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ARTICLE 1

PURPOSES

1.0 STATEMENT OF PURPOSES:

The Planning and Zoning Commission of the Town of Easton, Connecticut, hereby adopts these Regulations in accordance with the purposes, authority and requirements of Chapter 124 of the General Statutes of the State of Connecticut, Revision of 1958 as amended, and more particularly, for the following purposes:

1. To guide the future growth and development of the Town in accordance with a comprehensive plan designed to promote the most beneficial and convenient relationship among the residential, farming, forest, commercial and public areas within the Town, considering the appropriateness of the various existing uses in each area, the suitability of each area for such uses, as indicated by existing conditions, and the needs of all the residents of the Town.
2. To provide adequate light, air and privacy; secure safety from fire and other dangers; and prevent overcrowding of the land and undue concentration of population.
3. To protect the character and the social and economic stability of all parts of the Town, and to ensure that all development shall be orderly and beneficial.
4. To protect and conserve the value of land throughout the Town and the value of the buildings appropriate to the various zones established by these Regulations.
5. To bring about the gradual conformity of the uses of land and buildings throughout the Town to these Regulations, and to minimize conflicts among the uses of the land and buildings.
6. To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the roads and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the Town.
7. To aid in providing a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprises in building, development, investment, and other economic activity relating to uses of land and buildings throughout the Town.
8. To assure development that is commensurate with the availability and capacity of public facilities and services, thereby avoiding overtaxing of transportation, water, sewage, schools, parks and other public facilities.
9. To prevent the pollution of ponds and streams; safeguard the water table and encourage the wise use and sound management of natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land, and to preserve and protect the water supply for the entire region.

10. To safeguard and protect the tranquility and quality of life throughout the Town and to provide for the health, safety and general welfare of the residents of the Town of Easton.

ARTICLE 2

CONSTRUCTION & DEFINITIONS

2.0 CONSTRUCTION

2.0.1 Except where specifically defined herein, all words shall carry their customary meaning and shall be construed to carry out the purposes of these Regulations. All words used in the present tense include the future tense; words in the singular number include the plural number (and visa versa); the word "person" includes corporations, partnerships and all other legal entities; the word "premises" shall include land and buildings thereon; and the words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied" unless the natural construction of the wording indicated otherwise. The word "shall" is always mandatory. Unless otherwise specified, all distances shall be measured horizontally.

2.0.2 TOWN means the Town of Easton; "Commission" means the Planning and Zoning Commission of the Town of Easton; "Town Clerk" means the Town Clerk of the Town of Easton; "Zoning Enforcement Officer" means the Zoning Enforcement Officer of the Town of Easton; "Board of Appeals" means the Zoning Board of Appeals of the Town of Easton; "Subdivision Regulations" means the land subdivision regulations adopted by the Commission pursuant to Chapter 126 of the General Statutes of the State of Connecticut and as they may be amended from time to time.

2.1 DEFINITIONS

2.1.1 ACCESSORY USE, BUILDING OR STRUCTURE: A use of a building, structure and/or a piece or parcel of land which use is customarily incidental and subordinate to the principal use or building located on the piece or parcel of land, or on a contiguous piece or parcel of land under the same ownership.

2.1.2 BUILDING: Any structure whether temporary or permanent having a roof used for the shelter, housing or enclosure of persons, animals, poultry, nursery stock materials, equipment, merchandise, vehicles or other tangible personal property.

2.1.3 BUILDING LINE: On any lot, a line parallel to the street or to one of the sides or rear boundary lines, at a distance that provides the required front, side, or rear yard, or at a greater distance when otherwise established by the Commission or when established by the owner and recorded in the Land Records.

2.1.4 CLUB: An association of persons, whether incorporated or unincorporated, which is a bona fide organization and which is the owner, lessee or occupant of premises operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose, or any combination of these purposes, but not for pecuniary gain, including the premises so operated.

- 2.1.5 DRIVEWAY: A paved or graveled roadway constructed on a lot designed and intended for use, or presently constructed on a lot designed and intended for use, or presently in use, as the means of vehicular access from a street to the site of a building or structure. (new 2/24/89)
- 2.1.6 DWELLING: A single detached building used by one family which is the principal building on a lot, constructed in conformance with the basic building code of the State of Connecticut but excluding trailers, mobile homes, or temporary structures. rev. 2/24/89
- 2.1.7 EXTERIOR DIMENSIONS: Dimensions of any building which define the height, width and length of the building and the surface area of all exterior walls.
- 2.1.8 FAMILY: One or more persons occupying one dwelling unit and residing and cooking together as a single housekeeping unit maintaining a common household. Any number of persons in excess of four occupying a dwelling unit shall be related by blood, marriage or adoption.
- 2.1.9 FARM: A tract of land containing five or more contiguous acres, the principal use of which is for agricultural purposes, including truck gardening and the raising and keeping of livestock, but excluding any facilities for the display, processing or sale of the products of the farm.
- 2.1.10 FLOOR AREA REQUIRED: Area within the exterior perimeter walls of the dwelling devoted to the exclusive use of its residents, excluding the areas of any utility room, basement, breezeway, porch or garage.
- 2.1.11 HOME OCCUPATION: An enterprise operated entirely within a dwelling by the resident thereof as an accessory use subject to the provisions of 6I.
- 2.1.12 KENNEL: The keeping of dogs and the boarding of dogs for show or sport, excluding the breeding and raising of dogs specifically for the purposes of selling them and further excluding the boarding of dogs for a fee.
- 2.1.13 LIVESTOCK: Domestic animals such as horses, cows, goats and sheep, but excluding more than 10 or more than 100 swine and poultry.
- 2.1.14 LOT: A plot or parcel of land, having the required frontage on a street and the minimum area as prescribed by these Regulations, occupied or capable of being occupied by one principal building and accessory buildings.
- 2.1.15 LOT (INTERIOR): A lot having no frontage on any public street or highway, but which has access to a public street or highway by means of an unobstructed easement for access and egress not less than twenty-five (25) feet nor more than fifty (50) feet wide and otherwise meets the requirements of Article 5 pertaining thereto. (rev 2/24/89)
- 2.1.16 LOT (FLAG): A lot having frontage on a public street or highway by means of an unobstructed accessway held in the same ownership. Such accessway shall be not less than twenty-five (25) nor more than fifty (50) feet wide at all points and not less than two hundred (200) feet from its intersection with the street line to the point at which it intersects with the main portion of the lot. A flag lot shall otherwise meet the requirements of Article 5 pertaining thereto. (new 2/24/89)

- 2.1.17 LOT, (CORNER): A lot having two adjacent sides which face a street or streets so that the interior angle of the intersection is not more than 120 degrees, provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than 50 feet. (new 2/24/89)
- 2.1.18 LOT FRONTAGE: The distance between the boundaries of a lot measured along the public street line or, where no public street line exists, along a line drawn at a distance of 25 feet from the centerline of the paved surface of the street.
- 2.1.19 MEDICAL OFFICE BUILDING (deleted 2/5/90)
- 2.1.20 MOTOR VEHICLE: Any passenger motor vehicle excluding campers, buses, trucks and other vehicles the primary function of which is other than transportation of people.
- 2.1.21 NON-CONFORMING LOT: Any parcel of land existing in separate ownership prior to June 25, 1941, which does not meet the requirements of Article 5 of these Regulations.
- 2.1.22 NON-CONFORMING USE: A use of land or building that, notwithstanding the conforming of the building or the lot, does not meet the use provisions of the Zoning Regulations as of the date such use was first regulated by the Commission.
- 2.1.23 NON-CONFORMING BUILDING OR STRUCTURE: A building or structure that, notwithstanding the use of the building or structure, does not conform to the applicable sections of the Zoning Regulations as of the date such building or structure was first regulated as to its size, shape, number of stories or area by the Commission.
- 2.1.24 NURSERY GARDEN: A facility where plants (such as trees and shrubs) are grown for transplanting, for use as stocks for budding and grafting, or for sale.
- 2.1.25 NURSERY SCHOOL: A facility which provides care and instruction for children under the age of six for a fee.
- 2.1.26 OPEN SPACE: An unoccupied space open to the sky not on the same lot as a building.
- 2.1.27 POND: A natural or man-made body of water exceeding 1,000 square feet in area.
- 2.1.28 PREMISES: That portion, or all, of a lot or building actually in use or proposed for the specific purpose or use under consideration.
- 2.1.29 PROFESSIONAL OFFICE: An office, entirely within a dwelling, operated by a professional person residing therein, or within a medical office building or clinic, subject to the requirements of Section 6.1 and Article 7.
- 2.1.30 SIGN: An outdoor device constructed of any material intended to carry or carrying a visual message or image identifying or promoting a business, profession, occupation, use or person, subject to the provisions of Section 5.6.
- 2.1.31 SIMILAR USE: A use which the Commission shall find to be similar to a permitted use.

2.1.32 TRUCK GARDEN: A facility, other than a farm, where edible produce is grown for ultimate sale, on site or off site, to the public.

ARTICLE 3

DISTRICTS

3.1 DISTRICTS:

The Town is hereby divided into two districts which are described as follows:

3.1.1 DISTRICT A:

The portion of the Town which is bounded as follows: Beginning at a point where Morehouse Highway meets Congress Street; thence, northerly, westerly and northerly again along Morehouse Highway to Beers Road, so-called; thence northerly again along Morehouse Highway a distance of 1,000 feet; thence by a line 1,000 feet northerly of and parallel to Beers Road, easterly to Sport Hill Road; thence again by a line 1,000 feet northerly of and parallel to Flat Rock easterly to South Park Avenue, thence southerly along said South Park Avenue to the point where the Towns of Trumbull, Fairfield and Easton adjoin; thence southwesterly along the boundary line between the Towns of Fairfield and Easton to the place or point of beginning.

3.1.2 DISTRICT B:

All the rest and remainder of the Town not a part of District A shall comprise District B.

3.2 ZONING MAP:

The zone district boundaries are shown on a map, entitled "Zoning Map - Town of Easton, Connecticut, dated January 26, 1969", prepared by W. T. Kellogg, professional engineer, which map is a part of these Regulations. Changes in zoning classification of any area in the Town, as may be approved in accordance with these Regulations and the Connecticut General Statutes, shall be so indicated on a revised zoning map and filed with the Town Clerk.

3.3 BOUNDARIES:

Zone boundaries are shown either along the centerlines of streets, along lines parallel to streets and at the distances indicated on the map, the thread of natural watercourses, or property lines of parcels existing on the effective date of the Zoning Map.

3.4 APPLICATION:

These Regulations shall apply to land under water as well as land above water.

ARTICLE 4

USES

4.0 GENERAL:

No building, structure or premises shall be built, erected, altered, used, arranged or designed to be used for any purpose other than those specified in this Article. Only those uses specifically listed as being permitted shall be permitted. All new construction shall require a certificate of zoning compliance in accordance with Article 9.

4.1 PERMITTED USES:

4.1.1 Single family dwelling, not to exceed one per lot.

The following are permitted uses in District A, District B and all lots located in existing approved subdivisions.

4.1.2 Farming, nursery gardening and truck gardening.

4.2 PERMITTED ACCESSORY USES:

The following are permitted accessory uses in District A, District B and all building lots located in existing approved subdivisions.

4.2.1 Professional office or home occupation, subject to the provisions of Section 6.1.

4.2.2 The keeping of roomers or boarders subject to the provisions of Section 6.2.

4.2.3 (Revised 2/88) (Restated as follows:) The incidental display, processing and sale of produce, nursery and greenhouse stock and/or other products of a farm, nursery garden, or truck garden operated pursuant to Section 4.1.2 and Section 4.1.11 of the Regulations, raised on or in such farm, nursery garden, or truck garden by the operator thereof, provided that the areas, facilities and intensity of use devoted to the display, processing and sale shall be incidental to the permitted principal farming use of the farm, nursery garden, or truck garden. In no case shall the buildings or structures devoted to the display, processing, and sale of said produce, nursery and greenhouse stock and other produce exceed 1,000 square feet of floor space in aggregate.

A. If products are displayed and sold on the premises, provision shall be made for at least ten (10) off-street parking spaces plus a reserve off-street area having capacity for up to twenty (20) additional spaces. Within this limit, the Commission may at any time require activation of some or all of the reserve spaces, based on safety and traffic observations. Following notification of

this requirement, owner shall activate the reserve spaces within a period of sixty (60) days. With the Commission's consent, this period may be extended for an additional thirty (30) days.

- B. Provision shall be made for safe and convenient access from an adjoining public street so that vehicles may simultaneously and safely be able to enter from and exit to that street. The main factor in judging safety will be sight line distances.
- C. In the interest of public safety, the Commission reserves the right to require at the expense of the applicant additional safety measures, including but not limited to the employment at owner/operator's expense of a qualified traffic control officer at specified times, and the installation of caution signs or other warning devices on the public street, such signs and devices being approved for use by the Town or State, as may be applicable.
- D. As an accessory use to the operation of a farm or nursery garden on which Christmas trees are grown for sale to the public, the display and sale of Christmas trees not grown on the premises is permissible during a period of no more than thirty (30) days commencing no earlier than December 1 of any year, subject to the Commission's approval of a permit applied for in duplicate no later than November 1 of the same year, subject also to each and every provision of Section 4.2.3.

The information furnished using the Commission's form shall clearly show that the applicant will make (or has made) provision for:

- 1. A minimum of twenty (20) off-street parking spaces, plus reserve spaces.
- 2. Safe and convenient access to an adjoining public street in accordance with Section 4.2.3.b.
- 3. A first-time fee of \$25.00 shall accompany the application; thereafter a renewal fee of \$10.00. The Commission shall approve, deny, or approve the application subject to the satisfaction of specified conditions as provided under these regulations. If the application is denied the Commission shall state the reason therefor.
- 4. Parking spaces as per 4.2.3.a.

4.2.5 Signs subject to the provisions of Section 5.6.

4.2.6 Garden house, tool house, swimming pool (subject to Section 5.7), tennis court (subject to Section 5.8), playhouse or other accessory use customarily incident to the residential use of the premises and not operated for profit and not used as a residence.

4.2.7 Off-street parking facilities for the use of the occupants of the premises and their guests, subject to the provisions of Section 5.10.

4.2.8 Kennel, when conducted by the resident occupant, provided that no more than four dogs are kept on the premises at any time, not counting dogs less than six months old which are offspring of other dogs on the premises.

