supporting with a single shaft of wood, steel, fiberglass, or concrete, and a platform (or racks) for panel and whip antennas arrayed at the top.

26.6 Exemptions and Disallowances:

The following wireless telecommunications facilities are exempt: police, fire, ambulance and other emergency dispatch; amateur (HAM) radio, citizens band radio; any existing commercial radio tower, and radio dispatch services for local businesses. Also exempt from this regulation are antennas used solely for residential household television and radio reception, and satellite dishes measuring 2 meters or less in diameter. No personal wireless service facility shall be considered exempt from this article for any reason, whether or not said facility is proposed to share a tower or other structure with such exempt uses. Teleports utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites are not allowed in the Town of Warren. No antennas or telecommunications transmission equipment shall be mounted on, or in, a pre-existing building or structure less than 50 feet in height as defined in the Zoning Regulations (Section 6.2).

26.7 Provision for Hiring Independent Consultants

26.7.1 Due to the complex technical character of the information to be provided by an applicant pursuant to these regulations and the monitoring, testing and inspection of facilities and operation provisions, the Commission shall hire such consultants as it deems reasonably necessary to assist it with such determinations as are to be made by it concerning such matters. Per Town of Warren Ordinance, page 86, Volume 8, dated October 30, 1998, all expenses incurred by the Commission for such services as part of an application process shall be deemed to be part of the application fee and paid by the applicant. All expenses incurred by the Planning and Zoning Commission for such consultation services incurred in performing its monitoring, testing and inspection shall be paid by the applicant or current permit tee. Any failure to pay such expenses shall constitute a violation of the permit and automatically cause the revocation of the permit and all rights there under.

26.7.2 These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one of the following fields: a) telecommunications/radio frequency engineering; b) structural engineering; c) assessment of electromagnetic fields; and, if determined by the Commission, d) other fields.

26.7.3 Upon submission of a complete application for a special use permit, the Commission will provide its independent consultant(s) with the full application for their analysis and review.

26.7.4 Applicants for any special permit shall obtain written permission from the owners of the proposed property(s) or facility(s) site(s) for the town's independent consultant(s) to conduct any necessary site visit(s).

26.7.5 Upon submission of a complete application, the independent consultant(s) will provide an estimate for the cost of reviewing the application to the Commission. The Commission will forward this estimate in writing to the applicant. The applicant will pay this fee during the review process, separate from the general application fee, and include this fee as part of the application process. No application will be processed without full payment. In lieu of estimates, the Commission may require the applicant to fund an account which the town may draw upon to insure reimbursement of those fees.

26.7.6 The consultants shall work under the direction of the Warren Planning and Zoning Commission. Copies of the consultant's findings and reports shall be made available to the applicant not less than seven (7) days prior to any meeting of the Commission to consider the consultant's report, and the applicant shall be given opportunity to respond to said report in writing and at the next hearing when the consultant's report(s) will be considered.

26.8 Findings of the Town of Warren Planning & Zoning Commission

26.8.1 Special Exception Permits:

No tower or telecommunications facility shall be erected, constructed, or installed without first obtaining a special exception use permit from the Commission. A special exception use permit is required for:

a) new tower construction or major modification of an existing tower(s) or repeater(s),

b) telecommunications facilities or major modification of existing facilities, to be mounted on a tower or structure.

26.8.2 Applicable Regulations:

In acting on the special exception permit application, the Commission will proceed in accordance with Section 31 of the Warren Zoning Regulations for special exception permits.

26.8.3 Findings by the Commission:

The applicant shall comply with the requirements set forth in Section 26.5 to 26.15.2, inclusive, and shall provide all information reasonably required for review by the

Commission. The Commission shall, in consultation with independent consultants, make all of the following applicable findings before granting the special exception permit.

A. Applicant is not already providing Adequate Coverage and/or Adequate Capacity to the Town of Warren, abutting towns, and within a 30-mile radius.

B. Applicant is not able to use an existing tower/facility, either within or outside of Warren, either with or without the use of Repeaters, to provide Adequate Coverage and/or Adequate Capacity to the Town of Warren, abutting towns, and within a 30-mile radius.

C. Applicant has endeavored to provide Adequate Coverage and Adequate Capacity to the Town of Warren, abutting towns, and within a 30-mile radius with the least number of towers and antennas which is technically and economically feasible.

D. Efforts have been made to locate new towers adjacent to existing towers.

E. Applicant has agreed to rent or lease available space on the tower under the terms of fair-market lease, with reasonable conditions and without discrimination to other telecommunications providers.

F. Proposed telecommunications facility(s) or tower(s) should make use of available municipal lands if those lands conform to appropriate setbacks for this regulation, and where visual impact can be minimized.

G. The proposal shall comply with rules as adopted in FCC-97-326 and procedures outlined in FCC Bulletin 65 regarding emissions and exposure to electromagnetic radiation, and that the required monitoring program shall be paid for by the applicant.

H. Towers and telecommunications facilities shall be located so as to minimize the following potential impacts:

1. Visual/Aesthetic:

   Unless adequate coverage and adequate capacity cannot otherwise be achieved, towers shall be sited off ridgelines, and where their visual impact is least detrimental to highly rated scenic areas such as, but not limited to, those sites designated as scenic in the Warren Plan of Development. In determining whether or not a tower will have an undue adverse visual impact on the scenic or natural beauty of a ridge or hillside, the Commission shall consider, but not be limited to:

   a. The period of time, and the frequency of viewing, during which the proposed tower would be seen by the traveling public on a public highway;
   b. The degree to which the tower is screened by topographic features;
   c. Background features in the line of sight to the proposed tower that obscures the facility or make it more conspicuous;
   d. The distance of the proposed tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;
   e. The number of vehicles traveling on a public highway or waterway at or near the critical vantage point;
   f. The sensitivity or unique value of the particular view affected by the proposed development.

2. Devaluation of property.

   Siting shall be in as low population density areas as possible.

3. Safety hazards:

In cases of structural failure, ice accumulation and discharge, and attractive nuisance.

4. Electromagnetic radiation:
   In case the tower, guy wires, or telecommunications facility is found to exceed the FCC guidelines.

26.8.4 Documentation of Denial:

Any decision of the Town of Warren Planning and Zoning Commission to deny an application for a special exception permit under this regulation shall be in conformance with 47 U.S.C.#332(7) (B) (iii) of the Telecommunications Act of 1996, in that it shall be in writing and supported by substantial evidence contained in a written record.

26.9 General Project/Site Requirements

26.9.1 Applicants:

If the applicant is not the landowner, the landowner will be considered a co-applicant and must submit the required documentation under Section 26.9.5 of these Regulations.

