

## **ARTICLE III - GENERAL REGULATIONS**

### **SECTION 300. APPLICATION OF REGULATIONS**

#### 301. Minimum Requirements

In interpreting and applying these Regulations, the requirements contained herein are declared to be and shall be interpreted and applied to meet the minimum requirements for the protection of the public health, morals, safety, comfort, convenience and general welfare. In considering issues arising under these Regulations, the applicable ordinance, statute, law, rule or regulation which imposes the most restrictive obligation upon the use of and/or construction of buildings and structures and upon the use of land shall be applied to the extent consistent with law.

#### 302. Provisions Controlling

These Regulations shall not be deemed to interfere with, or abrogate, or annul, or otherwise affect any easements, covenants, or other agreement between parties, provided, however, that where these Regulations impose greater restrictions than are imposed by said easements, covenants or agreements, the provisions of these Regulations shall prevail.

#### 303. Regulations Affect Every Building and Use

Except as otherwise provided herein, no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land, water area or building be used, designed, or arranged to be used for any purpose except in conformity with these Regulations for the zone in which such building, water area or land is located.

**SECTION 310. GENERAL ZONE REGULATIONS**

311. Zone Classifications

The Town of Darien is hereby divided into the following classes of zones:

R-2	One Family Residential Zone - 2 acre
R-1	One Family Residential Zone - 1 acre
R-1/2	One Family Residential Zone - 1/2 acre
R-1/3	One Family Residential Zone - 1/3 acre
R-1/5	One Family Residential Zone - 1/5 acre
R-NBD	Noroton Bay District Residential Zone
DMR	Designed Multi-Family Residential Zone
PR	Parking - Residential Zone
3.7AH	3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing
DBR	Designed Business and Residential Zone
DCR	Designed Community Residential Zone
MU	Municipal Use Zone (Floating Zone)
DOR-5	Designed Office and Research Zone - 5 acre site
DOR-1	Designed Office and Research Zone - 1 acre site
NB	Neighborhood Business Zone
OB	Office Business Zone
DB-1	Designed Business One Zone
DB-2	Designed Business Two Zone
DC	Designed Commercial Zone
CBD	Central Business District Zone
SB-E	Service Business East Zone
SB	Service Business Zone

312. Zoning Map

Said zones are bounded and defined as shown on the map entitled "Town of Darien, Conn. Zoning Map" which, with all explanatory matter thereon, is on file in the office of the Commission and is hereby declared to be part of these Regulations.

313. Order of Restrictiveness

Where zones are referred to as “more restrictive” or “less restrictive”, the designation shall refer to the order in which the zones are named above, the first being the most restrictive. In the case of the single family residential zones, although the uses allowed in all such zones are the same, it is clear that the R-2 zone is the most restrictive zone due to required greater lot size, and yard requirements.

In zones other than single family residential, the uses permitted vary greatly, as do the lot area, setback, coverage and other restrictions and requirements. Some aspects of one zone may be more restrictive than another zone, but the other zone might be more restrictive due to some other factors. To avoid future debate about which zone is more or less restrictive, the order of restrictiveness is specified in Section 311.

314. Location of Boundaries

Where uncertainty exists as to the locations of any boundaries shown on the zoning map, the following rules shall apply:

- a. Zone boundary lines are intended to follow Town boundaries, street lines, rights-of-way, watercourses or lot lines, or be parallel or perpendicular thereto, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
- b. Where zone boundaries are indicated as parallel to street lines, they shall be assumed to be 100 feet distant therefrom, unless otherwise indicated.
- c. Where two or more zoning designations are shown within a block 200 feet or less in width, the boundary of the more restricted zone shall be deemed to be 100 feet back from its street line.
- d. In subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on said map, shall be determined by the use of the map scale shown thereon.
- e. The zone classification of any water area within the Town inshore from the mean low tide line on the effective date of this Section shall be deemed to be the same as the classification of the adjoining land area, and the zone classification of any area extending outward from the shore beyond the said mean low tide line shall be R-1.
- f. If the zone classification of any part of the Town is in question, it shall be deemed to be in the most restrictive adjoining zone.