4.2.9 (amended 7/8/85) On any lot having not less than 10 acres and on which there is a residence, an accessory building also located on said lot may be used in whole or in part for residential purposes solely for the housing of no more than three full-time employees of the resident occupant who are employed on the premises in positions customarily relating to any permitted residential use of the premises, provided that members of the family of the current occupant of the principal residence shall not occupy the accessory building as full time employees. The occupant of the principal residence shall file with the Commission in January of each year such evidence as may reasonably be required to substantiate the employment of the occupant of the accessory building by the occupant of the principal residence. Nothing in this Section shall be construed to permit the use of an accessory building for any residential purpose other than as stated above.

4.3 USES PERMITTED BY SPECIAL PERMIT

The following uses are subject to the special permit approval procedure, requirements, and conditions specified, if any, set forth in Article 7.

- 4.3.1 Public school and related facilities.
- 4.3.2 Churches or synagogues, including parish house or rectory, subject to the provisions of Section 7.3.
- 4.3.3 Uses of the Town including municipal recreation facilities, firehouse, police station or public library.
- 4.3.4 Museum or art gallery, not operated for profit subject to the provisions of Section 7.3.
- 4.3.5 Private school having a comprehensive curriculum of studies approved and licensed by the State of Connecticut, comparable to that of a public school, having an enrollment not exceeding 100 students and located on not less than 10 acres, and subject to the provisions of Section 7.3.
- 4.3.6 Nursery school conducted by the resident occupant of the premises, subject to the provision of Section 7.3.
- 4.3.7 Private recreation club located on not less than 10 acres, not operated for profit, the use of which has been approved by the Commission, subject to the provisions of Section 7.3.
- 4.3.8 Riding stable or academy, subject to the provisions of Section 7.4.
- 4.3.8 Watershed facility or water supply facility.
- 4.3.9 Public utility transmission line or pipeline.
- 4.3.10 Public utility substation, pump station or compressor station.
- 4.3.11 Cemetery located on not less than 10 acres.
- 4.3.12 Clearing, grading, regrading, removing or deposit of earth material, when conducted in conjunction with a principal use as described in this Article and subject to the provisions of Sections 7.5 and 9.1. (and the Soil Erosion & Sedimentation control Regulations)

4.3.13 Farmer's Market subject to the provisions Section 7.7 of Article 7. (Added 5/9/94)

4.3.14 Apartments subject to the provisions of Section 7.8 of Article 7. (Added 2/ /95)

4.3.15 Reserved for future use

4.3.16 Wireless Telecommunications Facilities subject to provisions of Section 7.10 of Article 7.

ARTICLE 5

GENERAL REQUIREMENTS

5.0 COMPLIANCE WITH REGULATIONS:

- 5.01 No land, building, structure or part thereof shall hereafter be used, and no building or part thereof or other structure shall be constructed, reconstructed, extended, enlarged, moved or altered except as provided in these Regulations.
- 5.02 Any activity undertaken in the Town of Easton, pursuant to any portion of these regulations, must meet the requirements of the applicable portion of the chapter entitled "Environmental Quality" set forth in the publication "Conservation and Development Policies Plan for Connecticut", as the same may be amended from time to time and adopted by the State Legislature, to the extent not inconsistent with these regulations.
- 5.03 In addition, any activity undertaken in the Town of Easton in the watershed of a public water supply, pursuant to any portion of these regulations, must meet the requirements of the applicable portion of the chapter entitled "Water Supply" set forth in the above-named publication, and shall also be in accordance with the applicable portion of the publication entitled "Protecting Connecticut's Water Supply Watersheds - A Guide for Local Officials", published by the Connecticut Department of Environmental Protection, to the extent not inconsistent with these regulations.

5.1 MINIMUM LOT AREA:

5.1.1 District A

The minimum lot size is 40,000 square feet of land that are contiguous and not separated by one or more roads, provided that a minimum of 34,000 square feet consists of land that is not classified as wetlands by the Town's Conservation Commission.

5.1.2 District B

The minimum lot size is 3 acres of land that are contiguous and not separated by one or more roads, provided that a minimum of two acres consist of land that is not classified as wetlands by the Town's Conservation Commission.

5.1.3 Flag lots & Interior lots (New 2/24/89)

The area of any interior or flag lot exclusive of its easement or accessway shall have at least the area required of lots for the District in which such lot is located.

5.2 ACCEPTABLE LOT SHAPE:**5.2.1 District A**

The shape of the lot must be such that it can contain a square measuring at least 150 feet on each side.

5.2.2 Districts other than District A.

The shape of the lot must be such that it can contain a rectangle having dimensions of 150 feet by 175 feet.

5.3 ROAD FRONTAGE:

5.3.1 (Rev. 2/24/89) Except for interior and flag lots, a lot shall have frontage on a public street or highway of not less than two hundred (200) feet.

5.3.2 Corner lots shall have at least 200 feet of frontage on each of the intersecting roads.

5.3.3 (New 2/24/89) A flag lot shall have frontage on a public street of not less than twenty-five (25) nor more than fifty (50) feet. See Section 5.13

5.4 MINIMUM YARD REQUIREMENTS:

5.4.1 The minimum front yard shall measure no less than 50 feet at any point when measured perpendicularly to the street line, but in no case shall the structure be less than 75 feet from the center line of the paved surface of any street. The minimum side and rear yards shall measure no less than 40 feet when measured perpendicularly to the respective yard lines. 1983 Revised 2/24/89

5.4.2 The front, side and rear yards may be occupied by normal appurtenances substantially at ground level, such as a driveway, access bridge, or terrace; also by a wall or fence no higher than six feet, a mailbox or a driveway light post.

5.5 BUILDING SIZE:

5.5.1 A one story dwelling shall have a floor area of at least 1,500 square feet.

5.5.2 A two story dwelling shall have a floor area of at least 1,000 square feet on the first floor and at least 600 square feet on the second floor. Should a two story dwelling have at least 1,500 square feet on the first floor, there shall be no minimum square footage requirement for the second floor.

5.5.3 Split level and raised ranch style houses shall conform to Section 5.5.2, except that any area having a floor level 3 feet or more below grade shall not be counted toward the minimum floor area requirement.

5.5.4 The maximum height of any dwelling shall be no more than two stories plus attic, but in no event higher than 35 feet above grade, with reference to the highest elevation where the foundation meets grade.

5.6 SIGNS:

- 5.6.1 No sign shall be artificially illuminated.
- 5.6.2 No sign shall be larger than 4 square feet.
- 5.6.3 Not more than one sign shall be permitted on any lot or tract land. Signs for goods or services must be located on the premises where the goods or services are sold.
- 5.6.4 Municipal signs relating to public health, safety, information or other public use may be of such size and location as approved by the Commission. Signs regulating traffic on public roads or streets, when approved by the appropriate municipal or State authority, do not require Commission approval.

5.7 SWIMMING POOLS:

- 5.7.1 All inground swimming pools shall be fenced securely, and access to all above ground swimming pools shall be protected by a gate normally kept closed.
- 5.7.2 Before any swimming pool is artificially illuminated, the plans for its illumination shall be approved by the Commission.

5.8 TENNIS COURTS:

- 5.8.1 All tennis courts shall be set back a minimum of 40 feet from any property line and 50 feet from the street line.
- 5.8.2 Before any tennis court is artificially illuminated, the plans for its illumination shall be approved by the Commission.

5.9 TAG SALES:

- 5.9.1 The following limitations shall apply to all tag sales:
- A. A tag sale may be conducted only by the owner of the premises where the sale is taking place;
 - B. There shall be no more than one tag sale per year on the premises;
 - C. The duration of the tag sale shall not exceed three days;
 - D. Only articles owned by the owner of the premises may be sold at the sale.

5.10 PARKING

- 5.10.1 All buildings or structures which are not used for single family occupancy shall provide for off-street parking to be approved by the Commission.
- 5.10.2 Parking of commercial and construction vehicles is not allowed except for operating agricultural vehicles, panel trucks and pick-up trucks. This prohibition shall not apply to construction vehicles engaged in a construction project which may be parked at the site while construction is in progress.

Parking for commercial vehicles providing a necessary municipal service as determined by the Commission may be allowed by special permit as provided in Article VII.

5.11 EXTERIOR LIGHTING:

5.11.1 No exterior lighting shall be installed so as to cause off-site glare.

5.12 ERECTION AND SITING SATELLITE RECEIVERS: (NEW 1986)

DEFINITION: Any device of the "dish" type, such as a satellite receiving dish, a satellite earth station or television dish antenna, which is designed, (manufactured or intended) to receive micro-wave signals or satellite transmission, (from a transmitter or transmitter relay located in planetary orbit), for use by the resident property owner.

- 5.12.1 Satellite dish receivers shall be considered structures and shall be subject to all applicable building and zoning permits. 1983 (New 1986)
- 5.12.2 These receivers, whether freestanding or part of another structure, shall meet all applicable height and setback requirements for each zone.
- 5.12.3 Freestanding satellite dish receivers shall be screened by sufficient plantings or other appropriate screening of height and density sufficient to block the view of the receivers at the property lines. (If plant materials are used for the screen, the screen must be completed within three years of the initial planting. If a fence or wall is used for screening, exterior plantings must hide 50 percent of the fence or wall and be completed within three years of installation.)
- 5.12.4 The receivers and screening shall be located so as not to interfere with required sight line distances, utility lines and radio and television reception.
- 5.12.5 All receivers shall be of a type and design approved by the FCC and shall comply with all other appropriate standards.
- 5.12.6 Installation and construction of receivers must comply with the applicable building code regulations.
- 5.12.7 All receivers shall be permanently ground-mounted, and no antenna may be installed on a portable or moveable structure, such as a trailer.
- 5.12.8 All receivers shall be neutral in color and, to the extent possible, shall be compatible with the surrounding neighborhood in appearance and character.
- 5.12.9 No form of advertising or identification shall be allowed on the dish or framework other than manufacturers' small identification plates.
- 5.12.10 The dish shall only be used for private, non-commercial use.
- 5.12.11 Not more than one dish shall be allowed on a given residential lot.
- 5.12.12 Satellite dishes shall not be connected to receivers which are not located on the same lot as the satellite dish.
- 5.12.13 Satellite dishes shall not be roof-mounted on residences (unless the property owner demonstrates to the satisfaction of the Commission that a satellite dish of adequate size can not be located at any other site on his property except the roof of the residence. Such a roof-mounted satellite dish

must conform to the zoning district's height limitations and its installation must be checked for safety by a registered engineer or architect).

5.13 INTERIOR AND FLAG LOTS: (NEW 2/24/89)

5.13.1 Interior and flag lots shall not be permitted except under the following conditions:

- A. Use of each interior or flag lot shall be limited to one (1) single family residence. 1983 (New 1986)
- B. Each easement and accessway shall be not less than twenty-five (25) feet nor greater than fifty (50) feet wide at all points.
- C. Within the boundaries of each easement and accessway shall be a graveled or paved driveway which satisfies the requirements of Article 5.14.
- D. Each easement and accessway shall serve no more than one (1) interior lot and one (1) flag lot, respectively. Abutting easements and accessways shall not be permitted.
- E. Each interior lot and each flag lot and the use thereof shall otherwise comply with all other requirements of the Zoning Regulations, including, but not limited to, lot shape and minimum front, rear, and side yard requirements for the District in which such lot is located.
- F. If the easement or accessway providing access to an interior or flag lot terminates at a location where two boundaries of the main portion of the lot intersect, the angle included by said boundaries when projected shall be not less than sixty (60) degrees.

5.14 DRIVEWAYS: (NEW: 2/24/89)

Driveways constructed on all lots including interior or flag lots, are subject to regulations in the interest of safety, aesthetics, and the proper disposal of storm water. The following requirements are among those to be satisfied prior to the issuance of a Certificate of Zoning Compliance.

5.14.1 Design for large vehicles

- A. Each driveway serving a dwelling shall be designed and constructed to handle large vehicles, including emergency apparatus.
- B. At all points, including bridges and curves, the roadway must be capable of supporting an H-20 wheel loading.
- C. Entrance gate posts, pillars or arches must be located and constructed so as not to impede the entrance of any of the Town's fire apparatus

5.14.2 Width

- A. Driveways having a length of no more than 200 feet shall be no less than ten (10) feet wide.
- B. Longer driveways shall have a width of no less than twelve (12) feet.
- C. In all cases, the turning radius at the centerline of any curve shall be no less than thirty (30) feet.

5.14.3 Clear Area

Owner shall maintain said driveway, width of roadway and turning radius areas free of obstructions.

5.14.4 Safety barriers

In the construction of all driveways, regardless of length, due consideration must be given to the need for safety barriers for safe travel along embankments and steep slopes.

5.14.5 Aprons

That segment of a driveway which extends from the paved surface of a street to the abutting property line shall be constructed as required under the applicable Town Ordinance.

5.14.6 Gradient

- A. First 35 feet: On that segment of a driveway extending from said abutting property line to a point where the distance from such point to the centerline of the intersecting street is no less than thirty-five (35) feet, the gradient shall not exceed five (5) percent.
- B. Elsewhere, the gradient shall not exceed twelve percent; provided, however, that the Commission may allow for one segment up to fifty (50) feet long in which gradients which do not exceed 15 percent at any point following its consideration of site grading and safety factors. No curve shall be allowed in any segment where the gradient exceeds twelve (12) percent.

5.14.7 Dual Frontage Lots

If a lot has frontage on two (2) streets having different classifications reflecting differences in traffic volume, the driveway shall be connected to the street having the lower classification (lower traffic volume) except that in situations peculiar to specific sites, the Commission may, after consideration of safety, environmental, and topographical factors, require that the driveway be connected to the street having the higher classification.

5.14.8 Storm Water Drainage

- A. Driveways shall be constructed in a manner that will not discharge storm water onto a Town street.
- B. Discharge of storm water to a Town storm drainage system is allowed only with prior approval of the Commission.

5.14.9 Protection of Trees

Driveways shall be located with the objective of preserving and protecting existing trees having a diameter of no less than 24 inches and located within twenty (20) feet of the street line, and construction activities shall be conducted in a manner that protects such trees from damage due to filling, excavating, or other site work. 1983 (New 2/24/89)

ARTICLE 6

SPECIAL CONDITIONS

6.0 GENERAL

The following requirements must be complied with before the conducting of certain uses within any building, structure or upon any premises.