26.9.2 Access Roads and Underground Utilities:

Where new telecommunications towers and facilities require construction of or improvements to access roads, to the extent practicable roads shall follow the contour of the land and be constructed or improved within existing forest fringe areas, and not in open fields. Utility or service lines shall be buried underground. The Commission shall request input from the Chiefs (or their designees) of Fire, Police, and other Emergency services regarding the adequacy of emergency access for the planned drive or roadway to the site. The Commission may waive the underground requirement at its discretion.

26.9.3 Landscaping/Screening:

Screening shall be required at the perimeter of the site. If the tower or facility site is in a wooded area, a natural vegetated buffer strip of undisturbed trees shall be retained for at least 100' in depth, and at least 15' in height at all times around the perimeter, and only minimally disturbed where the access drive is located. If the tower or facility site is not in a wooded area, a vegetated barrier at least 50' deep by 10' high around the perimeter shall be planted by the applicant. It shall be of a type that has the potential to reach a height of at least 15 feet at maturity. Existing vegetation surrounding the site shall be preserved and maintained to the greatest extent possible. All landscaping shall be properly maintained to ensure its good health and viability at the expense of the owner(s). All areas disturbed during project construction shall be replanted with vegetation. Applicant shall obtain a financial surety (to be determined by the Commission) to cover the cost of the remediation on any damage to the landscape which occurs during the clearing of the site. The Commission may require landscaping in excess of any written requirements as is deemed reasonably necessary in order to enhance compatibility with adjacent residential and nonresidential land uses.

26.9.4 Fencing and Signs:

The area around the tower and communication equipment shelter(s) shall be completely fenced for security to a height of not less than 8' or more than 12', and gated. Use of razor wire is not permitted. A sign of no greater than two (2) square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number, either local or toll-free, shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs, and the federal registration plate (where applicable) shall be posted on the fence or as required to meet federal requirements.

26.9.5 Building Design:

Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12' high

or 750 square feet. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building. Buildings and related structures shall use materials and textures that will blend them into the natural setting to minimize the visual impact. Buildings shall be finished or painted in stealth or neutral color tones.

26.9.6 Height of Towers:

New Towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Applicant may submit a request for additional height to accommodate future sharing, and shall provide design information to justify such additional height. In no event shall towers exceed 150' measured from the grade at the base of the tower before construction to the highest point shown on the Facility Plan. The Commission will hire an Independent Consultant to verify Adequate Coverage and justify tower height.

26.9.7 Tower Finish:

New Tower(s) shall have a galvanized finish unless otherwise required by the Commission. The Commission may require the tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact.

26.9.8 Tower Sharing/Camouflaging:

Tower(s) must be of a structural type that will maximize potential sharing. Monopoles with flush-mounted antennas are preferred. Applicant must demonstrate the future utility of such structure for expansion of service for applicant and other future applicants. The Commission reserves the right to require stealth designs such as towers made to resemble trees or other structures.

26.9.9 Use of Repeaters:

The applicant shall demonstrate that it is not reasonably able to assure adequate coverage or to create adequate coverage in the Town of Warren, abutting towns, and within a 30-mile radius from base stations located in other towns or to fill holes within the area of otherwise adequate coverage by use of repeaters. Site Plan review before the Commission shall be required. Applicants shall detail the number, location, power output, and coverage of any proposed Repeaters in their systems and provide engineering data to justify their use.

26.9.10 Commercial Advertising:

Commercial advertising shall not be allowed on any antenna, tower, or accessory building or communications equipment shelter.

26.9.11 Lighting:

No external lighting is permitted, except for manually operated emergency lights for use only when operating personnel are on site.

26.9.12 Noise:

Noise-producing equipment, including generators, shall be sited and/or insulated to guarantee that no increase in noise above ambient levels measured at the property line occurs.

26.9.13 Air Navigation:

No tower or telecommunications facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation Regulations (Title 14 CFR) is permitted.

26.9.14 Lot Size/Setback Requirements:

Tower setbacks shall be measured from the base of the tower (unless guy-wired) to the nearest point along each property line of the parcel on which it is located.

A. The minimum lot size for any telecommunications tower(s) or facilities shall be 10 acres.

B. No Repeater shall be closer than 200' to a dwelling unit measured at ground level, nor less than 35' above the ground.

C. Where guy wire supports are used, setbacks will begin at the base of the guy wire anchor (d) to the ground, not at the base of the tower.

D. No telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:

1. Closer than 1,500' horizontally to any structure existing at the time of application which is used as a primary or secondary residence; to the property of any school (both public and private); to any church; or to any other public building. Primary or secondary residences are those dwelling units that include toilet facilities, and facilities for food preparation and sleeping.
2. Closer than 1500 feet horizontally to any boundary line of the property upon which the tower(s) or facilities are located except, this restriction may be reduced to 200' if the applicant has obtained an easement from the owners of all properties located within 1500', precluding such owners, their heirs successors, administrators and assignees from locating any structure used for a primary or secondary residence, private or public school, church or other public structures within 1500' of such towers or facility.
3. Within the habitat of any state-listed rare or endangered wildlife or species.
4. Within 300' horizontally of any Warren, State of Connecticut, or Federally regulated wetlands.
5. Within 300' of the outer riparian zone measured horizontally from any river or perennial stream.
6. Within 1500' of any historic building or property listed, or Capable of being listed, on the State or Federal Register of Historic Places.
7. Within 500' horizontally of any known archaeological site. (The Commission may consult the State Archaeologist as to the Archaeology significance of any proposed site.)
8. The Fall Zones for guy wire towers shall be at least 4 times the tower height; and for non-guyed towers, 2 and one half times the tower height.
9. In reviewing special exception permit applications, the Commission may allow the Fall Zones to extend within a neighboring property if it finds that a substantially better design will result from such a reduction. Such neighboring property shall not be developed and will be subject to a legally binding agreement, secured by the applicant, preventing development during the time the tower is in place.
10. Antennas or transmission equipment mounted on or in pre-existing buildings shall be a minimum of 50 feet above ground level. No antennas or transmission equipment shall be mounted on, or in, preexisting nonconforming buildings unless those buildings fit the general criteria specified herein. Accessory equipment buildings and applications shall follow regulations below in Sections 26.8 inclusive; and 26.9 inclusive: 26.9.6; 26.9.6.1; 26.9.6.2; 26.9.6.3; 26.9.6.4 A-I; 26.9.6.5 A-H; 26.9.6.6 A-B; 26.9.6.7 A-H.
11. The Commission by a simple majority vote of the seated members may modify or waive in whole or in part any of the requirements as set forth in this section. The Commission shall make a finding that the waiver sought is

the minimum required to construct the required tower at the proposed location and that there are no feasible and prudent alternatives available. The Commission shall state on the record the reason or reasons for granting the waiver or modification.