315. Lots in More Than One Zone

Where a lot in one ownership of record is divided by one or more zone boundary lines, regulations for the less restricted portion or portions of such lot shall not extend into the more restricted portion or portions.

## **SECTION 320. GENERAL USE REGULATIONS**

### **321. Improvements Required as Condition of Use of Lot**

#### **321.1 Safe Access Required for Zoning Permit**

No Zoning Permit shall be issued for any residence or other structure until safe and completely adequate all-weather access to the site has been provided for the use of fire and other emergency vehicles, and for essential service vehicles, from the nearest public street or street intended as the means of access to the property.

For the purpose of this section, such safe and completely adequate all-weather access shall mean and include only: (1) a completed paved roadway; or (2) a roadway under construction which has been completed at least with respect to proper subgrade and proper subbase in accordance with a plan approved by the Commission, which construction has been properly installed and graded with all debris removed, has all required underground utilities installed, and extends at least to the point of entrance to the lot.

#### **321.2 Conservation Restrictions**

The use of conservation restrictions may be required by the Commission to protect and permanently preserve natural or unique features which enhance the character and environment of the area, or that are necessary for the control of sedimentation and erosion. Such restrictions shall take the form of negative easements and shall be finalized prior to any commencement of construction.

#### **321.3 Completion of Improvements Required for Certificate of Zoning Compliance**

No Certificate of Zoning Compliance shall be issued for any residence or other structure intended for human occupancy or other use located on a lot which requires the construction of a new roadway or utilities to serve it, as shown by any subdivision or site plan approved by the Commission until the Zoning Enforcement Officer (ZEO) has determined that all utilities, drainage and street improvements required to be installed to serve the lot have been satisfactorily installed in accordance with the said plan, except for the following:

- a. Final surface treatment (wearing surface) of the roadway and sidewalks.
- b. Standard street signs.
- c. Curbs and guard rails (as required).
- d. Topsoil, seeding, trees and other required planting.
- e. Such other minor installations as will not interfere with proper access and drainage and are best deferred to final completion of all required construction.

322. Accessory Uses

All accessory uses shall be located on the same lot with the principal uses to which they are accessory, except as provided in Section 906.1. Accessory uses and/or structures shall not be located, established or continued on a lot without the prior establishment of a permitted principal use; nor shall any new lot be created that has an accessory use or structure without a principal use.

323. Prohibited Uses

- a. Any use not specifically permitted by these Regulations shall be prohibited.
- b. Any use or activity that creates a nuisance, including, but not limited to, the emission of gases, fumes, odor, dust, noise, glare, vibration, smoke, danger of fire, explosion, radiation, or results in pollution of ground, air, or water, or other physical hazard shall be prohibited.

**SECTION 330. GENERAL LOT AND DIMENSION REGULATIONS**

331. Lot Required for Every Building

Every building hereafter erected shall be located on a lot as herein defined. There shall be not more than one main building and its accessory buildings on one lot, except for non-residential buildings and multi-family dwellings in zones where such uses are permitted.

332. Required Street Frontage

No permit shall be issued for any building unless the lot upon which such building is to be built shall have the frontage required by these Regulations on a street as defined herein.

333. Yards and Open Space Can Apply to Only One Building

No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot. Should a lot hereafter be formed from a part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of these Regulations with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of these Regulations. (See Subsection 222 for illustration.)

334. Lot Width and Depth Required

Within any zone no part of any building or any structure housing a principal use shall be erected on any part of a lot which has a minimum width or depth of less than the distance specified for the zone in which located. Further, such lot shall be able to fully enclose a square having a dimension on each side equal to the lot width requirement for that zone.

On existing non-conforming lots where the lot width is not sufficient to fulfill these requirements, the following shall apply:

- a. Construction of a new principal building shall be permitted only in accordance with Subsection 385; and
- b. The lot width requirement shall not apply to the construction of an addition to an existing structure provided the actual lot width shall equal at least 50 percent of the required lot width.

335. Lot Area Not Counted Toward Requirements

For any lot created by subdivision or other means subsequent to October 7, 1957, no part of such lot less in width than one-half of the minimum lot width required for the zone in which it is located shall be counted as part of the required lot area.