6.1 PROFESSIONAL OFFICES AND HOME OCCUPATIONS:

- 6.1.1 **PROFESSIONAL OFFICES:** Use as the principal office of a physician, dentist, psychologist, attorney, engineer, architect, landscape architect, teacher, artist, musician, sculptor, writer, photographer, real estate agent, insurance agent, accountant, veterinarian and other professional persons is a permitted use provided that any such use shall be conducted by resident occupants only with not more than one non-resident employee on the premises, whether full or part time, and further provided that all of the requirements of Section 6.1.3 are met.
- 6.1.2 **HOME OCCUPATION:** Use for services rendered by a dressmaker, milliner, home cook, plumber, electrician, cabinetmaker, carpenter or home repair or service person is a permitted use provided that any such use shall be conducted by resident occupants only and further provided that all of the requirements of Section 6.1.3 are met.
- 6.1.3 The uses permitted under Sections 6.1.1 and 6.1.2 shall comply with the following standards:
- A. The use shall be located in the same building in which the resident occupant resides, and there shall be no outside storage or other external evidence of the use other than as specifically permitted by this Section.
 - B. The space employed for the use shall not exceed one-fourth of the total floor area of the residence building.
 - C. The use shall not create any noise, odor or unsightly condition noticeable beyond the boundaries of the premises on which the use is conducted.
 - D. There shall be no display or advertising, except a small nameplate not exceeding 2 square feet in area.
 - E. No more than one commercial vehicle shall be used in connection with the use, and the vehicle shall be garaged or otherwise screened from view of adjoining properties or from the street when not in use.

- F. All products sold on the premises shall be made or grown on the premises, except for the sale of items which are incidental to the providing of a permitted service.
- G. Parking area or areas shall be subject to the approval of the Commission as being of sufficient size for the proposed use, suitably screened with evergreen planting, walls or fences, or combinations thereof, and with entrance and exit drives designed and located so as to minimize traffic hazards.
- H. Where the proposed use involves the alteration of or addition to a structure designed and built originally for other uses, the structure must be adaptable to the proposed use from the point of view of public health and safety, and the other requirements of these Regulations.
 - (1) There shall be no mechanical or structural fabrication or assembly of any products or items, except that which is incidental to the performing of a permitted service, as determined by the Commission.
- I. Daily traffic to or from any permitted accessory use shall not exceed a level commensurate with the health, safety and stability of the area, as determined by the Commission.
- K. The use shall have no adverse effect upon the neighborhood in which the use is to be conducted.

6.2 ROOMERS AND BOARDERS:

The keeping of roomers or boarders shall not be permitted except subject to the following conditions:

- 6.2.1 No more than 3 roomers or boarders may be accommodated on any lot, and off street parking must be provided for motor vehicles belonging to such roomers or boarders.
- 6.2.3 The leasing of rooms and taking of boarders may be conducted only by owner occupants.
- 6.2.3 Roomers and boarders must be accommodated within the principal building and shall not be provided with any separate kitchen facilities.
- 6.2.4 Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, motels, inns, taverns or roadhouses or other places of public accommodation.

ARTICLE 7

SPECIAL PERMITS

7.1 GENERAL PROVISIONS:

Those uses identified in these Regulations as requiring special permits shall be deemed to be permitted uses, subject to the satisfaction of the requirements and standards set forth in this Section, in addition to all other requirements of these Regulations. All such uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case.

7.2 PROCEDURES

7.2.1 APPLICATION FOR SPECIAL PERMIT: Application for a special permit shall be made to the Commission on a form prescribed by the Commission. The application shall be accompanied by 4 black and white prints of the proposed plan as required by Section 7.2, and stamped envelopes addressed to each of the owners of property within 250 feet of any portion of the lot on which the proposed special permit is located. The application fee for a special permit shall be set from time to time by the Commission and shall be paid at the time the application is filed. The Commission shall hold a public hearing thereon, with the same notice as required for zoning amendments, and, within 65 days of close of such hearing, either approve, modify and approve, or disapprove such application. The Commission may approve the application and issue a special permit provided it finds that all of the following conditions and standards have been met:

- A. The proposed use will serve a community need or convenience.
- B. The location and scope of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to street providing access to it, are such that it will be in harmony with the appropriate and orderly development of the neighborhood in which it is located.
- C. The location, nature and height of all improvements, buildings, structures, walls and fences and the nature and extent of landscaping, screen plantings and exterior illumination on the site, are such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings or impair the value thereof.
- D. Operations in connection with any such special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or other characteristics, than would be the operation of any permitted use not requiring a special permit and will not impose an undue burden on Town facilities.
- E. The parking area will be of sufficient size for the proposed use and shall be properly located and suitably screened with planting, walls or fences, or combination thereof, as required by the

Commission, and the entrance and exit drives shall be designed and located so as to minimize traffic hazards.

- F. Unless the facility is served by public water supply and municipal sanitary sewer, the source of water supply and the sewage disposal system are sufficient for the proposed use and are approved by the Town Health Officer and any other applicable governmental agency.
- G. In cases where it is proposed to convert a building or structure originally built and designed for other purposes, it must be shown that such a building or structure is adaptable to the proposed use from the point of view of public health and safety and meets the other requirements of these Regulations, as determined by the Commission.

7.2.2 **REQUIRED PLAN:** A plan for the proposed development of a lot for a special permit shall be submitted with the special permit application. The plan shall show the location of all existing and proposed buildings, uses, parking areas, traffic access and circulation drives, open spaces, landscaping, topography (including regraded contours), leaching fields and sewage disposal system, signs, exterior lighting, special features and any other pertinent information, including information about neighboring properties, as determined by the Commission. An application shall not be considered complete until the plan with all of the foregoing data on it has also been submitted.

7.2.3 **CONDITIONS:** The Commission may attach such conditions to any approval as are necessary to assure compliance with all applicable standards and requirements under these Regulations.

7.2.4 **ACTION FOLLOWING APPROVAL:** Within 15 days of the approval of a special permit, the Commission shall file with the Building Inspector and Zoning Enforcement Officer one print of the approved plans, with the approval noted thereon, and a copy of the Commission's resolution including any conditions pertaining to the approval. One print of the plan and the resolution shall be made available to the applicant.

7.2.5 **EXPIRATION OF SPECIAL PERMITS:** A special permit shall authorize only the particular use or uses specified in the permit. It shall expire if the use or uses shall cease for more than one year for any reason, or if all required improvements are not completed within one year from the date of issue, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

7.3 CHURCH OR OTHER PLACE OF WORSHIP, MUSEUM, ART GALLERY, PRIVATE SCHOOL, PRIVATE RECREATION CLUB, NURSERY SCHOOL (DELETION ON 2/5/90); (MOVED FROM ART 6 - 11/93)

7.3.1 **LOCATION:** All such uses shall be permitted only in locations fronting on or having direct, safe and convenient access to, a major or collector road.

7.3.2 **COVERAGE:** Building coverage shall not exceed 10% of the site area. The total of the land covered by all buildings, structures and other improvements including parking areas and driveways shall not exceed 30% of the site area.

7.3.3 **SETBACKS:** All principal structures shall be set back from any adjoining street line a distance equal to at least 150% of the required front lot setback distance for residence buildings. Minimum setbacks from other property lines shall be twice the distance required for residence buildings.

7.3.4 PARKING: Location of off-street parking shall be determined according to the following standards:

- A No parking shall be permitted in the front yard except for necessary access drives.
- B No parking area shall be located within 50 feet of any property line.
- C All parking areas and access drives shall be located so as not to adversely affect the character of the neighborhood in which the premises are located.
- D Should the layout of the property including the improvements and the parking warrant parking to be located in front of the structure, the Commission may permit up to 10% of the off-street parking in front of the structure provided that the parking is designed and limited to visitor use and the foregoing standards.

7.3.5 BUFFER AREAS: A buffer area shall be required along property lines adjoining residential or undeveloped properties. The buffer area shall be at least 50 feet in width and contain evergreen planting of such type, height, spacing and arrangements as will adequately screen the activity on the premises from neighboring residential areas. Such required landscaping shall be properly trimmed and maintained in good condition at all times during the duration of the use in connection with which it is required. The Commission may permit a wall or fence, of location, height, design and materials approved by the Commission as providing equivalent screening, to be substituted for part or all of the required planting.

7.3.6 RECTORIES: No more than 1 rectory shall be permitted for each church and the rectory shall be a single family dwelling housing one family as defined in Section 2.7, except that in the case of unmarried clergy no more than 5 persons, unrelated by blood shall be permitted to reside in the rectory.

Living accommodations shall not be permitted in church or synagogue buildings or in parish houses.

7.4 BOARDING AND STABLING OF HORSES OR RIDING ACADEMIES:

The boarding of horses for commercial purposes and/or the stabling of horses for riding academies shall be permitted only when the following conditions are complied with, in addition to all other applicable provisions of these Regulations.

7.4.1 The site shall contain at least 10 acres of which not more than one-third shall be classified wetlands by the Town's Conservation Commission.

7.4.2 No stable or covered riding ring shall be erected within 100 feet of any property boundary; no riding ring or paddock shall be erected within 40 feet of any property boundary.

7.4.3 Fencing or other suitable enclosure shall be provided as determined by the Commission.

7.4.4 Any use of the premises shall not adversely affect or pollute any wetland or watercourse or create a condition adversely affecting adjacent property.

7.5 EARTH MATERIALS REMOVAL: (MOVED FROM ART 6 11/93)

7.5.1 SPECIAL PERMIT: No person shall within the Town excavate or otherwise remove soil, loam, clay, sand, gravel, rock or any other natural material (hereinafter collectively referred to as "materials") for sale or use on any premises other than on the premises from which the materials are taken (except from land owned or leased by the Town) unless a permit for such removal has first been obtained pursuant to these Regulations.

7.5.2 APPLICATION: The Commission shall grant permission for the removal of materials only after receipt and consideration of a written application submitted by the owner/user of the premises on which the materials are located.

7.5.2.1 The application shall state the commencement and completion dates for the proposed work, the extent and location of the removal operation, the effects it will have when completed on the grades and the other physical features of the premises, the name of the proposed remover if different from the owner and such other information as the Commission may request.

7.5.2.2 The Commission may request an informal meeting with the applicant in order to obtain additional information about the proposed project.

7.5.2.3 Maps and plans of the project, if requested by the Commission, shall show the following:

- A. the location and exterior limits of the area to be excavated or graded, property lines and streets adjoining the lot and the names of owners of property adjoining the premises;
- B. existing contour lines on the premises to be excavated or graded, drawn to a scale of one inch equals 40 feet and with a contour interval not exceeding 2 feet;
- C. proposed contour lines within the area to be excavated or graded, drawn to a scale 1 inch equals 40 feet and with a contour interval not exceeding 2 feet;
- D. existing and proposed drainage on the premises and existing rivers, streams, water courses, ponds and swamps on or within 200 feet of the premises;
- E. proposed vehicular access to the premises and any proposed work roadways;
- F. the location on the premises of any wooded areas, rock outcrops and existing and proposed buildings and structures; and
- G. an estimate of the number of cubic yards of material to be excavated, graded or removed.

7.5.3 PROCEDURE: Within 60 days after receipt of a complete application, the Commission shall hold a public hearing on the application. Within 65 days after the public hearing, the Commission shall approve the application, approve it subject to modifications or disapprove the application. The applicant may consent in writing to an extension of time for action on the application. The Commission may request the applicant to submit additional information. Notice of a public hearing shall be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than 2 days, the first not more than 15 days nor less than 10 days, and the last not less than two (2) days before the hearing. The grounds for disapproval of an application shall be

stated by the Commission in its records. Failure to submit additional information requested by the Commission shall be grounds for disapproval of the application.

7.5.4 FACTORS TO BE CONSIDERED BY COMMISSION: In arriving at its decision, the Commission shall be guided by and take into consideration the public health, safety and general welfare and particular consideration shall be given to the following factors:

- A. Soil erosion by water and wind;
- B. Drainage;
- C. Soil fertility;
- D. Lateral support slopes and grades of abutting streets and lands;
- E. Land values and uses;
- F. Road traffic;
- G. Environmental protection;
- H. Sewage;

(1) Such other factors as may bear upon and relate to the coordinated, adjusted and harmonious physical development of the Town.

7.5.5 CONDITIONS OF APPROVAL: If, after examining the application, the map provided for in Paragraph 7.5.2 and the premises, the Commission shall be of the opinion that the proposed excavation and removal of topsoil or subsoil materials will not create conditions inimical to the public health, welfare and safety, and will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values, or create any damage to the environment or drainage or sewage problems or other conditions of danger, the Commission may grant in writing permission to excavate and remove the materials. Alternatively, the commission may grant permission with stipulations, or may deny permission without prejudice.

7.5.5.1 OPERATION: The owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions and in such a manner that the area shall be properly leveled off, cleared of debris, and graded to conform with the contour lines and grade as approved by the Commission.

7.5.5.2 NO MACHINERY TO BE ERECTED: No sorting, grading, crushing or other machinery for the treatment of excavated material shall be maintained or erected on the premises from which permission to excavate and remove materials may be granted.

7.5.5.3 STORAGE OF TOPSOIL: The owner of the premises or the person in charge of the excavation and removal of materials when permission has been granted, shall not take away the top layer of arable soil for a depth of at least six inches, but such top layer of arable soil to a

depth of six inches shall be suitably set aside for retention on the premises, and shall be re-spread over the premises when the excavation and removal of the materials has been completed pursuant to the levels and contour lines and map approved by the Commission.

7.5.5.4 HOURS OF OPERATION: Excavation or removal operations shall be conducted during daylight hours on weekdays (except holidays) only.

7.5.5.5 BOND: The applicant shall file with the Commission cash, a savings account or surety bond, in form and with surety acceptable to the Town in an amount to be determined by the Town Engineer and approved by the Commission to assure the faithful performance of the work in accordance with the provisions of this Section. The bond shall also guarantee to the Town reimbursement for the cost of any repairs to Town or State roads that may be necessitated because of damage caused by transport of the excavated materials.

7.5.5.6 TIME LIMIT: Any permit issued by the Commission under the provisions of this Section shall expire no later than one year from the date of its issuance but may be extended by the Commission for good cause shown for such additional period as the Commission may determine.

7.5.5.7 LIABILITY INSURANCE: The applicant shall obtain and maintain public liability insurance with limits of not less than \$300,000.00 for personal injury and \$100,000.00 for property damage and shall furnish a certificate of insurance to the Commission. In the event of cancellation of this insurance, the permit shall terminate.

7.5.5.8 ACCESS BY TOWN: The Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the premises for the purpose of inspection and determination of compliance with this Section; the Commission may require the applicant to submit periodic reports, prepared by a licensed land surveyor or civil engineer, showing the status and progress of the work.