26.10 General Application Requirements and Required Documentation:

The following shall be required in all applications:

26.10.1 Contract with Provider:

Applicants for a telecommunications tower or facility special use permit must be a telecommunications provider, and/or must provide a copy of its lease/contract with an existing telecommunications provider. A special exception use permit will not be granted for a tower/facility to be built on speculation. Copies of all lease/contracts must be provided with the application. The applicant will also provide copies of any applications in other towns within a 10 mile radius of the proposed site. The Commission may submit this copy to any other host town for review and comment.

26.10.2 Appropriate Signatures/Contacts:

All applications shall require that the landowners, if separate from the tower owners and/or service providers, be co-applicants. Required documents include 1 each displaying original signature(s), and 5 photocopies. The following shall be provided:

A. Signature(s) of landowner(s), applicant(s), tower owner(s).

B. An affidavit from the owner of the property acknowledging responsibility for the removal of a tower or facility that is deemed "abandoned" or unsafe by the Commission, or is in violation of this section, or whose permit has expired and has not been renewed by the Commission.

C. Landowners shall also provide an affidavit expressing written consent for co-application, and copies of any and all leases or other agreements with tower owners, applicant(s) or other service providers.

D. Contacts:

The applicant shall submit the exact legal name, address or principal place of business and phone number of the following:

1. Applicant.

   If any applicant is not a natural person, it shall also give the type of business entity and the state in which it is registered. If any applicant is a corporation, trust, association, or other organized group or legal entity, it shall also provide the state under which it was created or organized and the date of such creation.

2. Person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and service shall be deemed to be service upon the applicant.

3. Person to be contacted in the event of an emergency involving the facility. This should be someone available on a 24-hour basis that is authorized by the applicant to act on behalf of the applicant regarding an emergency situation.

4. Owner of the property on which the proposed tower shall be located and of the owner(s) of the tower on which the proposed facility shall be located. Written permission of the owner(s) to apply for the special use permit on the proposed property or facility site(s) for the town's independent consultant(s) to conduct any necessary site visit(s).

5. Identification, address, phone number and contact person for each proposed service provider who might be named as an applicant, in addition to the landowner.

E. The names and address of the record owners of all abutting properties.

26.10.3 Evidence of Need:

A. Existing Coverage:

Applicant shall provide written documentation demonstrating that existing telecommunications facility sites in Warren, in abutting towns, and within a 30-mile radius of the proposed site cannot reasonable be made to provide Adequate Coverage and/or Adequate Capacity to the Town of Warren. The documentation shall include, for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, to degrees, minutes and seconds to be nearest tenth of a second), ground elevation, height of the tower or facility, type of antennas, antenna gain, height of antennas on tower(s), output frequency, number of channels, power output and maximum power output per channel. Potential adjustments to these existing facility sites, (including changes in antenna type), orientation, gain, height or power output shall be specified. Radial or tiled coverage plots showing each of these facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.

B. Repeater:

Applicant shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with 26.8.2A (above) to provide Adequate Coverage and/or Adequate Capacity to the Town of Warren. Radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.

C. Indirect Service:

Applicant shall demonstrate which portion of a tower or facility and which antennas, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the overall effect is consistent with the purposes set forth in Section 26.1 of this regulation.

D. Five Year Plan:

All applications shall be accompanied by a written five-year plan for the utilization of the proposed facilities. This plan should include justification for capacity in excess of immediate needs, as well as plans for any further development within the Town of Warren.

E. The applicant shall further demonstrate with written documentation that it has investigated all available "state of the art" alternative technologies which might be effectively employed to provide Adequate Coverage and/or Adequate Capacity to the Town of Warren in lieu of its proposed facility.

26.11 Required Legal and Technical Documentation:

The following documents are required in all applications:

26.11.1 Federal/State Permits:

Applicant shall submit copies of all pertinent submittals and showings pertaining to:

- FCC permitting/licensing;
- Environmental Assessments and Environmental Impact Statements;
- FAA Notice of Construction or Alteration;

- Aeronautical Studies;
- All pertinent data, assumptions and calculations relating to service coverage; and
- All pertinent calculations and/or measurements data related to non-ionizing radiation emissions and exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.
- Copies of all information submitted in compliance with requirements of the Connecticut State Siting Council and the Connecticut Department of Public Utilities shall also be submitted.

26.11.2 Surety:

Details of proposed method of financial surety as required in Section 26.7.3 (Landscaping/Screening), 26.16 (Abandonment), 26.17 (Duty of Remove) and 26.18 (Failure to Remove) of these Regulations.

26.11.3 Commitment to Available Space:

Applicants for new tower construction or modification permits shall provide a written, irrevocable commitment valid for the duration of the existence of the tower, to rent or lease available space for co-location on the tower at fair market prices and terms, without discrimination to other telecommunications providers.

26.11.4 Lease of Tower:

Applicants for a special use permit for a facility to be installed on an existing tower or structure shall provide a copy of its lease/contract with the owner of the existing structure.

26.11.5 Applications/Plans for Other Facility Sites:

Applicants shall submit any applications or plans for other facility sites within a 10-mile radius of the Town of Warren. Applicants shall submit any existing facility sites within a 30-mile radius of the Town of Warren.

26.11.6 Site Plans and Maps:

Physical plant plans, prepared, stamped and signed by a professional engineer are required. Survey plans shall be stamped and signed by a land surveyor registered in Connecticut. Signal propagation and radio frequency studies, plots and related material shall be prepared, clearly identified and signed by a qualified radio frequency engineer. Power density calculations shall be in accordance with "worst case" formulas in the Office of Engineering and Technology (FCC Bulletin 65, August 1997). Radial plots shall be in bright colors, showing clear demarcations between signals strengths.

Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal(s) and signature(s) of the professional(s) who prepared the plan. Proposed site plans (include 5 copies) require the following:

26.11.6.1 Location Map:

Copy of a portion of the most recent U.S.G.S. Quadrangle Map, at a scale of 1:25:000, and showing the area within at least two miles from the proposed tower site. Indicate the tower location and the exact latitude and longitude (degrees, minutes, and seconds to the nearest tenth).

26.11.6.2 Vicinity Map

At a scale of 1" = 416' (1:5000) with contour intervals no greater than 10 feet (3 meters) showing the entire vicinity within 2500' radius of the tower site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic and archaeological sites, and habitats for endangered or threatened species. Indicate the property lines of the proposed tower site parcel and of all abutters to the tower site parcel (from assessor’s maps or

available surveys). Indicate any access easement or right of way needed for access from a public way to the tower and/or facility site, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement. Locate all residential or commercial structures, schools, churches, or public buildings within 1750' of the proposed Base of the Tower or facility.