336. Lots Wholly or Partially Under Water

No more than 25 percent of the minimum area requirement of a lot may be fulfilled by land which is under water or is subject to periodic flooding at mean high tide. Land which is under water that is open to use by persons other than the owner of the lot shall be excluded entirely from the computation of the minimum area of that lot.

337. Odd Shaped Lots

Where a question exists as to the proper application of any of the requirements of these Regulations to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the ZBA shall determine how such Regulations shall be applied.

338. Corner Lots

A building erected on a corner lot shall be required to have the two or more yards adjoining the streets equal in depth to the required front yards on such streets. As defined, the lot line opposite the shorter of the front lot lines shall be deemed a rear lot line and the remaining lot line shall be a side lot line. (See Subsection 222 for illustration.)

339. Lots Having Frontage Less Than The Minimum Width Specified

Rear lots may only be created within the One Family Residential - 2 acre and One Family Residential - 1 acre Zoning Districts. The frontage requirement for a lot located in such a position that it is to the rear of some other lot fronting on the same street and occupied or to be occupied by a one-family dwelling may be reduced to twenty five (25) feet subject to compliance with the following specific standards which shall be determined by the Commission at a General Meeting:

- a. No portion of the lot between the street line and the building site shall have a lesser width than the frontage.
- b. The grade and alignment of such narrow part of the lot shall be adequate for a driveway that can permit safe and convenient access to the lot. All necessary environmental or other approvals shall be secured in advance to establish that the proposed access is functional.
- c. The intersection of the proposed driveway with the street shall be safe in terms of minimum sight lines, gradient, and related factors. Maximum grades of the driveway shall not exceed ten (10) percent and the first thirty (30) feet from the edge of the street pavement shall not exceed two (2) percent grade.
- d. No rear lot shall be positioned behind another rear lot.

For any such lot created subsequent to March 4, 1960, the frontage of which lot is less than the minimum width requirement for said lot as specified in these Regulations, the following additional requirements shall be complied with:

- e. The front yard and minimum depth for said lot shall not be measured from the street line but from a line parallel to or concentric with the street line and the least distance therefrom sufficient to make said lot width at that point equal to the minimum width specified for the zone in which said lot is situated, provided that, when the point at which said lot reaches the required minimum width is the same or a greater distance from the street line than the setback specified, no additional setback shall be required.
- f. Where a dwelling or other structure is to be located on a lot in such a position that it is to the rear of some other lot fronting on the same street, the minimum distance of said dwelling or other structure on the rear lot from the nearest point of the front lot shall be 50 feet greater than the depth of the required front yard specified in these Regulations. (See Subsection 222 for illustration.)
- g. All utility lines, including electric and telephone service, extending from the street line of such lot to the building site of the lot shall be installed underground. In approving the establishment of such lot, the Commission may specify the location of utility lines, the grade and alignment of the access driveway, storm drainage provisions, and may also require that any driveway extending from the street line to the building site on the lot be screened from the rear yards of abutting lots, where it finds the same to be necessary for public safety or for the protection of the surrounding residential area.

## **SECTION 350. REGULATION OF BUILDING APPURTENANCES**

### 351. Porches

Any porch, whether enclosed or unenclosed, shall be considered a part of the building in the determination of the size of yard or amount of lot coverage. (See Subsection 223 for illustration.) A roof over entrance doorways shall not extend more than three feet into any required yard.

### 352. Projecting Architectural Features

The space in any required yard shall be open and unobstructed except for the ordinary projection of the windowsills, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than twelve inches into any required yard.

### 353. Bay Windows

Bay windows, including their cornices and eaves, shall not project into any required yard more than two feet, provided, however, that the sum of the lengths of any such projections on any wall shall not exceed one-fourth the length of any said wall.

### 354. Stairs and Ramps

Entry stairs, fire escapes and access ramps for the handicapped shall not extend more than three feet into any required yard and shall not be closer than four feet at any point to any lot line.