7.5.6 REVOCATION OF PERMIT: If it shall appear to the Commission or the Zoning Enforcement Officer at any time after the issuance of a permit under the provisions of this Section and prior the completion of the work thereunder that the work is not in accordance with the permit, the Commission or the Zoning Enforcement Officer, as the case may be, shall notify the permittee of any such violation by registered mail, return receipt requested, and the permittee shall cease all such work until the permittee shall show cause to the Commission that the permittee shall be allowed to resume such work. If the permittee shall the Commission may revoke the permit and take such other action as shall be suitable against the permittee and/or the surety on the permittee's bond.

7.5.7 PENALTIES: Any person, firm or corporation who shall violate any provision of this Section shall be subject to penalties and fines in accordance with the General Statutes of the State of Connecticut. Any such penalties shall be in addition to and shall not preclude the right of enforcement by injunction or other lawful means or the collection of damages for the violation of these Regulations.

7.5.8 DAMAGE TO ROADS: Any person who obtains a permit and who shall cause any damage to any Town road shall be liable for the cost of repairing the damage and shall reimburse the Town for such cost immediately upon demand by the Town.

7.5.9 EXEMPTIONS: The provisions of this Section shall not apply to the excavation and removal of materials from one part of an owner's land to another part of the same tract or parcel of land of the owner when such excavation and removal is not for the purpose of selling materials and is done as part of any one or more of the following projects:

- A. A bona fide agriculture or farming project;
- B. A minor landscaping project;
- C. The construction or alteration of a building or structure on the premises and excavating or grading incidental thereto provided a building permit has been issued for such construction or alteration;
- D. The construction, improvement or changing of contours or grades of proposed roads or of lots approved by the Commission, in accordance with a subdivision plan.
- E. The construction of a wall, driveway, road, fence, pond, watercourse, swimming pool, tennis court, recreational facilities, sewage system or drainage or water facilities, or public utility lines or services pursuant to a permit issued by the Commission when necessary.
- F. The excavation and removal offsite of subsoil materials incident to the excavation of basements or cellars, or the installation of footings, foundations, tennis courts, swimming pools, or inground sewage disposal systems unless the total amount of all of the above on a single lot exceeds 200 cubic yards.

7.5.10 SAFETY MEASURES: Any person engaged in excavating and removal of topsoil or subsoil materials pursuant to a permit issued under this Section shall exercise such suitable dust control and safety precautions including the employment of special policemen to direct traffic and the posting of adequate warning signs as may be required by the Commission.

7.5.11 FEES: The application fee for a permit issued under this Section shall be \$150.00. If the Commission shall approve the application and issue a permit, the applicant shall pay to the Town an inspection fee equal to \$2.00 for each 500 yards of material, or fraction thereof, to be excavated, graded or removed.

7.6 SALE OF ALCOHOLIC BEVERAGES BY TAX EXEMPT CLUBS

(Moved from Art 6 11/93)

A club as defined under Section 30-1 of the Connecticut General Statutes shall be eligible for a special permit for the sale of alcoholic beverages at its premises pursuant to a club permit as defined under such Statutes if it complies with the following conditions and all other applicable provisions of these regulations.

7.6.1 Organization & Membership:

- A. The club shall be in existence for at least ten years at the time of the application, a tax exempt organization under Section 505(c)(3) of the Internal Revenue Code and its purposes shall be primarily for the benefit of the residents of the Town of Easton.
- B. Membership in the club may not exceed 200 for all classes of members.

7.6.2 Premises:

- A. The club shall own the premises at which the alcoholic beverages are to be sold for a minimum of five years prior to the date of application for the special permit and the club shall continue to own the premises during the entire time that it has the special permit.
- B. Consumption of alcoholic beverages within the club's premises shall be restricted to not more than 50% of the club's floor area which shall be designated on the plan submitted to the Commission.
- C. The club shall be located on or have direct, safe and convenient access to a major or collector road and be not located within 1,000 feet of a public school or a church.
- D. The location of the club shall be approved by the Town's fire and police commissions.

7.6.3 Parking: The club shall have adequate off-street parking to accommodate its general uses as well as any additional parking needs caused by the sale of alcoholic beverages. 1983 effective 11/24/84 rev.

7.7 FARMER'S MARKET OPERATION (ADOPTED 5/9/94)**7.7.1 Definitions:**

- A. **CRAFTWORK**: Articles made largely by hand, in the Town of Easton, from raw materials that may be purchased outside Easton including, but not limited to, sewing, knitting, weaving, small woodworking projects, decorations, household furnishings, and other items as may be allowed by the Commission.
- B. **FARMER'S MARKET**: A non-profit organization or association of Connecticut residents, at least three fourths (3/4) of whom shall be residents of Easton, having a set of bylaws and operating rules approved by the Commission.
- C. **IMPORTED PRODUCE**: Plants or edible produce grown outside the Town of Easton.
- D. **STAND**: A booth, table, small truck or other device used for display and/or sale of products permitted for sale.

7.7.2 Permit: A special permit will be issued for no more than one year, renewable upon satisfactory compliance with all requirements of this Article.

7.7.3 Items For Sale:

- A. All items displayed or sold shall be limited to those products grown, created produced within the Town of Easton except that the Commission may permit the sale of imported farm produce or plants, in a specific limited amount, if the applicant can demonstrate such a need to the satisfaction of the Commission.
- B. The following items may be sold subject to Par 7.7.3A.:

- (1) Garden or farm produce or plants
- (2) Craftwork
- (3) Art and Photography
- (4) Baked goods made in Easton
- (5) Items pre-approved by the Commission

C. The following items are specifically prohibited:

- (1) Furniture, new or used, or antiques
- (2) Clothes other than those hand-made or hand-decorated by an Easton resident.
- (3) Used household furnishings of any kind.
- (4) New household furnishings made outside Easton.
- (5) Produce and plants grown outside of Easton except as permitted in Par 7.7.3
- (6) Craftwork made outside of Easton.
- (7) Any item not permitted by Par. 7.7.4.

7.7.4 Size:

- (1) The market shall be permitted to devote no more than a limited number of square feet to the display or sale of products, as determined by the Commission and made part of its approval.
- (2) The number of stands devoted to display or sales, none of which shall exceed two hundred (200) square feet in area, shall be limited to the following unless otherwise determined by the Commission:

A. Total for all sales	20
B. Sales of imported produce	5

7.7.5 Duration: Sales shall be permitted only from May 15th to October 15th.

7.7.6 Parking: Off street parking must be provided for all vehicles including sellers and customers.

7.7.7 Town Services: All costs for services provided by the town and all costs of setup, operation and cleanup shall be borne by the operators and sponsors of the Farmers Market.

7.7.8 Insurance: The applicant shall carry comprehensive liability and product insurance in an amount determined by the Commission upon approval of the application for a special permit.

7.8 APARTMENT REGULATIONS - (ADOPTED 2/8/1995)**7.8.1 Purpose:**

The purpose of this section is to increase the availability of housing for those persons who earn moderate incomes, including the elderly and town employees, while conforming with the purposes of these regulations as set forth in Article I and the "Conservation and Development Policies Plan for Connecticut 1992-1997" prepared by the Connecticut Office of Policy and Management, Policy Development and Planning Division, as amended from time to time, a copy of which is on file in the Easton Town Hall Town Clerk's Office, hereinafter known as the "State Conservation Plan".

7.8.2 Definitions:

- A. AFFORDABLE ACCESSORY APARTMENT: shall mean for purposes of these regulations a dwelling unit, hereinafter known as the "affordable apartment", within a single family house, hereinafter known as the "primary dwelling", offered for rent by persons and families
- (1) whose annual income does not exceed 80% of the area median income adjusted for family size, as determined by the United States Department of Housing and Urban Development for the area of the State of Connecticut which includes Easton, and
 - (2) for whom the cost of housing does not exceed 30% of the person's or family's income.
- B. APARTMENT PERMIT: shall mean an approval by the Commission to construct, maintain and rent any apartment in a single family dwelling, pursuant to these regulations.
- C. BEDROOM: shall mean any heated space in the dwelling unit or apartment exclusive of a kitchen, bathroom, dining room and living room, which can be used or is actually used as sleeping quarters.
- D. COST OF HOUSING: shall mean the annual cost for the rental unit including rent, heat, and utility costs except for telephone and cable television.
- E. ELDERLY ACCESSORY APARTMENT: shall mean an accessory apartment in existence as of the effective date of this section, having a legal accessory apartment permit granted by the Commission.
- F. INCORPORATION: shall mean either completely within an existing principal building or added to an existing principal building, provided that both dwelling units shall be attached by a common wall, floor or ceiling in such a manner that the apartment can revert to an integral part of a single-family dwelling in the event of termination of the apartment permit. (and not simply by an attached breezeway or porch and shall be contained within one building.) 1983 Revised 7/85 & 2/88

- G. IN-LAW APARTMENT: shall mean a separate living area, having its own kitchen, located within a single-family dwelling, occupied or intended to be occupied by persons related to of the owner or resident occupant of the single family dwelling.

7.8.3 GENERAL

- A. A dwelling, located on a single lot meeting the minimum lot size specified in Section 5.1, except as specified in 7.8.5 A(2), may be constructed or converted to allow the incorporation of not more than one affordable apartment for any person or family whose annual income is 80% or less of the area median income, subject to such provisions of other sections of this Article as may be specified by the Commission and subject to the provisions of this section.
- B. All apartments currently requiring an apartment permit and all apartments constructed or converted under these regulations require an apartment permit. Such permits shall be automatically renewed by September 30th of each year upon submission of evidence of compliance with these regulations on a form to be prescribed by the Commission and submitted to the zoning enforcement officer and upon payment of an annual apartment permit fee in an amount set from time to time by the Commission.
- C. Inspection, Revocation of Apartment permit: The zoning enforcement officer is authorized to inspect the premises upon reasonable notice to the occupants to assure continued compliance with these regulations and any conditions imposed in the granting of the apartment permit. Should the zoning enforcement officer find said premises in violation of these regulations or any of such conditions, he shall report the violation(s) to the Commission which may revoke the apartment permit after hearing and notice to the apartment permit holder. This penalty shall be in addition to any other penalty imposed by law for violation of these regulations.
- D. The renting or leasing of rooms shall not be permitted in either the primary dwelling or the apartment:
- E. No apartment shall be used as a professional office.
- F. Home occupations are permitted in either the apartment or the primary dwelling, subject to the provisions of Article 6.
- G. No in-law apartment shall be created or constructed after the effective date of this section.

7.8.4 Elderly Accessory Apartments

All elderly accessory apartments shall be subject to the following:

- A. At least one dwelling unit within the primary dwelling shall be occupied as a residence by a person who is not less than 60 years old and who has been a resident of Easton for at least 5 consecutive years prior to the application for the apartment permit;
- B. At least one owner of the primary dwelling shall occupy it or the apartment as such owner's principal residence throughout the period of the apartment permit.

- C. No later than September 30th, the owner shall certify and supply, on a form prescribed by the Commission, the name(s) of the person or persons living in either the apartment or the primary dwelling who are at least 60 years old.
- D. The owner shall pay an annual apartment permit fee by September 30th each year in an amount set from time to time by the Commission.
- E. Termination of Apartment permit: The apartment permit shall expire 3 months after the occurrence of any of the following:
 - (1) Failure by the owner to file the annual certificate by the date specified in Subparagraph D;
 - (2) Failure by the owner to pay the annual apartment permit fee by the date specified in Subparagraph D; or
 - (3) Termination of the occupancy of the dwelling by either the owner or all persons 60 years of age or older.

7.8.5 Affordable Accessory Apartments

No apartment permits for any new (affordable) apartments will be issued if the total number of affordable housing units in Easton qualified in accordance with Sec 8-30g (g) of the Connecticut General Statutes, whether constructed as affordable accessory apartments or other affordable housing under any other Article of these regulations, exceeds 11% of the total number of housing units in the town, determined annually as of December 31st, commencing December 31st, 1995.

A. General Requirements

- (1) Deed Covenant or Restriction: No apartment permit for an affordable accessory apartment shall be issued until the owner of the primary dwelling in which the apartment is located has:
 - (a) Signed and recorded with the Easton Town Clerk a deed or other document containing covenants or restrictions in a form approved by the Commission requiring that such apartment be rented at, or below, prices which will preserve the units as affordable housing as defined in Section 7.8 A of these regulations, (for persons and families whose income is not more than eighty percent of the Area Median Income for at least twenty years after the initial occupation of the apartment,) and;
 - (b) Filed with the Commission a copy of the deed or document certified by the Easton Town Clerk as having been recorded.
- (2) Affidavit: Whenever any new tenant takes occupancy and upon annual renewal of the apartment permit, the owner and the tenant, if any, shall sign and file with the Commission an affidavit, in the form prescribed by the Commission, certifying that
 - (a) the primary dwelling is occupied by the owner;
 - (b) the affidavit or annexed lease accurately sets forth the rent to be charged and paid;
 - (c) said rent does not exceed the maximum allowable rent published by the Commission; and

- (d) the tenant has certified to the owner, under penalty of false statement, either in the lease or otherwise, that the tenant's income does not exceed the maximum allowed tenant income.

Note: It shall not be a violation of this Section if, after initial occupancy, a tenant's income exceeds 80% of the area median income adjusted for family size, as determined by HUD, provided the tenant meets all requirements at the time of initial occupancy.

- (3) Density: Pursuant to the goal stated in the "State Conservation Plan", no affordable apartment shall be constructed or otherwise created in the watershed of a public water supply, if the resulting density on the property would be greater than one dwelling unit per two buildable acres; provided that the Commission may allow a greater density if the total number of bedrooms contained in both dwelling units does not exceed four (4) per two buildable acres.
- (4) At least one of the owners shall occupy the primary dwelling as such owner's principal residence during the period of the apartment permit.
- (5) Two additional off-street parking places, not located within the required front setback, must be provided.

B. Structural Requirements

- (1) Floor Area and Location: The floor area of the apartment shall not be less than 500 square feet nor greater than 1000 square feet.
- (2) Maximum Number of Bedrooms: No apartment shall have more than two bedrooms.
- (3) Basement: No part of a basement shall be used for an apartment, except that the Commission may permit a basement to be occupied as an apartment if substantial portions of the basement walls are above grade and the Commission determines that the basement has sufficient light, ventilation and a direct entrance to the outside planned or in place, so as to permit use as a separate living unit.
- (4) Bathroom: The apartment shall be served by at least one bathroom within the apartment, having a toilet, sink and shower or bath.
- (5) Exterior: No exterior evidence of the accessory apartment use (e.g. outside stairs, doors, fire escapes, etc) shall be visible from the street.
- (6) Fire protection: A fire alarm in accordance with applicable state and local codes.