26.11.6.3 Existing Conditions Plan:

A recent survey of the area within 500' of the tower site at a scale no smaller than 1" = 40' with topography drawn with a minimum of 2' contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, existing water wells and springs, individual trees with diameters greater than 12" within a 200' radius from the base of the proposed tower (labeled with their current heights). Show the boundary of any wetlands or floodplains or watercourses, and of any bodies of water included in the Watershed Protection District within 500' from the tower or any related facilities or access ways, or appurtenances. The survey must have been completed, on the ground, by a land surveyor registered in Connecticut within two years prior to the application date.

26.11.6.4 Proposed Site Plan:

Proposed facility site layout, grading and utilities at the same scale or larger than the Existing Conditions Plan (above).

A. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements. Where protective fencing is proposed, indicate setback distances from the edge of the fencing.

B. Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.

C. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and exact locations of the underground route. Detailed plans for emergency power generation including:

   1. Demonstration of percent of electrical demand being proposed in event of loss of commercial power.
   2. Type of fuel, storage method and expected means and frequency of fuel delivery to the site for power generation.
   3. Amount of generator time based on historic power reliability for the area of the facility, proposed frequency and duration of tests, and description of muffler system and methods for noise abatement.
   4. Feasibility of wind and/or solar power in conjunction with storage batteries.

D. Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alteration.

E. Any direct or indirect wetlands alteration proposed.

F. Detailed plans for drainage of surface and/or sub-surface water; plans to control erosion and sedimentation both during construction and as a permanent measure.

G. Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, etc.; any exterior lighting or signs.

H. Plans of proposed access driveway or roadway and parking area at the tower site. Include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.

I. Plans showing any changes to be made to an existing facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking or other infrastructure as a result of a proposed modification of the facility.

26.11.6.5 Proposed Tower and Appurtenances Plan:

A. Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'.

B. Two cross sections through proposed towers drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. Dimension of the proposed height of tower above average grade at tower base. Show all proposed antennas, including their location on the tower or mounted on, or in, a pre-existing building.

C. Details of proposed tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.

D. Detail proposed finish of the tower.

E. Indicate relative height of the tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in ten years.

F. Illustration of the modular structure of the proposed tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.

G. A professional structural engineer's written description of the proposed tower structure and its capacity to support additional antennas or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require original height.

H. A description of available space on the tower, providing illustrations and examples of the type and number of telecommunications facilities which could be mounted on the structure.

26.11.6.6 Proposed Communications Equipment Shelter Plan:

A. Floor plans, elevations, and cross sections at a scale no smaller than 1/4" = 1' of any proposed appurtenant structure.

B. Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.

26.11.6.7 Proposed Equipment Plan:

A. Plans, elevations, sections and details at appropriate scale, but no smaller than 1" = 10'.

B. Number of antennas and repeaters, as well as the exact locations of antennas and of all repeaters (if any) located on a map as well as by degrees, minutes and seconds to the nearest tenth of latitude and longitude.

C. Mounting locations on tower or structure, including height above ground.

D. A recent survey of the facility site at a scale no smaller than 1" = 40' showing horizontal and radial distances of antenna(s) to nearest point on property line, and to the nearest dwelling unit.

E. Antenna(s) types, manufacturer(s), model number(s).

F. For each antenna, the antenna gain, and antenna radiation pattern.

G. Number of channels per antenna, projected and maximum.

H. Power input to the antenna(s).

I. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate. J. Output frequency of the transmitter(s).

K. For modification of an existing facility with multiple emitters, the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.

26.11.6.8 Visibility Maps/Sight Lines:

A. A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site, shown beginning at True North and continuing clockwise at forty-five degree intervals.

B. Applicant shall utilize the U.S.G.S. Quadrangle map, at a scale of 1" = 400', with vertical scale of 1" = 40'. Trees shall be shown at existing heights and at projected heights in ten years.

C. A map of the Town of Warren on which any visibility of the proposed tower from a public way (including all existing public rights of way), shall be indicated.

26.11.7 Balloon Tests:

Within 35 days of submitting an application, the applicant shall arrange to fly, or rise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the tower and within 50 horizontal feet of the center of the proposed tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised by the applicant at 7 and 14 days in advance of the first test date. Such notice will be printed in a newspaper with a general circulation in the Town of Warren such as *The Waterbury Republican-American* and *The Litchfield County Times*. The applicant shall inform the Commission, the Board of Selectmen, and all abutting property owners, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four consecutive hours sometime between 9:00AM and 5:00PM on the dates chosen. Balloon tests are not required for antennas mounted inside pre-existing buildings but may be required for antennas that exceed roof height. The Commission may waive this requirement at its discretion.

26.11.8 Visual Analysis:

The applicant shall develop and submit a written analysis of the visual impact of the proposed tower. This analysis shall include photographs of the balloon test taken from at least 10 different perspectives within the Town of Warren.

26.12 Monitoring and Evaluation of Compliance:

The Warren Planning and Zoning Commission, and the Zoning Enforcement Officer, shall have authority over the hiring of independent engineers to enforce monitoring and compliance with this section.

26.12.1 Monitoring Protocol:

The Commission will consult with an independent engineer regarding the choice of a monitoring protocol to be used. This may include The FCC OET Bulletin 65, Edition 97-01, August 1997, referenced in FCC Regulations, Title 47, Part 1, Section 1.1307 as IEEE C95.3 1991, or any other protocol that the Commission adopts as the technology changes. The same protocol will be used from year to year until such time as new protocols are developed.

26.12.2 Pre-Testing:

After the granting of a special permit and before the facility begins transmission, the applicant shall pay for an independent consultant RF engineer, chosen and hired by the Commission, to monitor the background levels of EMF radiation around the proposed facility site and at appropriate distances from it, and/or at any repeater locations to be utilized for the applicant's wireless facilities. The independent consultant shall use the specified monitoring protocol. A report of the monitoring results shall be prepared by the independent consultant and submitted to the Board of Selectmen, the Planning and Zoning Commission, the Building Inspector, and the Town Clerk.

26.12.3 Post-Testing:

Within 30 days after transmission begins, the owner(s) of any wireless services located on the tower/facility site shall pay for an independent consultant RF engineer, chosen and hired by the Commission, to conduct testing and monitoring of EMF/RF radiation emitted from said site, and to report results of said monitoring as follows:

A. There shall be routine annual monitoring of emissions by the independent RF engineer using actual field measurements of radiation, utilizing the monitoring protocol. This monitoring shall measure levels of EMF/RF radiation from the facility site's primary antennas as well as from repeaters (if any). A report of the monitoring results shall be prepared by the RF engineer and submitted to the Board of Selectmen, the Planning and Zoning Commission, the Building Inspector, and the Town Clerk.