### 355. Windows and/or Door Security Fixtures

A moveable or immovable gate, cover or other window and/or door security fixture on the exterior of any structure located within a non-residential zone shall, prior to its installation, require Special Permit and/or Business Site Plan approval from the Planning and Zoning Commission in accordance with Sections 1008 and/or 1029.

**SECTION 360. REGULATION OF OTHER IMPROVEMENTS ON THE LOT**

361. Terraces

A paved terrace shall not be considered in determination of yard size or building coverage, provided, however, that such terrace shall be unroofed and without walls, parapets, or other forms of enclosure. (See Subsection 223 for illustration). Such terrace, however, may have an open guard railing not over three feet high, and shall not project into any yard to a point closer than eight feet from any lot line.

362. Walls and Fences

The yard requirements of these Regulations shall not be deemed to prohibit any fence or wall, including any necessary retaining wall, provided that in any residence zone no fence or wall shall exceed four feet in height in any required front yard, and six feet in height in any required side and rear yard, measured above the finished grade, subject to limitation in Subsection 363 and pertinent requirements of Article VIII. A special privacy fence up to eight feet high may be erected on a portion of a residential property that is immediately adjacent to a commercial zone and/or a property with an ongoing non-residential or Special Permit use as permitted in Section 404 of the Darien Zoning Regulations. This fence may be on either the residential property or the property with the ongoing non-residential or Special Permit use.

363. Visibility at Intersections

On a corner lot in any zone, except a business zone, no fence, wall, hedge or other structure, or planting, more than three feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street line. The height of three feet shall be measured above the road surface at the nearest edge of the road. (See Subsection 221 for illustration.)

364. Swimming Pools

A swimming pool shall observe all the regulations affecting accessory buildings, but in no case shall a swimming pool be located nearer than six feet to the side lot line or rear lot line. The setbacks for swimming pools shall be measured from the edge of any deck or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property line. Where a swimming pool shall be located nearer than 25 feet to the side or rear lot lines, there shall be installed and maintained a permanent solid fence or wall six feet in height and of such design, location and construction that effective screening shall be provided for the protection of adjacent property. No swimming pool shall be provided with an above-ground-level deck or terrace unless such deck or terrace observes the required yard spaces for a main building as provided by these Regulations. Non-deciduous shrubbery, where located adjacent to a swimming pool and of sufficient compactness, density and height to afford truly effective screening may, during the period of its effectiveness, be substituted for the required fence or wall if approved by the ZEO as adequate for the purpose of screening. Swimming pools in existence on the effective date of this amendment, and which do not meet the requirements given above, shall be considered legally non-conforming within the meaning of Section 383, and, therefore, may be continued as provided by Subsection 384. All swimming pools shall comply with the State Building Code.

365. Underground Shelters

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366. Recreation Facilities

Tennis courts, paddle tennis courts and similarly developed recreation facilities shall be deemed to be accessory structures and shall comply with all yard, coverage and other applicable regulations. (See Subsections 223 and 224 for illustrations.)

## **SECTION 370. OTHER GENERAL REGULATIONS**

### 371. Height of Buildings or Structures

The height limitations of these Regulations shall not apply to church spires, bellfries, flagpoles, cupolas and domes not used for human occupancy; or to chimneys, ventilators, solar panels, skylights, water tanks, bulkheads, non-commercial transmitting or receiving antennas, or similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve, and the total area covered by such features shall not exceed 15 percent of the roof area or the area actually needed, whichever is less.

### 372. Exception for Existing Alignment of Buildings

If on one side of a street within a given block and within 150 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater than the depths specified in the Schedule of Regulations, a front yard shall be required in connection with any new building which shall conform as nearly as practicable with those existing on the adjacent lots, except that no building shall be required to set back from the street a distance greater than 60 feet, provided the requirements of Subsections 334 and 339 are complied with. If on one side of a street within a given block and within 150 feet of any lot, there is a pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards less than the depths specified in these Regulations, a front yard shall be permitted in conjunction with any new building which shall conform as nearly as practicable with those existing on the adjacent lots.

### 373. Display or Storage of Materials

In all zones, the display, exhibition or storage of merchandise, materials or articles for sale in the required front yard shall be prohibited and the storage of such materials behind the building line shall be covered or screened from the street.