C. Procedures

- (1) Application: The applicant shall submit the following to the Commission:
- (a) An application complying with the requirements of This Article;
- (b) A certificate of occupancy for the primary dwelling in the case of existing buildings.

- (c) Evidence satisfactory to the Commission that the water supply and sewage disposal systems will be adequate to meet the needs of both dwelling units;
- (d) An application fee in amount as may be set by the Commission from time to time;
- (e) Stamped envelopes addressed to each of the owners of property within 250 feet of any portion of the property on which the proposed apartment permit is located.
- (f) Four (4) complete sets of drawings showing the interior and exterior plan of the primary residence and the apartment (3 sets to be forwarded to the fire department by the Commission).

D. Duration: Any approval for an accessory affordable apartment permit shall be subject to automatic revocation upon:

- (1) The failure of the owner of the affordable apartment to file timely with the Commission the annual affidavit required in Section 7.8.5; or
- (2) A finding by the Zoning Enforcement Officer that, notwithstanding the filing of such an affidavit, the unit does not comply with said occupancy standards or other requirements including any conditions imposed by the Commission.

7.8.6 Permitted Non-Conforming Apartments

All currently-existing apartments created prior to July 1, 1948 shall continue to be permitted provided they comply with the following requirements:

- A. They have been used as such continuously since said date;
- B. They have complied with and will continue to comply with the requirements set forth in Article VIII; and
- C. The owner shall register the accessory apartment with the Commission no later than June 30, 1995; any non-conforming apartment not registered with the Commission by that date shall be deemed to have abandoned its non-conforming status pursuant to Section 8.4 and its use thereafter may be resumed as an affordable apartment only and subject to compliance with the requirements of Section 7.8.5.

7.8.7 Existing Unauthorized Apartments

- A. Any existing unauthorized apartment created after January 1, 1949, including but not limited to in-law apartments, will become conforming upon filing, within twelve months of the effective date of these regulations, a deed covenant on the land records of the Town of Easton, as stipulated in Sec 7.8.5 A(1) above and proof that the apartment meets the applicable building, fire and health codes of the Town of Easton,
- B. The Commission may waive the requirements of Paragraphs B(1) and B(5) of Section 7.8.5 if it finds that:
 - (1) the apartment has been continuously occupied for not less than two years immediately preceding the effective date of this regulation; and

- (2) the apartment meets the standards of this Article, does not materially alter the single family characteristic of the neighborhood, and does not have a negative impact on the neighborhood.

7.8.8 Existing In-Law apartments

- A. Upon the termination of occupancy of an in-law apartment by the person related to the owner, or upon sale of the premises containing it, the apartment shall be deemed to be an illegal non-conforming use. Such use can be converted to a legal conforming use by either of the following:

(1) The filing of a deed covenant on the land records of the Town of Easton, as stipulated in Sec 7.8.5 A(1) above; or

(2) Removal of the kitchen from the apartment.

7.8.9 Administration

- A. Number of Dwelling units: The Commission, or its designee, shall determine the total number of dwelling units in the Town as of January 1st of each year. The number so determined shall be used for the purpose of compliance with Section 7.8.5 of these regulations and with Section 8-30g of the Connecticut General Statutes.
- B. Allowable Rent and Income: The Commission shall publish annually a notice of
- (1) the maximum rents that may be charged for affordable apartments; and
- (2) the maximum allowed tenant income.
- C. Register of Accessory Apartments: The Commission shall maintain a register of accessory apartments, categorizing them as elderly accessory apartments, affordable apartments and authorized non-conforming apartments. The Commission shall also maintain a waiting list of applications for affordable apartments if the number of them, at any time, shall exceed 11% of the number of dwelling units in the Town.
- D. Reports: The Commission shall file such reports with the Connecticut Department of Housing as it may require for purposes of complying with Section 8-30g and other applicable sections of the Connecticut General Statutes.

7.9 RESERVED FOR FUTURE USE

7.10 WIRELESS TELECOMMUNICATIONS FACILITIES (ADOPTED 11/ 6/1998)**7.10.1 Purpose:**

The purpose of this section is to provide for the establishment and expansion of wireless telecommunications services while protecting neighborhoods and minimizing adverse visual and operational effects of wireless telecommunications facilities through careful design, siting, and screening. More specifically, the purposes are to:

- A. Preserve the character and appearance of the Town of Easton while allowing adequate telecommunications services to be developed.
- B. Protect the scenic, historic, and environmental resources of the community.
- C. Provide standards and requirements for the regulation, placement, design, and construction of wireless telecommunications facilities.
- D. Establish a review process that ensures action within a reasonable period of time for requests to place, construct, operate, or mod a wireless telecommunications facility.
- E. Minimize the total number and height of towers throughout the community by requiring tower sharing and clustering of wireless telecommunications facilities.
- F. Provide screening and landscaping to minimize the visual impact of ground facilities.
- G. Prevent potential damage to adjacent properties from tower failure.

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

- A. They do not prohibit or have the effect of prohibiting the provision of wireless telecommunications services.
- B. They are not intended to be used to unreasonably discriminate among wireless providers
- C. They do not regulate wireless telecommunications 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.

7.10.2 Definitions:

- A. **ANTENNA:** Device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel, or dish antennas.
- B. **CO-LOCATION (COLLOCATION):** Locating wireless communication equipment of more than one provider on a single site

- C. MONOPOLE: A circular self-supporting vertical pole with no guy wire anchors. Usually consisting of a galvanized metal or wood.
- D. PROPAGATION ANALYSIS: An analytical technique used to determine and delineate the location of areas and strength in which electronic communications can be conducted.
- E. PROVIDER: An entity authorized by the Federal Communications Commission (FCC) to be a signal carrier for cellular telephones, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and paging services or other modes of communication as described in the Federal Communications Act of 1996.
- F. TOWER: A structure, whether freestanding or attached to another structure that is used to support equipment used to receive or transmit electromagnetic/radio waves. Examples include monopoles, self-supporting lattice, and guyed towers.
- G. WIRELESS TELECOMMUNICATIONS: Commercial wireless and telecommunications systems that include but are not limited to cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and related Systems.
- H. WIRELESS TELECOMMUNICATIONS FACILITIES: All ground and roof-mounted equipment, ancillary equipment and other structures associated with the transmission and reception of wireless telecommunications.

7.10.3 Special Permit Use:

Towers, antennas, and associated equipment are allowed by special permit only. This provision shall not apply to police, fire, ambulance, other municipal transmission facilities, satellite receivers, and amateur (HAM) radio which remain subject to all other zoning regulations.

7.10.4 General Requirements:

- A. All wireless telecommunications sites shall comply with the rules and regulations set forth by the Federal Communications Commission (FCC).
- B. The design of the wireless telecommunications facility shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.
- C. All wireless telecommunication facilities shall be located in District B.
- D. The minimum lot area of the wireless telecommunications facility shall be that of the zone in which it is located and the lot shall meet the buildable land requirements for a lot in that zone.
- E. The wireless telecommunications facility shall comply with the setback requirements of the zone in which it is located, or, in the case of a new tower, be set back from all property lines a distance equal to the height of the tower plus twenty-five (25) feet whenever the collapse of a tower would create a safety hazard to the people occupying an adjoining property.

- F. Generators, air conditioners, compressors, or other machinery installed shall comply with State and local noise regulations.
- G. A chain link fence with a height of six (6) feet shall be required around the tower and accompanying equipment.
- H. Landscaping shall be required around the fence. At a minimum, the landscaping shall consist of a row of evergreen trees planted not less than ten (10) feet on center. The evergreen trees shall be a minimum height of six (6) feet at planting. Landscaping shall be maintained to ensure screening effectiveness.
- I. Antenna or accessory building or equipment mounted to or on an existing structure or building shall to the greatest degree possible blend with the color and design of underlying structure.
- J. Roof mounted antenna shall not exceed more than fifteen (15) feet above the highest part of the building or structure and shall be set back from the roof edge a minimum of (10) feet.
- K. Buildings shall be designed to be in harmony with the surrounding neighborhood properties.
- L. Commercial advertising shall not be allowed on any antenna, tower, or accessory building or equipment.
- M. No wireless telecommunications facility shall be designed, located, or operated as to interfere with existing public safety communications.
- N. Plans for the wireless telecommunications facility shall be prepared and signed by a professional engineer licensed in the State of Connecticut.
- O. All applications shall comply with any applicable requirements of the Flood Plain Management Ordinance and the Inland Wetlands and Watercourses Regulations.
- P. No wireless telecommunications facility shall be designed, constructed, located or operated in a manner that interferes, pollutes, threatens to pollute or in any way compromises the environmental integrity

7.10.5 Locational Preferences:

In order to accomplish the objectives of this section, the following order of preference is established to guide the location of wireless telecommunication facilities with "A" being the most preferred location and "C" being the least preferred location.

- A. When located on existing government structures or land located in District B.
- B. When completely concealed within existing structures located in District B.
- C. When located on existing structures in District B.

7.10.6 Co-Location Requirements:

Providers are required to maximize the use of existing or proposed wireless communication facilities through the mutual sharing of sites. All applicants for new facilities are required to provide:

- A. Satisfactory demonstration by qualified licensed engineer that the proposed wireless communication facility cannot be reasonably accommodated on a site containing an existing wireless communications facility due to safety issues, structural reasons, potential interference, lack of height, etc.
- B. Satisfactory demonstration by a qualified licensed engineer that the proposed wireless telecommunication facility or the structure to which it is attached is designed for or is able to accommodate both applicants antennas and comparable antennas for at least two additional users. A notarized affidavit must be provided stating that space on the proposed facility or structure shall be made available to future users when technically possible.

7.10.7 New Tower Requirements:

- A. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 150 feet in height or for at least one additional user if the tower is 150 feet in height or under.
- B. All towers shall be a monopole design unless otherwise approved by the Commission.
- C. The maximum height of a tower proposed under these regulations shall be 190 feet.
- D. No lights shall be mounted on proposed towers unless otherwise required by the Federal Aviation Administration (FAA).
- E. No tower shall be located within three hundred (300) feet of a residence.

7.10.8 Application Requirements:

In addition to meeting the Special Permit requirements under Section 7.2.2 of these regulations, applications pursuant to this Section shall be accompanied by the following:

A. New Towers

- 1) A recent survey of the wireless telecommunications site at a scale no smaller than 1" = 40' with topography drawn with a minimum of 5 foot contour intervals. The survey should show existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas and the boundary of any wetlands floodplains, or watercourses within 200 feet of the site area.
- 2) A description of the slopes, wetlands, watercourses, and other environmental characteristics of the site and any historically designated areas of the site and the impact that the tower will have on these resources.

- 3) A design drawing including a cross section and elevation of the proposed tower. A description of the tower's capacity as well as the proposed location of all mounting positions for collocated antennas and the minimum separation distances between antennas. The design shall also illustrate how the tower will collapse upon itself without encroaching upon any adjoining property.
 - 4) A propagation analysis that illustrates the predicted propagation for the location of the proposed wireless telecommunications site.
 - 5) A map depicting the extent of the service area of the proposed wireless telecommunications site along with a map indicating the search radius for the proposed site.
 - 6) The applicant must certify that existing towers located within the town of Easton do not meet the applicant's technical requirements.
 - 7) The applicant must demonstrate that it has examined all wireless telecommunications sites or existing structures over 50 feet in height within the town of Easton to determine whether those existing facilities can be used to provide adequate coverage and or capacity as part of the applicant's system.
 - 8) An elevation of all proposed equipment building or ancillary equipment.
 - 9) Details including dimensions and appearance of all proposed antennas and associated equipment.
 - 10) Proposed utilities, including distance from source of power, sizes of service available and required, locations of proposed utility lines, whether underground or above ground.
 - 11) Plans indicating locations and specifics of proposed screening, landscaping, fencing, and lighting.
 - 12) Erosion and sedimentation plan for both during construction and as a permanent measure.
 - 13) A graphic representation of the proposed installation in relation to the site and its vicinity in order to ascertain the visual impacts associated with such proposal. Examples of such representation include: photo simulations or architectural drawings or renderings.
- B. New antennas on existing towers and buildings:
- 1) Details including dimensions and appearance of all proposed antennas and associated equipment.
 - 2) An elevation of all proposed equipment building or ancillary equipment.
 - 3) Proposed utilities, including distance from source of power, sizes of service available and required, locations of proposed utility lines, whether underground or above ground.

- 4) A graphic representation of the proposed installation in relation to the site and its vicinity in order to ascertain the visual impacts associated with such proposal. Examples of such representation include: photo simulations or architectural drawings or renderings.

7.10.9 Review and Decision:

In its review and decision on the application for a wireless telecommunications tower, antennas, and/or facilities, the Commission shall find, in the case of an approval, at least one of the following :

- A. That the proposed equipment cannot be structurally accommodated on an existing tower as documented by a licensed professional engineer registered in the State of Connecticut.
- B. That existing structures will not accommodate the technical requirements of the applicant.
- C. That the proposed equipment would cause unacceptable interference with the operation of other existing or planned equipment of an existing structure.

7.10.10 Abandonment:

A wireless telecommunications tower, antennas, or facilities not in use for twelve (12) consecutive months shall be considered abandoned. Upon abandonment, the facility owner shall remove the facilities at its expense within ninety (90) days from the date of abandonment. Upon removal, the site shall be restored to its previous appearance minus ordinary wear and tear.

ARTICLE 8

NON-CONFORMING USES

8.1 CONTINUATION OF EXISTING NON-CONFORMITIES:

Any non-conforming use or non-conforming building lawfully existing or lawfully in use at the time of the adoption of these Regulations or any applicable amendments thereto may be continued. No use which is illegal as of the date of adoption of these regulations may be continued. No use which is illegal as of the date of adoption of these regulations shall be made legal by reason of the adoption thereof except as specifically permitted herein.

8.2 ADDITIONS AND EXTENSIONS:

No non-conforming structure may be constructed, added to or structurally altered and no non-conforming use shall be extended or expanded except as provided herein.

8.2.1 CHANGE OF STRUCTURE:

The floor area or exterior dimensions of any non-conforming structure or building shall not be increased unless the increase eliminates the non-conformity.