B. Any Major Modification of an existing facility, or the activation of any additional permitted channels, shall require new monitoring.

26.12.4 Excessive Emissions:

Should the monitoring of a facility site reveal that the site exceeds the current FCC standards and guidelines, the FCC and the owner(s) of all facilities utilizing the site shall be notified. In accordance with FCC requirements, the owner(s) must immediately reduce power or cease operation as necessary to protect persons having access to the site, tower, or antennas. In addition, the owner(s) shall submit to the Commission and the Building Inspector any analysis or communication submitted to the FCC regarding what caused the problem and a plan for the reduction of emissions to a level that complies with the FCC standards within 10 business days of non-compliance. Failure to accomplish this reduction of emissions within 15 business days of initial notification of non-compliance shall be considered a Zoning Violation subject to fines and such other remedies as are otherwise available to the Town, Commission or ZEO pursuant to Connecticut General Statutes. Such fines shall be payable by those providers with antennas on the facility site, until compliance is achieved.

26.12.5 Structural Inspection:

Tower owner(s) shall pay for an independent consultant, a licensed structural engineer chosen and hired by the Commission, to conduct inspections of the tower's structural integrity and safety. This includes antennas mounted on, or in, pre-existing structures. Pre-existing mounts shall be inspected every three years. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the independent consultant and submitted to the Board of Selectmen, the Warren Planning and Zoning Commission, the Building Inspector, and the Town Clerk. Any major modification of an existing facility which includes changes to the tower dimensions or antenna numbers or type shall require a new structural inspection.

26.12.6 Unsafe Structure:

Should the inspection of any tower or facility reveal any structural defect(s) which, in the opinion of the independent consultant renders that tower or facility unsafe, the following actions must be taken: Within 10 business days of notification of unsafe structure, the owner(s) of the tower or facility shall submit a plan to remediate the structural defect(s). This plan shall be submitted within 10 business days of the submission of the remediation plan, and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a Zoning Violation subject to fines. Such fines shall be payable by the owner(s) of the tower or facility until compliance is achieved.

26.13 Co-Location and Town Services:

Licensed carriers shall share facilities and sites with other licensed carriers where feasible, thereby reducing the number of stand-alone facilities. The conversion of a single-use facility to a co-location shall be considered a modification. The Commission may require as a condition of approval of the special exception permit that the tower/facility owners dedicate a space on the facility for the Town of Warren's municipal emergency services for public health and safety purposes. Any such dedications and/or improvements to existing emergency services will be negotiated prior to approval of the special exception permit.

26.14 Separation of Towers:

Separation distances between communications towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received special exception permit approval. The separation distances shall be measured by drawing a straight line between the base of the existing tower and the base of the proposed tower pursuant to the site plan. The separation distance (listed in linear feet) shall be as follows:

A. Lattice - 5000 linear feet
B. Guyed - 5000 linear feet
C. Monopole (150' in height) - 3,500 linear feet
D. Monopole (80' to 150' in height) - 2,500 linear feet
E. Monopole (less than 80' in height) - 500 linear feet

The separation distances listed above may be modified by the Commission depending on other site criteria in co-locations.

26.15 National Environmental Policy Act (NEPA):

NEPA applies to all applications for wireless communications facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47CRF ChI). The FCC requires that an environmental assessment (EA) be filed with the FCC

prior to beginning operations for any wireless communications facility proposed in, or involving, any of the following:

A. Wilderness areas
B. Wildlife preserves
C. Endangered species habitat
D. Historical site
E. Indian religious site
F. Flood plain
G. Wetlands
H. High intensity white lights in residential neighborhoods
I. Excessive radio frequency radiation exposure.

26.15.1 At the time of application, an Environmental Assessment that meets FCC requirements shall be submitted to the Commission for each regulated facility site that requires such an environmental assessment to be submitted to the FCC.

26.15.2 The applicant shall identify and access the impact of the proposed facility on areas recommended for conservation in the Warren Plan of Development, as well as the state plan of conservation and development.

26.15.3 The applicant will also list the location, type, and amount (including trace elements) of any materials proposed for use within the facility that are considered hazardous by federal, state, or local governments.

26.16 Fee Schedule and Bonding:

Per Town of Warren Ordinance, page 86, Volume 8, dated October 30, 1998, fee schedules and bonds will be set by the Zoning Commission.

26.16.1 Application Fees:

Upon submission of signed application that meets all of the criteria herein described, including all supporting documents and maps, an application fee shall be submitted to the Town of Warren in the amount of $3500.00.

26.16.2 Financial Surety:

As a condition of approval of a Special Exception Permit, the applicant shall provide a separate Demolition Bond in an amount determined and approved by the Commission. The bond shall be for a duration and in a form and manner of surety as determined by the Commission, with provision for inspection and town removal of facilities in the event of failure to perform by the responsible parties as defined in Section 26.17 (Duty of Remove).

26.16.3 Performance Bonds:

The Commission will require additional Performance Bonding, payable at the time of application, as deemed necessary to protect facility building site(s) during construction; and to hire independent consultants/engineers to review applications and monitor facilities.

26.16.4 Independent Consultants Fees:

At the time of application, the Commission may require a separate escrow fund, in an amount to be determined, to cover independent consultant's fees.

26.17 Insurance and Indemnification:

26.17.1 Insurance:

The Town of Warren shall not enter into any lease agreement or otherwise authorize a tower site or facility by any telecommunications service provider until and unless the town obtains assurance that such operator (and those acting on its behalf) has adequate insurance as determined by the Commission. At a minimum, the following insurance requirements shall be satisfied:

A. A telecommunications facility operator shall not commence construction or operation of the facility without obtaining all insurance required under this section

and approval of such insurance by the Commission, nor shall a telecommunications facility operator allow any contractor or subcontractor to commence work on its contract until all similar such insurance required of the same has been obtained and approved by the Commission. The required insurance must be obtained and maintained for the entire period the telecommunications facility is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the town will order such entities to cease operation of the facility until such insurance is obtained and approved by the Commission.

B. Certificate(s) of insurance verifying such insurance shall be filed with the Commission at the time of application. For entities that are entering the market, the certificate(s) shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse of coverage. Such certificate(s) should provide the name, address and phone number of the insurance carrier; and identify an agent in case of inquiries.

C. The certificate(s) of insurance shall contain a provision that coverage's afforded under such policies shall not be canceled until at least thirty (30) days prior written notice has been given to the town. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Connecticut.

D. Where applicable, in the event that the insurance certificate(s) provided indicates that the insurance will terminate or lapse during the term of the lease agreement with the town, then in that event the telecommunications facility(s) operator shall furnish a renewed certificate of insurance as proof that equal and like coverage remains in effect for the balance of the lease term, at lease thirty (30) days prior to the expiration of the date of such insurance.