**SECTION 380. NON-CONFORMING USES AND BUILDINGS**

381. Continuing Existing Uses

Except as otherwise provided in this section, the lawfully permitted use of land or buildings existing at the time of the adoption of these Regulations may be continued although such use does not conform to the standards specified by these Regulations for the zone in which such land or building is located. Said uses shall be deemed legally non-conforming uses.

382. Non-conforming Use of Land

Where no building is involved, the non-conforming use of land may be continued, provided, however, that no such non-conforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of these Regulations, nor shall any such non-conforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of the adoption of these Regulations, provided, further, that if such non-conforming use of land or any portion thereof, ceases for any reasons for any continuous period of more than 60 days, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of these Regulations. No non-conforming use of land shall be changed to another non-conforming use.

383. Non-conforming Use of Buildings

- a. A building or structure, the use of which does not conform to the use regulations for the zone in which it is situated, shall not be enlarged or extended unless such building or structure, including such enlargement or extension, shall be made to conform to all regulations, including use, for the zone in which it is situated.
- b. Such non-conforming building shall not be structurally altered to an extent greater than 50 percent of its current fair market value unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a non-conforming building or structure in sound condition shall be permitted; and provided further, subject to compliance with parking and Flood Damage Prevention requirements, Building Code, Fire Safety Regulations, and with the approval of the Zoning Board of Appeals, that any such non-conforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of these Regulations. The current fair market value shall be determined by the ZEO and the calculations used shall be made a part of the permanent file on any permit issued. No non-conforming use of land shall be enlarged.
- c. A non-conforming use of a building may be changed only to a conforming use.
- d. If any non-conforming use of a building or land shall be abandoned then any future use of such building or land shall be in conformity with the standards specified by these Regulations for the zone in which such building or land is located. Abandonment of a non-conforming use shall include changing to a

conforming use or moving the building in or on which such use is conducted or maintained, for any distance whatever, for any reason. It shall be a presumption of abandonment of a non-conforming use if said use shall cease for any reason for a continuous period of one year or more. A rebuttal of this presumption can be presented to the ZBA for a determination whether the nonconformity has been abandoned.

- e. If any building in which any non-conforming use is conducted or maintained shall hereafter be removed, the subsequent use of the land on which such building was located and the subsequent use of any building thereon shall be in conformity with the standards specified by these Regulations for the zone in which such land or building is located.

### 384. Non-Conformity, Other Than Use

A building that is conforming in use, but does not conform to the height, yard, land coverage or parking requirements of these Regulations shall not be considered to be non-conforming within the meaning of Subsection 383. No permit shall be issued that shall result in the increase of any non-conformity in height, yard space, land coverage or parking without an appropriate variance from the Zoning Board of Appeals.

#### 384.1. Non-conforming Building To Be Deemed Legally Non-Conforming

In accordance with the provisions of the General Statutes, when a building is so situated on a lot that it violates these Regulations with respect to its relation to the boundaries of the lot, and such building has been so situated for three years without the institution of an action to enforce such regulations, such building shall be deemed a legally non-conforming building in relation to such boundaries. Although the building may become legally non-conforming with respect to its relationship to the boundaries of the lot, it shall not become legally non-conforming with respect to any other provisions of these Regulations. Use of land, structures or both, which were not legally established prior to these Regulations or in conformance with these Regulations, shall not become legally non-conforming by the passage of time.

#### 384.2 Donation of Land for Parking Does Not Increase Non- Conformity

Where the full portion of a lot, lying to the rear of a Rear Building Line established in the CBD Zone by the Commission, is given to and accepted by the Town for permanent use as part of a public parking area, the balance of the lot and any buildings thereon shall not be considered non-conforming as a result of any reduction in lot area, lot dimensions, building setbacks or building coverage below the minimum requirements when such reduction is caused by the Town's acceptance of the land for parking purposes. (See Section 1057, Dedication of Public Parking Areas.)