8.2.2 CHANGE OF USE:

No non-conforming use may be changed except to a use which is permitted by these Regulations for the District in which the use is located or to another non-conforming use less intensive in nature and more consistent with the uses permitted in the District in which the premises are located, as determined by the Commission.

8.2.3 EXPANSION OF USE:

No non-conforming use shall be expanded or multiplied, but may be intensified if approved by the Commission.

8.3 REVERSION TO NON-CONFORMING USE PROHIBITED:

No non-conforming use shall, if once changed to a conforming use, be allowed to revert to a non-conforming use.

8.4 DISCONTINUED USE, REPAIR OF FIRE DAMAGE:

No non-conforming structure or use which has been abandoned or discontinued for a continuous period of 6 months shall be thereafter resumed, except when the structure housing the use has been destroyed by fire,

flood, storm or other casualty. A non-conforming structure, irrespective of whether it is devoted to a non-conforming use, when damaged or destroyed by fire or other casualty, may be repaired or rebuilt in its former location only to the size and extent of the structure prior to its damage or destruction, except that the structure may be increased in accordance with Section 8.2.1 and further provided that the building permit for the repair or reconstruction shall have been applied for within two months of the occurrence of the damage and the restoration shall have been started within four months and completed within 1 year after such damage, and such use may be resumed in the repaired or reconstructed structure, but only to the extent of the previous use.

8.5 NORMAL MAINTENANCE:

Any structure containing a non-conforming use may be repaired for normal maintenance, and any part of the structure which becomes or threatens to become unsafe may be restored to a safe condition.

ARTICLE 9

ADMINISTRATION & ENFORCEMENT

9.1 ENFORCEMENT:

No commission, board, agency, officer or employee of the Town shall issue, grant, or approve any permit, license, certificate, or other authorization for construction, reconstruction, alteration, enlargement, or moving of any building or structure or for any use of land or building that would not be in full compliance with the provisions of these Regulations, except as permitted by the Zoning Board of Appeals in accordance with Section 9.4.3. Any such permit, license, certificate, or other authorization issued, granted or approved in violation of the provisions of these Regulations, shall be null and void and of no effect without the necessity of any proceeding or revocation or nullification thereof.

9.2 ZONING PERMIT:

No building or structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefor, or work begun thereon, or use made of any land, where the construction, addition, alteration, moving or use thereof would be in violation of any provisions of these Regulations, until a zoning permit is issued for any building or structure except upon a written authorization of the Zoning Board of Appeals under circumstances set forth in Section 9.4.3. (Amended 11/93).

Pursuant to Section 8-3(g) of the Connecticut General Statutes, no zoning permit will be issued until a decision by the inland wetlands agency, if applicable, has been reported to the Commission. (Amended 11/93)

9.2.1 Application: Before any zoning permit shall be issued, written application therefor shall be made in triplicate on a form to be provided by the Commission. The application must contain or be accompanied by the following:

A. Three copies of a plot plan, drawn to scale by a licensed land surveyor, civil engineer or architect, showing the actual shape, dimensions and area of the lot; the actual size and location on the lot of all existing or proposed buildings; the intended use to be made of the proposed improvement and the premises; the number of families, if any, that each building is designed or intended to accommodate; any proposed drainage facilities; and existing and proposed contours of the land, if any change in grading is proposed. One copy of the plan shall be returned to the applicant subsequent to its approval. (Amended 11/93)

B. A certificate of approval of proposed water supply and sewage disposal facilities, signed by the Town Health Officer, in all cases where application involves changes in existing buildings or structures, in water supply, waste or sewage disposal facilities or requirements. (Amended 11/93)

9.2.2 Bonding of Subdivision Improvements: No Zoning Permit will be issued for any lots within a subdivision or resubdivision until a bond has been posted in accordance with Section 7 of the Easton

Subdivision Regulations, securing the subdivision improvements, or in lieu thereof, the subdivision improvements have been completed to the satisfaction of the Commission. (Amended 11/93)

9.2.3 False or Inaccurate Information: Any zoning permit issued on the basis of false or inaccurate information supplied by the applicant or persons acting on behalf of the applicant, or contained in the application, shall be null and void.

9.2.4 Certified Plot Plan:

A. In the case of a permit involving construction of a building or other structure, or any addition thereto which alters the footprint of the building or other structure, the permittee or his agent shall upon completion of the foundation walls of the building or structure, submit to the Zoning Enforcement Officer a survey of the plot, prepared and certified substantially correct by a licensed land surveyor or civil engineer, showing the actual location of such foundation wall on the lot.

B. No building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the Zoning Enforcement Officer or the Commission as complying with the zoning permit, and all applicable provisions of the Zoning Regulations. Failure to do so might result in a demolition order for that portion of the building in violation of these regulations.

9.2.5 Certificate of Zoning Compliance:

Upon completion of all work contemplated in the Zoning Permit and upon inspection by the Zoning Enforcement Officer, a Certificate of Zoning Compliance will be issued.

Pursuant to Section 8-3(f) of the Connecticut General Statutes, no certificate of occupancy shall be issued until a Certificate of Zoning Compliance has been issued.

9.2.6 Special Permits:

No zoning permit shall be issued for a use listed in Article 4 as subject to the special permit approval procedures of Article 7, unless such special permit is approved by the Commission.

9.3 VIOLATIONS AND PENALTIES:

9.3.1 Statutory Penalties:

Any person who shall violate any provision of these Regulations shall be subject to the remedies and penalties prescribed by the General Statutes of the State of Connecticut, as amended.

9.3.2 Commission Responsibility:

The Commission is hereby designated as the official authority which shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations, and to take such other action as shall be necessary and proper to enforce these Regulations as provided by law. Any such remedial action shall be accomplished by the violator within 10 days of the date of such order.

9.3.3 Zoning Enforcement Officer:

The Commission shall appoint a Zoning Enforcement Officer, who shall be responsible to the Commission and act as its representative in the performance of such inspection duties in connection with the enforcement of these Regulations as may be assigned to such Officer by the Commission.

9.4 ZONING BOARD OF APPEALS:

9.4.1 Powers and Duties: (Amended 11/93)

Subject to the limitations in Section 9.4.2 and the requirements in Section 9.4.3, the Board shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by any official charged with the enforcement of these Regulations.
- B. To hear and decide all matters upon which it is required to pass under any provisions of these regulations.
- (C) To determine and vary the application of these Regulations in harmony with the general purpose and intent of these Regulations and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the District in which it is situated, a literal enforcement of these Regulations would result in exceptional hardship, so that substantial justice will be done and the public safety and welfare secured.

9.4.2 Limitations on Powers: (New 11/93) The powers of the Board in granting variances shall be subject to the following limitations:

- A. It shall not grant a variance in the case of special permits (Articles 7), administration (Article 9) and special density exemptions pursuant to Section 8-2g of the General Statutes.
- B. It shall not grant a variance which permits or extends a use which is otherwise not permitted by these Regulations.

9.4.3 Requirements for Granting Variances: (New 11/93)

Pursuant to Section 8.6 and Sec 8.7 of the Connecticut General Statutes, no variance shall be granted unless the Board:

- A. Shall, in all cases, find and record in its minutes that:
 - 1. a peculiar or unique characteristic of the property (which shall be recorded in the minutes of the Board) is such that the literal enforcement of the zoning regulations would result in exceptional or unusual hardship other than a financial hardship or loss of financial advantage;
 - 2. the nature of the hardship (which shall be recorded in the minutes of the Board) is not a self-inflicted hardship which is the result of an action by the applicant or by someone other than

the applicant such as a previous owner of the property, nor is the hardship a result of conditions which the applicant can alter, but prefers not to change;

3. the applicant has demonstrated that he or she has pursued all other alternatives available under these Regulations; and
4. the applicant has demonstrated that the granting of the requested variance will have no adverse effect on the surrounding properties with regard to health, safety, welfare or property values, and that the variance is consistent with the general purpose of these Regulations.
5. on finding all of the above, the Board shall record in its minutes, all evidence in support of the findings enumerated in 1 through 4 above.

B. Shall, in the case of a use variance, find and record in its minutes that:

1. the use is one which is otherwise permitted in the district, citing the section of these Regulations which permits such use;
2. the peculiar and unique characteristics of the property are such that enforcement of the conditions set forth in Article 6 relating to the use, if any, would create a hardship as defined in Section 9.4.3A..
3. the variance requested shall be the minimum variance necessary to allow a reasonable use of the property; and
4. all requirements in Section 9.4.3A. are met.

C. Shall, in the case of a flood plain variance, find and record in its minutes that:

1. there will be no increase in the flood levels during the base flood discharge, the burden of proof lying with the applicant, subject to review by the Town Engineer and the Planning and Zoning Commission;
2. the applicant shall be notified in a written statement signed by the chairman of the Zoning Board of Appeals that:
 - a. the issuance of a variance to construct a new structure or add to an old structure will result in increased premium rate for flood insurance;
 - b. such construction below the base flood level increases the risk to life and property;
 - c. the Town of Easton assumes no liability for any damage or loss of life relating to the granting of the variance; and
 - d. the variance will not be valid unless and until the applicant returns a signed copy agreeing to hold the Town of Easton harmless from all claims which might result from granting the variance and such copy is filed by the applicant with the Easton Town Clerk.
3. all requirements contained in Section 9.4.3A. are met.

9.4.4 Record Keeping; Reporting: (New 11/93)

Pursuant to Section 8-7 of the Connecticut General Statutes the Board shall maintain a record of all variance actions, including findings upon their issuance or denial, as the case may be. A summary of this record shall be included in the annual report of the Board, a copy of which is to be filed with the Planning and Zoning Commission.

In order to facilitate easy access to the variance records, the Board shall maintain a computerized record of all variance actions, utilizing the Planning and Zoning Commission computer, including the following:

1. the number of the variance application;
2. the nature of the variance requested; and
3. the findings enumerated in Section 9.4.3.

ARTICLE 10

FLOOD PLAIN MANAGEMENT (ADOPTED 7/96)

10.1 THE PURPOSE AND OBJECTIVES:

These regulations are designed to promote the public health, safety, and welfare by minimizing public and private losses due to flood conditions in specific areas known as the 100-year flood plain. To gain greater protection from flooding and to keep federal Flood Insurance available in the Town of Easton at reasonable costs, development in the 100-year flood plain will be controlled and regulated.

10.2 GENERAL:

10.2.1 These regulations shall apply to all areas within 100-year flood plain within the jurisdiction of the Town of Easton. The 100-year flood plain has been identified by the Federal Emergency Management Agency in a Flood Insurance Study for the Town of Easton and on "Flood Insurance Rate Maps" and "Flood Boundary and Floodway Map". The report and maps together with revisions thereto are hereby adopted by reference and declared to be a part of these regulations.

10.2.2 No structure or land shall hereafter be constructed, located, extended, converted or altered in the 100-year flood plain without full compliance with the terms of these regulations and other applicable regulations. where these regulations conflict or overlap with another ordinance, easement, covenant or deed restriction, whichever imposes the more stringent restrictions shall prevail.

10.3 DEFINITIONS:

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application.

10.3.1 "Base Flood" means a flood (100 year storm) which has a 1% or greater chance of occurring in any given year.

- 10.3.2 "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.
- 10.3.3 "Floodway" means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevations more than one foot. Said areas are generally described on the "Floodway Maps" prepared for the Federal Insurance Administration on file with the Town Clerk and hereby incorporated by reference.
- 10.3.4 "Flood Plain, 100 Year:" All land area, including structures thereon, which is subject to a one percent chance of flooding in any given year. Said areas are generally described on the "Flood Insurance Rate Maps" and "Flood Insurance Study" prepared for the Federal Insurance Administration, as described in 10.2.
- 10.3.5 "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement)
- 10.3.6 "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,
- 10.3.7 "Mean Sea Level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum N.G.V.D.) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- 10.3.8 "New Construction" means structures for which the "Start of Construction" commenced on or after the effective date of Easton Flood Plain Regulations.
- 10.3.9 "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of 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 pouring 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, the installation of streets and walkways, excavation for a basement footings, piers or the installation of accessory buildings.
- 10.3.10 "Substantial improvement" means any combination of repairs, reconstruction, alterations, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure as determined by the cost approach to value method. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in 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 specification which are solely necessary to assure safe living conditions.

10.4 PERMIT REQUIREMENT AND ADMINISTRATION

- 10.4.1 No use shall be permitted which would substantially increase the flood hazard in any upstream or downstream area, or would overload the available storm drainage system.
- 10.4.2 No fill or structure shall be placed within the mean annual flood lines (annual flood plain) of any stream in the Town of Easton, unless consistent with these regulations and also as shown on a plan approved under the Town's Subdivision Regulations and Inland Wetland Regulations.
- 10.4.3 In addition, the following requirements govern all land lying within the 100-year flood plain, and also within any channel encroachment lines established by the Connecticut Department of Environmental Protection.
- (A) No development activity, including but not limited to the construction, reconstruction, movement or enlargement of buildings and the placement of fill or other flood-flow obstructions, shall be undertaken except in accordance with a special permit from the Zoning Commission.
- (B) No special permit shall be issued unless the Commission is satisfied that:
- (1) permits required from Federal, State or Town agencies exercising jurisdiction over the project have been obtained
 - (2) all requirements of these regulations have been met;
 - (3) the permitted project is properly designed and will not increase flood hazards; and
 - (4) improved watercourses and other constructed work will be properly maintained so that flood capacity will not be diminished in the future, and such maintenance is identified on the site plan as a binding condition of the permit.
- (C) Application for a special permit under this section shall include
- (1) a site plan showing at five (5) foot or smaller intervals, accurate boundaries and elevations of the 100-year flood plain, all lot lines and adjacent owners, roads, accurate topography certified by a registered professional engineer, stream channel encroachment lines, existing and proposed structures, accurate lowest floor elevations and floodproofing elevations of all structures, (referenced to National Geodetic Vertical Datum), utilities and roads.
 - (2) Proof that notice of the proposal has been received by all abutting property owners within the 100 year flood plain and, where a watercourse, flooding or encroachment line will be affected, that notice has been received by adjacent municipalities (if any), by the Connecticut Department of Environmental Protection Water Resources Unit and by the Federal Emergency Management Agency.