E. A telecommunications facility operator and its contractors or subcontractors engaged in work on the operator's behalf, shall maintain minimum insurance in the amounts determined by the Commission to cover liability, bodily injury, and property damage.

F. The insurance shall cover, but not be limited to, the following exposures: premises, operations, and certain contracts. Such coverage shall be written on an occurrence basis and shall also be required under any lease agreement between the town and the telecommunications facility operator.

26.17.2 Indemnification:

The Town of Warren shall not enter into any lease agreement or otherwise authorize tower siting by a telecommunications service provider until and unless the town obtains an adequate indemnification from such provider. This indemnification must at lease:

A. Release the Town of Warren from, and against, any and all liability and responsibility in or arising out of the construction, operation or repair of the telecommunications facility. Each telecommunications facility operator must further agree not to sue or seek any monies or damages from the town in connection with the above mentioned matter.

B. Indemnify and hold harmless the Town of Warren, its elected and appointed officers, agents, servants, and employees, from and against any and all claims, demands, or causes of action whatsoever kind of nature, and the resulting losses, costs, expenses, reasonable attorney's fees', liabilities, damages, orders, judgments or decrees, sustained by the town or any third party arising out of, or by any reason of, or resulting from, or out of each telecommunications facility(s) operator's, agent's, employee's, or servant's negligent acts, errors, or omissions.

C. Provide that the covenants and representations relating to the indemnification provision shall survive the term of any agreement and continue in force and effect as to the responsibility of the party to indemnify.

26.18 Abandonment and Discontinuation of Use:

26.18.1 Any telecommunications facility which ceases to operate for six (6) consecutive months shall be deemed to be abandoned and removed within ninety (90) days. "Cease to operate" is defined as not performing the normal functions associated with a telecommunications facility and its equipment on a continuous and on-going basis for a period of six (6) consecutive months. Determination of the date of abandonment shall be made by the Zoning Enforcement Officer who shall have the right to request documentation and/or affidavits from the telecommunications tower owner/operator/service provider(s) regarding the subject of tower usage. Failure or refusal for any reason by the owner/operator/service provider(s) to respond within twenty (20) days to such a request shall constitute prima facie evidence that the communications tower has been abandoned.

26.18.2 Upon a determination of abandonment and notice thereof to the owner/operator/service provider(s), the owner(s) and all others listed as responsible parties in 26.17, shall remove the tower and all facilities, and remediate the site within 90 days. At the time of removal, the facility site shall be remediated such that all telecommunications facility improvements which have ceased to be utilized are removed. If all facilities on a tower have ceased to operate, the tower shall also be removed, and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal.

26.18.3 Applicant shall, as a condition of the special exception use permit, provide a financial surety bond payable to the Town of Warren and acceptable to the Commission to cover the cost of removal of the telecommunications facility, and the remediation of the landscape, should the facility cease to operate. (See 26.16 Fee Schedule/Bonding.) Any Special Exception Permit granted for the facility will automatically expire.

26.19 Duty to Remove:

The following are considered jointly and severally to be the responsible parties for tower/facility removal and site remediation:

A. The owner of the abandoned tower (and if different, the operator of the abandoned tower.)
B. The owner of the land upon which the abandoned tower is located.
C. The lessee, if any, of the land upon which the tower is located.
D. The sub lessee or sub lessees, if any, of the land upon which the tower is located.
E. Any communications service provider who, or which, by ceasing to utilize the tower or otherwise failing to operate any of its transmitters or antennas on the tower for which it leased space or purchased the right to space on the tower for its transmitters or antennas, and by such ceasing or failure to utilize the tower, in fact caused the tower to become abandoned.
F. Any person to whom, or entity to which, there has been transferred or assigned any license issued by the FCC and under which the tower owner/operator operated the tower/facility.
G. Any person or entity which has purchased all or a substantial portion of the assets of the tower owner/operator/service provider(s).
H. Any entity which has merged with, or which has arisen or resulted from a merger with, the tower owner or operator or service provider(s).
I. Any person or entity which acquired the owner or the operator of the abandoned tower. J. Any parent or subsidiary of any of the foregoing which happens to be a corporation.
K. Any managing partner of any of the foregoing which happens to be a limited partnership.
L. Any partner of any of the foregoing which happens to be a general partnership.

26.20 Failure to Remove:

In the event that the responsible Parties have failed to remove the tower or facility and/or restore the facility site within 90 days, the Town of Warren may remove the tower or facility and restore the site using the surety bonds deposited at the time of application, and may thereafter initiate judicial proceedings against the Responsible Parties for any portion of the cost not covered by the surety bond.

26.21 Future Non-Conforming Uses:

If at any time the Commission finds that the technologies pertaining to communications towers/facilities have changed such that wireless communications can be readily provided with no towers (such as satellite or DAS systems), or with towers or other structures that are substantially less intrusive to residential and commercial areas, and substantially more aesthetic for neighborhoods and commercial areas, or in that the service providers in the county and/or their customers, are making frequent uses of the new technologies (above 30% for customer-use, or above 30% of business-revenue base per service provider), in the installation of new communication systems, or in the expansion of existing systems (whether such installation or expansion are occurring in Warren or elsewhere), the Commission may declare to be Non-Conforming Uses all communications towers then existing in the Town of Warren. The Commission shall declare such towers/facilities to be nonconforming uses in an ordinance which amends these regulations to make such towers/facilities non-permitted uses altogether in residential and commercial areas. The Commission will then determine if the new technologies are appropriate uses for the preexisting sites. If it determines that the upgrading of the facilities are appropriate uses, the Commission may determine that the new technologies are permitted uses, or special exceptions requiring special permits. This paragraph shall be effective only if, and to the extent not prohibited or preempted, by state or federal law.

26.22 Permit Expiration:

A Special Exception Permit granted pursuant to this section shall expire five (5) years from the date of approval or as set by statute. The Special Exception Permit may be renewed for a new five (5) year period on applications to the Commission, in a form prescribed by the Commission, submitted to the Commission not later than ninety (90) days before the existing Special Exception Permit expiration date. Upon such a renewal application, the applicant shall affirmatively demonstrate that all the conditions which form the basis of the initial approval as set forth in Section 26.6.3; 26.7.10; 26.8.1; 26.8.2 and 26.8.3, remain as those conditions existed on the date of the initial approval.

26.23 Severability Clause:

The invalidity of any section or provision of this regulation shall not invalidate any other section or provision hereof.