385. Building on Non-conforming Lots

A permit may be issued for the erection of a building on any lot, recorded in the Darien Land Records, that was made non-conforming with respect to area, frontage or width requirements, by the adoption of, or any amendment to, these Regulations or the Zoning Map, provided:

- (a) The owner of any such lot did not own sufficient adjoining land at the time of the adoption of said Regulations (September 24, 1954) or said amendments to conform therewith, or more nearly therewith, and
- (b) All yard and open space requirements of the Regulations are met, and
- (c) Adequate provision is made for protecting the general health, safety, and welfare and providing adequate access, drainage facilities, and protection of the nearby properties, and
- (d) The lot has not been used in conjunction with adjacent property to the extent that its identity has merged with adjacent property in the same ownership. Uses or activities that may cause the identity of a lot to be merged with adjacent properties include, but are not limited to the following:
  - 1. allowing two or more parcels to be assessed as one building lot, or
  - 2. construction of a structure crossing the property line, or
  - 3. location of an accessory structure (tool shed, pool, garage, etc.) on the lot, or
  - 4. having utilities and/or services (electrical, telephone, sewer, water, septic system, etc.) on or crossing the lot without having an easement or documented distinction between the parcel being serviced and the lot in question, or
  - 5. having a driveway, parking area, accessway or similar facility on or crossing the lot, or
  - 6. planting and/or maintaining a garden, lawn, row of planted trees or shrubs, fence, or similar improvement(s) on or encompassing the lot or portion of the lot, or
  - 7. other actions of the lot owner that indicate that they have treated the lot as a portion of the adjoining property.

When the owner of two or more adjacent non-conforming lots abandons the separate, non-conforming status of the lots by failing to comply with any of the above standards, the non-conforming lots shall be eliminated and the parcels shall, for purposes of these Regulations, be considered merged into one or more conforming lots or a single more nearly conforming lot. This shall apply even if one or more of the non-conforming lots has been developed. Once considered merged the lots may not be sold, conveyed, altered, or otherwise used as separate lots.

386. Restoration of Damaged Buildings and Structures

- a. If any building or structure legally non-conforming in use or otherwise, shall be damaged by any means to an extent of more than 50 percent of the then fair market

value thereof, no repairs or construction except such as are required for public health and safety shall be made unless such use and every portion of such building or structure shall be made to conform to all the standards of these Regulations for the zone in which it is located.

- b. If the damage to such building or structure shall be less than 50 percent of the then fair market value, it may be restored and the non-conforming use or other legal non-conformity continued, provided that the total cost of such restoration shall not exceed 50 percent of the current fair market value of the building or structure at the time of the damage, and further provided that such restoration shall be started within a period of six months and shall be diligently prosecuted to completion.
- c. No modification of location, buildings, structures, parking or other characteristics shall be made unless it results in closer approach to conformity with the present Regulations.
- d. The restoration of the building or structure and related improvements, including that work authorized as per subsection e. below, must be in accordance with all appropriate current flood damage prevention, fire, building and safety codes.
- e. For buildings or structures located within a non-residential zone, the current use of which is permitted within that zone, the following provisions shall apply.

Notwithstanding the provisions of subsection a., in the event of a casualty causing the destruction of all or damage to a part of a legally non-conforming building or structure, said existing building or structure may be restored in its pre-existing dimensions provided precise details of the size, shape, floor plan, specific type and location of use(s) and other aspects of the building or structure and related improvements shall be on file in the Darien Land Records or the permanent files of the Commission prior to the occurrence of such casualty. Appropriate documents for filing shall include:

- the final development plans for the building and site approved by the Commission and signed by the Chairman; or
- a set of complete plans prepared by a Registered Land Surveyor or Architect illustrating the details of the legally non-conforming building or structure as established prior to required Commission review and approval procedures. No such documents shall be filed until reviewed and approved by the Commission or its staff as being accurate representations of existing conditions and legally non-conforming status.

387. Existing Special Uses Deemed Conforming

Any use lawfully existing at the time of the adoption of these Regulations, or of any amendment thereto, in the zone in which use is classified herein as one requiring a Special Permit shall, without further action, be deemed to be a conforming use in such zone. Any extension of, or addition to, such use shall meet all requirements of these Regulations.