- (3) All engineer's certifications as required by this Section.
- (D) In the administration of this Section, the Zoning Commission shall perform the following duties, among others:
- (1) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, wherever this data has not been provided by the Federal Emergency Management Agency as described in Section 10.2.
 - (2) Make the necessary interpretation, where needed as to the exact location of boundaries of the 100-year flood plain. The actual boundary of the 100-year flood plain is subject to determination by an accurate topographic survey in each case. Because no permit may be issued in violation of the regulatory map, the Commission may choose not to utilize that survey data which, in the Commission's opinion, indicates a significant discrepancy between the field conditions and the mapped flood plain. In such a case the Commission shall only utilize such data after it has been processed by FEMA as a letter of map revision and made an official part of the Flood Insurance Rate Map. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
 - (3) Obtain and maintain all records and certifications required under this Section, including as-built lowest floor elevations and floodproofing levels, floodproofing certifications, and all certifications required by the subsection, 10.5(I).
 - (4) Should data be requested and/or provided in Zone A areas, adopt a regulatory floodway based on the principle that the floodway shall convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

10.5 SPECIAL FLOOD REGULATIONS AND STANDARDS

All development within the 100 year floodplain must conform to the following standards.

- (A) Residential dwellings and manufactured homes, as defined herein, are not permitted, except as provided in sub-sections (E), (H), and (I) below.
- (B) Non-residential and accessory structures are not permitted except as provided in sub-sections (F)-(I) below.
- (C) The following uses are prohibited: fences, walls and other structures creating potential barriers to flood flow (except flood-control dams and spillways); storage of hazardous substances, including oil, gasoline, explosives, and unsecured buoyant materials such as timber, boats and wood products; waste dumps, cemeteries; land fills or causeway except as provided in sub-section (H) and (I) below.

- (D) Necessary roads, driveways, culverts and bridges are permitted if sufficient conduit or channel capacity is provided to accommodate the 100-year flood plus 2 feet of vertical freeboard clearance (see sub-section (I) below).
- (E) Any residential building and or manufactured home, as defined herein, must be placed on compacted clean fill to a height of one foot above the 100-year flood elevation surrounding the foundation of the structure at least 5 feet on all sides. All floors, basements, and mechanical equipment areas shall be at least 2 feet above said flood elevation.
- (F) Non-residential structures such as those devoted to institutional, commercial, office or industrial use shall be designed to safely withstand the hydraulic effects of a 100-year flood. The areas of the structure below the level of the 100-year flood shall be made water tight with walls substantially impermeable to the passage of water, and shall be constructed of components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Essential utilities (electric, telephone, water, sewers) shall be installed above the 100-year flood elevation or specially protected by flood resistant enclosures. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, 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 sub-section.
- (G) Accessory structures shall be anchored and reinforced to prevent flotation, collapse and lateral movement including the effects of buoyancy. They shall be designed to preclude finished living space and to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls by providing a minimum of two openings (the bottom of which shall be no higher than one foot above grade, which have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
- (H) All new construction and substantial improvements shall be:
- (1) Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Constructed with materials and utility equipment resistant to flood damage;
 - (3) Constructed by methods and practices that minimize flood damage; and
 - (4) Constructed with electrical, heating, ventilation, plumbing air conditioning equipment, and other service facilities elevated at least two (2) feet above the 100 year flood elevation
- (I) All proposed development within the 100-year flood plain must be certified by a Professional engineer as compliant with the following standards:
- (1) The proposed development will result in no increase in the 100-year flood level within the designated floodway;

- (2) The proposed development will result in no more than one (1) foot increase at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development in Zone A areas where base flood elevations have been determined but before a floodway is designated.
- (3) Adequate flood capacity will be provided to accommodate die 100-year flood without detriment to other properties;
- (4) Filled areas will be properly secured against floodwater erosion;
- (5) New and replacement on-site water supply systems and sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into floodwaters. No site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding

ARTICLE 11

AMENDMENTS AND MISCELLANEOUS

11.1 AMENDMENTS:

The Commission may, or on petition of one or more owners of property within the Town, amend these Regulations in accordance with the General Statutes of the State of Connecticut.

11.1.1 Any petition for amendment submitted by a property owner or owners shall include all of the following information (including three copies of items A,B, and C.):

- A. The names and addresses of the petitioner and the assessor's section, lot and block numbers of the properties under the petitioner's ownership;
- B. A map drawn to a convenient scale showing lot lines, building locations, and the section, lot and block numbers of all properties which are the subject of the petition;
- C. A complete description of the nature of the amendment requested, together with the proposed wording of the amendment, and of the reasons for making the request; it shall also include the page and section numbers of any existing sections which the petition proposes to amend;
- D. When required by the Commission, an environmental impact statement relating to but not limited to the possible effects of the proposed amendment.

11.1.2 The filing fee for a proposed amendment to these Regulations shall be \$100.00.

11.2 SEVERABILITY:

If any section, part or provision of these Regulations shall be determined to be illegal or otherwise unenforceable by any court having jurisdiction with respect thereto, such determination shall have no effect upon the continued validity, effect and enforceability of the remaining portions of these Regulations which shall continue in full force and effect.

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TEXT OF AMENDED ZONING REGULATIONS
(Effective date of Amendment July 28, 2000)

7.7 FARMERS' MARKET OPERATION (Original section adopted 5/9/94. Text as amended 7/28/00 appears in bold-face type)

7.7.1 Definitions:

A. **CRAFTWORK:**

Articles made largely by hand, in the Town of Easton or in nearby towns, from raw materials that may be purchased outside Easton including, but not limited to, sewing, knitting, weaving, small woodworking projects, decorations, household furnishings, and other items as may be allowed by the Commission.

B. **FARMERS' MARKET:**

A nonprofit organization or association of Connecticut residents, at least [three-fourths (3/4)] a majority of whom shall be residents of Easton, having a set of bylaws and operating rules approved by the Commission.

C. **IMPORTED PRODUCE:**

Plants or edible produce grown outside the Town of Easton.

D. **STAND:**

A booth, table, small truck or other device used for display and/or sale of products permitted for sale.

7.7.2 Permit: A special permit will be issued for no more than one year, renewable upon satisfactory compliance with all requirements of this Article.

7.7.3 Items for Sale:

A. All items displayed or offered for sale shall be limited to those products grown, created or produced within the Town of Easton or within nearby towns, except that the Commission may permit the sale of imported produce raised on farms within Connecticut. The applicant shall be required to certify in a written affidavit that all produce offered for sale shall be Connecticut-grown and a majority of all other goods offered for sale shall originate from Easton or nearby towns. Such Certification shall be verified on July 15 and on September 15, during the term of a special permit, by providing to the Zoning Enforcement Officer a list of total sales area, imported produce area, and acceptable documentation on the origin of other goods sold or offered for sale. Inability to demonstrate compliance with these requirements shall be grounds for the Commission to declare the permit null and void.

B. The following items may be sold subject to Par 7.7.3A:

- (1) Garden or farm produce or plants
- (2) Craftwork
- (3) Art and photography
- (4) Baked goods
- (5) Items pre-approved by the Commission

TEXT OF AMENDED ZONING REGULATIONS
(Effective date, July 28, 2000)

7.7 FARMERS MARKET OPERATION (Adopted 7/10/00)

- 7.7.4 Size: The market shall be permitted to devote no more than a limited number of square feet to the display or sale of products, as determined by the Commission and made part of its approval.
- 7.7.5 Duration: Sales shall be permitted only from May 15th to October 31st.
- 7.7.6 Parking: Off street parking must be provided for all vehicles including sellers and customers.
- 7.7.7 Town Services: All costs for services provided by the town and all costs of setup, operation and cleanup shall be borne by the operators and sponsors of the Farmers Market.
- 7.7.8 Insurance: The applicant shall carry comprehensive liability and product insurance in an amount determined by the commission upon approval of the application for a special permit.

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Elizabeth A. Taylor
EASTON TOWN CLERK

TEXT OF AMENDED ZONING REGULATIONS
(Effective date, March 30, 2001)

4.2 PERMITTED ACCESSORY USES (Adopted 3/12/01)

- 4.2.10 Within any new approved residential subdivision or re-subdivision consisting of ten (10) or more lots, a temporary real estate sales office or model home accommodating such office may be established provided:
- A. Use of such office shall be strictly limited to sales and demonstration activity for the lots and dwellings within the subdivision;
 - B. Personnel at such office shall be limited to not more than three employees of the company responsible for the property sales within said subdivision;
 - C. Permission for this use shall expire twelve months from its inception or at the date of closing of sale of the final lot in the subdivision, whichever occurs first; however, the Commission may renew permission for an additional time period(s) subject to the discretion of the Commission; and
 - D. Such office shall require application not later than the statutory filing deadline for the subdivision plan and shall further require site plan approval by the Planning and Zoning Commission, which shall find that said office will not be located within five hundred (500) feet of a municipal boundary, or within one hundred (100) feet of the subdivision boundary, or in any location which may adversely impact adjoining property or another municipality. In reviewing a site plan under this section the Commission may limit traffic, parking, lighting, hours of operation, signs, the type of structure to be used for this purpose and such other features of the site plan as may adversely affect the neighborhood. The Commission may, in its discretion, require the applicant to provide adequate screening of the sales office and shall require that the applicant post a performance bond assuring the timely removal of the facility.

Adopted Amendment, Zoning Regulations of the Town of Easton:
EXISTING CHURCHES AND OTHER PRIVATE CIVIC USES
Effective Date: July 28, 2001

(Add the text of a new subsection, 7.3.7, under Article 7, SPECIAL PERMITS, as follows:)

7.3.7 EXCEPTION FOR PRE-EXISTING USES:

Where a special use subject to the provisions of this Section (church or other place of worship, museum, art gallery, private school, private recreation club, or nursery school) has been in continuous existence and use on the same site from prior to the effective date of this Section (September 3, 1983), and the Commission determines present regulations preclude the minimum expansion of facilities needed to serve the local community, the Commission may authorize a Special Permit under the following modified standards applicable only to such pre-existing uses:

COVERAGE: Buildings shall not exceed 20% of total site area and total developed land coverage area (buildings, roads, driveways, pedestrian walks and other paved or impervious area) shall not exceed 40% of total site area.

SETBACKS: Buildings and other principal structures, including all additions thereto, shall observe the same setbacks specified for residences (Section 5.4), provided a dense buffer area of highly effective screening is established and maintained, without other uses, throughout any side or rear setback area adjoining a residential lot or lots.

All other requirements and findings of Section 7.3 shall apply. Any exception authorized under this Section shall be the minimum necessary to allow reasonable continued use of the pre-existing facility in the interest of service to the community.

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Elizabeth L. Funder
EASTON TOWN CLERK

Adopted Amendment, Zoning Regulations of the Town of Easton:
NONCONFORMING LOTS, BUILDINGS AND USES
Effective Date: July 28, 2001

(Amend the title of ARTICLE 8 to read as follows:)

NON-CONFORMING LOTS, BUILDINGS AND USES

(Delete present Sections 8.1, 8.2 and 8.2.1, and substitute the revised text which follows:)

8.1 DEFINITIONS

"NON-CONFORMING LOT": refer to Section 2.1.21

"NON-CONFORMING USE": refer to Section 2.1.22

"NON-CONFORMING BUILDING OR STRUCTURE": refer to Section 2.1.23

8.2 CONTINUANCE OF NON-CONFORMITIES

Any non-conforming lot, building or structure lawfully existing or lawfully in use at the time of the adoption of these Regulations, or any applicable amendments thereto, may be continued. No use which is illegal as of the date of adoption of these Regulations, or amendments thereto, may be continued.

8.2.1 Non-conforming Lot

A lawfully established existing lot which fails to meet the requirements of these Regulations for area, shape, frontage or other dimensional standards of the Regulations may nonetheless be continued and be used in any manner which conforms to all other requirements of the Regulations. A zoning permit may be issued for any construction, alteration or use on such lot provided such construction, alteration or use fully conforms to the Regulations.

A non-conforming lot shall not be reduced in area, dimension or any other manner which would increase its non-conformity.

8.2.2 Non-conforming Building or Structure

A lawfully established existing building or structure which fails to meet the requirements of these Regulations for setback, area, size or number of stories may nonetheless be continued. A zoning permit may be issued for any alteration, addition or extension to such building or structure provided such alteration, addition or extension will by itself be in full conformity with the Regulations, and such modification does not increase the non-conformity of that portion which legally existed on the effective date of these Regulations or amendments thereto.

A non-conforming building or structure shall not be enlarged or extended except where such enlargement or extension is in full conformity with the Regulations currently in effect.

Adopted Amendment, Zoning Regulations of the Town of Easton (continued):
NONCONFORMING LOTS, BUILDINGS AND USES

8.2 CONTINUANCE OF NON-CONFORMITIES(continued):

8.2.3 Non-conforming Use

No non-conforming use may be changed except to a use which is permitted by these Regulations for the District in which the use is located or to another non-conforming use less intensive in nature and more consistent with the uses permitted in the District in which the premises are located, as determined by the Commission.

No non-conforming use shall be expanded, multiplied or enlarged beyond the extent of building size, floor space and site area it occupied on the effective date of these Regulations, or pertinent amendments thereto. Any intensification of such use shall require review and approval by the Commission. For the purpose of this Section "intensification" shall mean an increase in persons accommodated or served, goods or equipment stored or distributed, hours of operation, or activities conducted within the same building space or site area.

No non-conforming use shall, if once changed to a conforming use, be allowed to revert to a non-conforming use.

(Present Section numbers and titles "8.2.2 CHANGE OF USE" and "8.2.3 EXPANSION OF USE" are deleted.)

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Elizabeth A. Pender
EASTON TOWN CLERK

ADOPTED AMENDMENT TO ZONING REGULATIONS

Town of Easton, Connecticut

Effective Date: June 1, 2002

Purpose: The following amendment has been adopted to allow some of the Town's essential service facilities (such as public works, emergency medical, police) necessary expansion or modification required to serve a growing population by adjusting the setback requirements imposed by the "B" Zone (3-acre minimum lot) in which they are located. Zoning Regulations (Section 9.4.2) prohibit the granting of a variance for any use which requires a special permit.

(Amend Section 4.3, USES PERMITTED BY SPECIAL PERMIT, as follows. New text appears in *italics*.)

- 4.3.3 Uses of the Town including municipal recreation facilities, firehouse, police station, public library, *other facilities; see Section 7.11.*

(Add new section as follows. New text appears in *italics*.)