ARTICLE IV - ADMINISTRATION

27.0 ZONING BOARD OF APPEALS

27.1 General

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

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

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

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

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

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

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

27.2 Appeals

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

27.3 Variance

27.3.1 A variance may be granted by the Board provided all of the following conditions are present:

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

i. the unusual shape or topography of the land; or

ii. the condition or location of an existing structure.

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

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

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

D. The exceptional difficulty or unusual hardship is not merely financial.

E. The relief granted is the minimum necessary to provide a reasonable use of the property.

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

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

27.3.3 An applicant for a variance shall submit:

A. a formal variance application on forms prescribed by the Board;

B. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut;

C. any other information deemed necessary by the Board to make a decision on the application; and

D. the application fee.

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

27.3.5 Recording

No Variance shall become effective until a copy thereof, certified by the Chairman of the Zoning Board of Appeals, containing a description of the premises to which it relates and specifying the nature of the Variance including the zoning provision to which a Variance is granted, and stating the name of the owner of record, is filed with the Town Clerk and recorded in the Town's land records.

28.0 ZONING PERMIT

28.1 Permit Required

28.1.1 The issuance of a zoning permit shall be required before:

A. commencement of construction, placement, relocation, alteration, or installation of any building or structure; and

B. change of use of any building, structure or use of land.

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

28.2 Applicants

An application for a zoning permit may be made by:

A. the owner of the property to which such application relates.

B. the purchaser of the property provided that the written consent of the property owner to the grant of such zoning permit accompanies the application; or

C. the owner of a leasehold interest in the property under a written lease provided that the written consent of the property owner to the grant of such zoning permit accompanies the application.

28.3 Submission of Application

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

28.4 Supporting Information

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

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

28.4.3 For an application for change of use, the applicant must provide information to demonstrate that the property will be in conformance with all requirements of the proposed new use.

28.5 Determination

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

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

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

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

B. finds that the proposal does not comply with all pertinent requirements; or

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

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

28.7 Notice of Approval or Denial

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

28.8 Expiration of Permit

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

28.9 Other Permits and Requirements of Other Agencies

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

28.9.1 Warren Conservation and Inland Wetlands Commission

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

28.9.2 Town Sanitarian – Torrington Area Health District

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

28.9.3 Connecticut Department of Transportation

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

28.9.4 Town of Warren Driveway Permit

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

28.9.5 Other Permits or Approvals

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

28.10 Notice Provisions

In accordance with Connecticut General Statutes Section 8-3(f), the Commission or the Zoning Enforcement Officer shall inform the recipient of a zoning permit that notice of the issuance of a zoning permit may be published by the recipient in a newspaper having substantial circulation in

Warren in order to establish the appeal period per Connecticut General Statutes Section 8-7. Any such notice to be published by the recipient shall contain:

A. a description of the building, use or structure,
B. the location of the building, use or structure,
C. the identity of the applicant, and
D. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of Connecticut General Statutes Section 8-7.

29.0 SITE PLANS

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

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

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

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

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

29.3 Application Procedure

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

29.3.2 The applicant shall submit:

A. a formal site plan application on forms prescribed by the Commission;
B. five paper copies and one electronic copy of the plans with the information as described in Section 29.5 below; and
C. the application fee.

29.3.3 For an application for change of use, the applicant must provide information to demonstrate that the property will be in conformance with all requirements of the proposed new use.

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

29.5 Site Plan

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

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

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

29.6 Waiver

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

29.7 Performance Bond

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

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

applicant with a written explanation as to the additional modifications that must be completed before the amount requested is released.

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

29.8 Modifications

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

29.9 Expiration of Approved Site Plan

29.9.1 All work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the Site Plan (unless otherwise provided for in the Connecticut General Statutes).

29.9.2 Failure to complete all work within such required time for completion shall result in automatic expiration of the approval of such Site Plan. "Work" for the purpose of this requirement means all physical improvements required by the approved plan.

29.9.3 The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the Site Plan provided the total extension or extensions shall not exceed ten (10) years from the date of such Site Plan.

29.9.4 The Commission may condition the approval of any such extension on a determination of the adequacy of any Performance Bond.

30.0 CERTIFICATE OF ZONING COMPLIANCE

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

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

30.3 If a property is not in conformance with its use designation, a Certificate of Zoning Compliance will not be issued.

31.0 SPECIAL EXCEPTION APPLICATIONS

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

31.2 The applicant shall submit:

A. a formal special exception application on forms prescribed by the Commission;
B. a site plan as described in Section 29; and
C. the application fee.

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

31.4 Applicability of the Inland Wetlands & Watercourses Act

If a Special Exception application involves an activity regulated pursuant to the Inland Wetlands and Watercourses Act, the applicant shall include with their application evidence of the approval of the Town of Warren Inland Wetlands Commission.

31.5 General Criteria

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

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

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

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

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

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

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

31.6 Conditions of Approval

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

A. on surrounding properties;
B. on the natural, scenic, archaeological or historic features of the property;
C. on water quality and/or water supply; and
D. on the public health, safety and welfare.

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

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

31.8 Performance Bond

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

31.9 Recording

No Special Exception shall become effective until a copy thereof, certified by the Chairman of the Commission, containing a description of the premises to which it relates and specifying the nature of the Special Exception including the zoning provision to which a Special Exception is granted, and stating the name of the owner of record, is filed with the Town Clerk and recorded in the Town's land records.

31.10 Expiration of Approved Site Plan Associated with Special Exception Permit

31.10.1 All work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the Site Plan (unless otherwise provided for in the Connecticut General Statutes).

31.10.2 Failure to complete all work within such required time for completion shall result in automatic expiration of the approval of such Site Plan. "Work" for the purpose of this requirement means all physical improvements required by the approved plan.

31.10.3 The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the Site Plan provided the total extension or extensions shall not exceed ten (10) years from the date of such Site Plan.

31.10.4 The Commission may condition the approval of any such extension on a determination of the adequacy of any Performance Bond.

32.0 EROSION AND SEDIMENT CONTROL PLAN

32.1 Activities Requiring a Certified Erosion and Sediment Control Plan

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

32.2 Erosion and Sediment Control Plan

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

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

A narrative describing:

A. the development;

B. the schedule for grading and construction activities including:

i. start and completion dates;

ii. sequence of grading and construction activities;

iii. sequence for installation and/or application of soil erosion and sediment control measures;

iv. sequence for final stabilization of the project site;

C. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

D. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;

C. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

D. the operation and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

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

A. the location of the proposed development and adjacent properties;

B. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;

C. the existing structures on the project site, if any;

D. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

E. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

F. the sequence of grading and construction activities;

G. the sequence for installation and/or application of soil erosion and sediment control measures;

H. the sequence for final stabilization of the development site.

32.3.4 Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

32.4 Minimum Acceptable Standards

32.4.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles of the *Connecticut Guidelines for Soil Erosion and Sediment Control (2002)*, as amended. Soil erosion and sediment control plans shall result

in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

32.4.2 The minimum standards for individual measures are those in the *Connecticut Guidelines for Soil Erosion and Sediment Control (2002)*, as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

32.4.3 The appropriate method from the *Connecticut Guidelines for Soil Erosion and Sediment Control (2002)*, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

32.5 Issuance or Denial of Certification

32.5.1 The Commission or its designated agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Regulation or deny certification when the development proposal does not comply with these Regulations.

32.5.2 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application.

32.5.3 Prior to certification, any plan submitted to the Commission may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

32.5.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

32.6 Conditions Relating to Soil Erosion and Sediment Control

32.6.1 The Commission may require a performance bond be posted for the estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan. The performance bond shall be in a form acceptable to the Commission and in accordance with the requirements of the Connecticut General Statutes.

32.6.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

32.6.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

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

32.7 Inspection

Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

33.0 NOTIFICATION REQUIREMENTS

33.1 Notification of Abutting Property Owners

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

33.1.2 For all applications involving a public hearing before either the Planning and Zoning Commission or the Zoning Board of Appeals, the applicant shall notify the owners of properties within two hundred (200) feet of the subject property of the pending application by mailing a notice at least ten (10) days prior to the scheduled hearing. At a minimum, such notice shall consist of:

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

33.1.3 Notices to such property owners shall be sent by the United State Postal Service via "Certificate of Mailing" form. If the property owner has an address outside the United States, the notice shall be sent by United States Postal Service "Express Mail International" or equivalent.

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

33.1.5 Public Hearing Signage

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

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

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

A. a copy of the complete package of information sent to the adjacent property owners;
B. a list of the property owners to whom the notices were sent;
C. proof of mailing such as "Certificates of Mailing" issued by the United States Postal Service; and
D. Completed Public Hearing Sign Affidavit to confirm that the required public hearing sign was posted in compliance with Section 33.1.5.

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

33.2 Notification of Abutting Municipalities

33.2.1 In accordance with CGS 8-7d(f), the Commission shall notify the Clerk of an adjoining municipality of any application concerning any project on any site in which:

A. Any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality;
B. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site;
C. A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
D. Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.

33.2.2 Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Land Use Office of the application, petition, request, or plan.

33.2.3 No hearing shall be conducted on any application, petition, request, or plan unless the adjoining municipality has received the notice required under this Section.

33.2.4 Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

33.3 Notification of Water Companies and State Commissioner of Public Health

33.3.1 In accordance with CGS 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission or Board concerning any project on any site that is within:
A. An aquifer protection area, provided such area has been delineated in accordance with CGS 22a-354c, or
B. The watershed of a water company, provided such water company or said commissioner has filed a map with the Commission and on the Warren land records showing the boundaries of the watershed.

33.3.2 Such notice shall be made by a Certificate of Mailing and shall be mailed not later than seven (7) days after the date of the day of the submission to the Land Use Office.

33.3.3 Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Land Use Office or the application shall be considered incomplete:
A. A copy of the complete package of information, and
B. Certificates of Mailing.

33.3.4 Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

33.4 Notification of Conservation or Preservation Restrictions Holders

33.4.1 Pursuant to CT Public Act 05-124, no person shall file a permit application with the Zoning Enforcement Officer or the Commission, other than for interior work in an existing Building or for exterior work that does not Expand or Alter the footprint of an existing Building, relating to that portion of a property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by Certificate of Mailing, to the party holding such restriction not later than sixty (60) days prior to the filing of the permit application.

33.4.2 In lieu of such notice, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction. If the applicant has provided written notice pursuant to this Subsection, the holder of the restriction may provide proof to the State or local land use agency or local building official or director of health that granting of the permit application

will violate the terms of the restriction and such agency, official or director shall not grant the permit.

33.4.3 If the applicant fails to comply with the provisions of this Section, the party holding the conservation or preservation restriction may, not later than fifteen (15) days after receipt of actual notice of permit approval, file an appeal with the State or local land use agency, subject to any rules of such agency, official or director relating to appeals. The agency, official or director shall reverse the permit approval upon a finding that the requested land Use violates the terms of such restriction.

34.0 AMENDMENTS

The Commission may amend these Regulations and the Zoning Map on its own initiative or upon request of an applicant.

34.1 Amendment of the Zoning Map

For an amendment to the Zoning Map, all applicants, other than the Planning and Zoning Commission, shall submit the following:

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

34.2 Amendment to the Text of the Zoning Regulations

For an amendment to the text of the Zoning Regulations, all applicants, other than the Planning and Zoning Commission, shall submit the following:

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

34.3 Action by the Commission

In deciding on a proposed amendment, the Commission shall consider:

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

35.0 SEVERABILITY, ADMINISTRATION, AND REPEAL

35.1 Severability

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

35.2 Administration and Enforcement

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

35.3 Repeal and Effective Date

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

AMENDMENTS:

7/23/14	Section 16.2.1.F pertaining to patios in the Shoreline Setback Area Revision to definition of "Structure" and Addition of "Patio" and "Terrace" Definitions
3/25/16	Section 17.3 pertaining to Nonconforming Structures
6/23/18	Comprehensive organizational and formatting amendments and correction of typographical errors and misnumbering Revisions to handicapped parking requirements and driveway width requirements Update of notifications requirements to conform to State Statute. Inclusion of Table 3 in Section 6 (Features that count toward setbacks and impervious coverage) Incorporation of Previously Approved Telecommunications Facilities Regulations. Merger of Special Exception general requirements into one section Updates to Zoning Permit application, Site Plan application, and Certificate of Zoning Compliance requirements
11/24/18	Additional Definitions in Section 2 Pertaining to Building Features and Permitted Uses in the Use Table in Section 5 Change permitting level of Hotels in Center Zone from Zoning Permit to Special Exception
2/1/2022	Section 9 pertaining to Earthwork, Excavation, and Grading
11/15/2023	In accordance with Public 23-142, "Family childcare home" added to Section 3 Definitions and Section 5 Uses Extension of Adult Recreation Cannabis Moratorium until December 1, 2024
5/17/2024	Home Business Amendment – changes to Section 3.0 Definitions, Section 13, and Section 23
9/30/2024	Accessory Buildings, Structures, and Uses – additions to Section 3.0 Definitions and Section 7
12/15/2024	Prohibition of Adult Recreational Cannabis (Section 2.4) and added clarity to Performance Bonds
4/1/2025	Section 10. Driveways & Definition of Short-Term Rental and the addition of Short-Term Rental in the Use Table Section 5
11/21/2025	Section 15 Development on Major Water Bodies updates