7.11 SPECIAL EXCEPTION FOR PRE-EXISTING MUNICIPAL FACILITIES

Where a municipal use subject to the provisions of this Section (Article 7; Special Permits) has been in continuous existence and use on the same site from prior to the effective date of this Section (September 4, 1983) and the Commission determines that

- a) The public health and safety of the community requires that additions or changes must be made in the facility to enable it to continue to function effectively to serve public need, and*
- b) Such additions or changes cannot be made in any manner which would conform with the setback requirements of these regulations, it may nonetheless authorize a special permit subject to the following special conditions:*
- c) Minimum yard requirements (setbacks) may be reduced only to the extent necessary to allow the facility to continue to meet its public service obligation, and*
- d) Specific measures shall be required for effective protection of all nearby residential area from the effects of lighting, noise, dust, traffic or activity which might emanate from the site, and such measures may include required berms, fences or walls, dense screening, and appropriate limitations on the scope of operations as necessary.*

AMENDMENTS TO ZONING REGULATIONS:
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS
Original text Adopted December 29, 2000
Revised text Effective December 22, 2002

(Format Note: Except where enclosed in brackets [], existing text remains unchanged. Bracketed text indicates text to be deleted. Italicized type indicates new or amended text. Effective date follows in parentheses).

ACCESS TO LOTS BY COMMON DRIVEWAYS

Amend Sections 2.1.16 and 5.13 and add new section 5.15 as follows below.

Purpose of Amendments: to make provision for safely designed, effectively - maintained common driveways built to appropriate standards in order to reduce future Town road maintenance obligations and to reduce impact on site environment in new residential construction. Adopted text follows.

2.1.16 LOT (FLAG): A lot having frontage on a public street or highway by means of an unobstructed accessway held in the same ownership. Such accessway shall be not less than twenty-five (25) nor more than [fifty (50)] sixty five (65) feet wide at all points. [and not less than two hundred (200) feet from its intersection with the street line to the point where it intersects with the main portion of the lot.] A flag lot shall otherwise meet the requirements of Article 5 pertaining thereto. (new 2/24/89; amended Dec, 29, 2000)

5.3 ROAD FRONTAGE

5.3.1 Except for interior lots, flag lots and lots on common ownership accessways, a lot shall have frontage on a public street or highway of not less than two hundred (200) feet. See Sections 5.13 and 5.15. (original revision 2/24/89; amended Dec. 29, 2000)

5.13 INTERIOR AND FLAG LOTS (new 2/24/89, amended Dec. 29, 2000)

[5.13.1 Interior and flag lots shall not be permitted except under the following conditions.]

5.13.1 Interior lots and flag lots are defined in Sections 2.1.15 and 2.1.16 respectively.

Following the effective date of this amendment no interior lot shall be created except as follows :

where a lot or tract of land has existed from prior to the effective date of this amendment (Dec. 29, 2000), without subsequent alteration of its boundaries as clearly shown by evidence in the Town Land Records, and such lot or tract is capable in all respects of division or subdivision into one additional lot except that it lacks suitable area or frontage or terrain to accommodate a conforming accessway for such additional lot as determined by the Planning and Zoning Commission, the Commission may, in its sole discretion, authorize not more than one interior lot to be created from such tract or lot provided the access easement to the interior lot shall meet the requirements of Articles 5.13 and 5.14 and be approved by the Commission for safe access to the lot and for protection of the environment of the site.

Any lawful interior lot, either created prior to the effective date of this amendment (Dec. 29, 2000) as shown by evidence in the Town Land Records, or as authorized above, which in all respects conforms to these regulations except for its lack of street frontage, shall be deemed a conforming lot with respect to these regulations and may be issued permits in the same manner as a lot which meets the frontage requirements of these regulations.

AMENDMENTS TO ZONING REGULATIONS: (page 2)
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS

5.13 INTERIOR AND FLAG LOTS

5.13.1 (Continued)

All flag lots and existing or authorized interior lots shall be governed by the following conditions: (new, Dec. 29, 2000)

- A. Use of each interior or flag lot shall be limited to one (1) single family residence. (1983; new 1986)
- B. Each easement and accessway shall be not less than twenty-five (25) feet nor greater than [fifty (50)] sixty five (65) feet wide at all points. (amended Dec. 29, 2000)
- C. Within the boundaries of each easement and accessway shall be a graveled or paved driveway which satisfies the requirements of Article 5.14.
- D. [Each easement and accessway shall serve no more than one (1) interior lot and one (1) flag lot, respectively. Abutting easements and accessways shall not be permitted.]

Each flag lot shall include an accessway in the same ownership as the lot, suitable for a driveway and utilities, which extends to and provides the lot with frontage on a public street or highway, as provided by Sections 2.1.16 and 2.1.18. No flag lot accessway shall be located closer to another flag lot accessway than a straight-line distance equal to twice (two times) the requisite width of lot square or rectangle as specified in Section 5.2, (300 feet), except that the Commission may permit not more than two (2) flag lot accessways, in one location, to adjoin for the purpose of a shared or common driveway as provided in Section 5.15. (amended Dec. 29, 2000)

- E. Each interior lot and each flag lot and the use thereof shall otherwise comply with all other requirements of the Zoning Regulations including, but not limited to, lot shape and minimum front, rear, and side yard requirements for the District in which such lot is located.
- F. If the easement or accessway providing access to an interior or flag lot terminates at a location where two boundaries of the main portion of the lot intersect, the angle included by said boundaries when projected shall be not less than sixty (60) degrees.

5.15 COMMON DRIVEWAYS (new: Dec. 29, 2000)

5.15.1 A common driveway designed to serve not more than four (4) single-family residential lots, or not more than six (6) single-family residential lots subject to compliance with the additional requirements of Subsection K hereof, may be authorized by the Commission in accordance with the following standards, on a plan to be approved by the Commission: (amended Dec. 22, 2002)

- A. The Common driveway travelway shall be constructed in accordance with the standard road specifications of the Town of Easton (for sub-base, base, wearing surface, drainage and other construction details), except as provided in subsections "B" through "J" following.
- B. Minimum travelway width shall be sixteen (16) feet plus two (2) feet of graded and grassed shoulder at each side. Within its sole discretion, however, the Commission may reduce or waive the requirement for graded shoulders for short distances along the travelway to the extent necessary to minimize impact on wetlands, steep slopes, desirable natural features or to an adjacent residential lot. *Curbing shall not ordinarily be required, except where determined necessary by the Commission on advice of the Town Engineer. (amended Dec. 22, 2002)*

AMENDMENTS TO ZONING REGULATIONS: (page 3)
ACCESSWAYS, COMMON DRIVEWAYS, FLAG LOTS, INTERIOR LOTS

5.15 COMMON DRIVEWAYS

5.15.1(Continued)

- C. Maximum travelway length shall be as determined appropriate in each case by the Commission.
- D. Maximum travelway gradient for the first twenty-five (25) feet from the edge of the travelway shall be five percent (5%), thereafter transitioning to a maximum gradient of twelve percent (12%).
- E. A "hammerhead" or "T" configuration of turnaround, suitable in design to accommodate safe turning movements for large service vehicles and fire apparatus, at maximum 4% gradient, shall be provided at the terminus of any common driveway serving three (3) or more lots. (amended Dec. 22, 2002)
- F. All utility lines for power and communication shall be placed underground at the side of the travelway. Banksides adjacent to the travelway shall be landscaped to preserve scenic features and provide for shade trees as determined appropriate by the Commission. Each individual driveway entrance shall be clearly posted at its intersection with the common driveway with an address-number sign designed for night-time visibility to assist in emergency identification and access.
- G. All other geometric, design and drainage standards shall be as prescribed by Section 5.14.
- H. The design plan for the common driveway shall show essential details of property lines, easement lines, proposed travelway, existing and adjusted land contours, proposed storm drainage, individual driveway access to the common driveway, general locations of utilities and other features to be constructed, including curbs, walls and guide rails where required, proposed planting including appropriate trees and buffer planting, sight-lines at the driveway intersection with the public road, and shall bear the seal of a Connecticut-registered professional engineer.
- I. A common driveway designed to provide access from a street to not more than two (2) lots shall be located within a mutually-shared perpetual easement coincident with any lot accessways, or within an accessway held in perpetual undivided common ownership by the aforesaid two lots. A common driveway designed to provide access from a street to three (3) or more lots shall be located only within an accessway held in perpetual undivided common ownership appurtenant to the titles of each of the benefiting lots. (amended Dec. 22, 2002)

Every shared easement or common-ownership accessway shall be not less than fifty (50) nor more than sixty-five (65) feet in width, exclusive of any required turnaround at its terminus.

Where the principal means of access to a lot is by an adjoining common ownership accessway, over a continuous accessway boundary of at least twenty-five (25) feet, the lot's frontage requirements shall be deemed to be met in the same manner as for a "flag lot".

(continues . . .)

5.15 COMMON DRIVEWAYS

5.15.1

I. (continued)

Every access easement and every common ownership accessway shall be capable in its layout and character of terrain of providing for safe access to each benefiting lot without adverse environmental impact, and its layout and design plan shall require the specific approval of the Planning and Zoning Commission. The plan approved by the Commission shall reference all pertinent easement and maintenance covenant documents, and shall be filed, along with such documents, following Commission approval, in the Town Land Records.

- J. The common driveway plan shall include a perpetual easement and enforceable maintenance covenant which incorporates the full extent of the common driveway and shall require approval by the Planning and Zoning Commission. The easement shall grant full rights of access for all legal purposes, including utility installations, to each of the sharing lots. The maintenance covenant shall obligate each benefiting lot owner to pay a specified pro rata share of all work required to maintain the common driveway at all times in a safe and properly functional condition, and shall further obligate the owners to contract for specified services which at a minimum will guarantee prompt clearance of snow and ice, trimming of overhanging tree branches, removal of debris and objects tending to impede safe travel, and essential periodic repairs (such as repaving, maintenance of drainage systems, guard rail replacement, mowing, regrading of banksides, and other necessary work). The maintenance covenant shall provide appropriate legal remedies which may be applied by any lot owner(s) paying for work required under the covenant against any nonpaying or delinquent lot owner(s), and shall provide that the Town may take enforcement action against any lot owner jointly and severally in the event that driveway conditions are found by the Commission or its agent to constitute a hazard to Town or other emergency services such as fire, police or medical response.**

The following text shall be incorporated within each common driveway maintenance covenant:

" The undersigned parties to this covenant, owners of lots as shown on (title and date of map), duly filed in the Easton Town Land Records as Map, their heirs, successors and assigns, hereby jointly and severally assume full maintenance responsibility and liability for the condition of all improvements shown on (title of common driveway plan), as more particularly described in the Long-term Maintenance Program attached hereto as Exhibit A, and hereby agree to indemnify and to hold harmless the Town of Easton from all claims whatsoever which may arise from the condition of said improvements on the said common driveway irrespective of their cause." (amended Dec. 22, 2002)

- K. A common driveway designed to serve five (5) or six (6) single-family residential lots shall comply with the following standards in addition to the requirements of Subsections A. through J. above:**

- (1) For five (5) lots served at least one (1) lot shall have the road frontage on a public street specified by Section 5.3.1. For six (6) lots served at least two (2) lots shall have the road frontage on a public street specified by Section 5.3.1.**
- (2) No single-lot driveway entrance, from either a common driveway or a public street, shall be located within 150 feet of the intersection of a common driveway and a public street. At its discretion the Commission may limit any lot to access only from the common driveway on which it abuts.**
- (3) The minimum width of the common driveway travelway serving five or six lots shall be sixteen (16) feet plus two (2) feet of constructed, graded and grassed travelway base on each side. (amended Dec. 22, 2002)**

ADOPTED AMENDMENT TO ZONING REGULATIONS

Effective date: May 1, 2003

Explanatory Note

Text sections which are in *italics* signify revisions in the draft considered at public hearing July 23, 2001. Sections introduced by asterisk (*) indicate revisions made since prior referral in January.

SIGNS

(Explanation of purpose of Amendment: The present regulations governing signs, given in Section 5.6 of the Easton Zoning Regulations, fail to deal adequately with the myriad varieties of signs which are erected or for which permission is regularly sought. Protection of the character of the town as well as reasonable standards for permissible signs requires a comprehensive revision of this Section.)

(Delete the present definition of SIGN, Section 2.1.30, and substitute the following text)

2.1.30 SIGN: Any device for visual communication, whether located outdoors or within a structure in such manner that it is visible outdoors, which is arranged or intended to convey a graphic message to the general public in written, pictorial or symbolic form, or in a combination of these forms. As used in these Regulations the term sign includes all message displaying and advertising devices which are freestanding, attached to buildings, mounted on trees or poles, portable, vehicle mounted, hanging or suspended from a cable, mounted on fences or structures, painted on or otherwise attached to walls or abutments, displayed in windows, projected electrically or contrived in any other manner to attract attention to a message. Examples of signs include: posters, name plaques, advertising bills, product symbols, commercial streamers or pennants, display cases, identification signs, and directional signs. The term sign, however, does not include traffic signals, safety markers and signs essential for traffic control or public safety erected by public authorities, nor does it include the flag, banner, or insignia of the United States, of the State of Connecticut, or of any civic, patriotic, charitable, religious, fraternal or similar public-service organization. Civic, religious or private displays *such* as seasonal decorations, balloons, decorative banners, creches, menorahs and other religious symbols, postal boxes and address number plaques shall not be deemed to be signs.

ADOPTED AMENDMENT TO ZONING REGULATIONS
Effective date: May 1, 2003

SIGNS

(Delete the present Section 5.6, SIGNS, in its entirety and substitute the following text)

5.6 SIGNS

5.6.1 Purpose and Definition

In addition to the purposes identified in Section 1.0 of these Regulations, the sign regulations which follow are specifically adopted to protect the established rural and residential character of the Town of Easton, the property values of residents, and the safety and welfare of the general public. For *the* definition of sign, refer to Section 2.1.30.

5.6.2 Standards Governing All Signs

- (a) The location of each sign shall be limited to the premises it identifies or serves. No off-premises signs are allowed, except as provided under Sections 5.6.3 (a) and 5.6.4(c).
- (b) The area of the sign shall comprise the entire surface area (all faces) on which the message is inscribed. *See Sections 5.6.3 and 5.6.4 for permissible areas.*
- (c) The number of faces, or separate message-bearing surfaces, is limited to two (2) per sign.
- (d) The height of a sign shall be measured from finished grade at the base of its supporting structure to the highest part of the sign.
- (e) Illumination of signs is not permitted, except that the Commission may, on special application, authorize illumination of a sign which it deems provides an *essential* nonprofit civic or public service. Where such illumination is authorized it shall be only of low-intensity lighting confined to the surface of the sign, designed so that no direct sources of illumination are visible. No sign shall result in glare or reflections visible off the premises. Signs of moving, flashing, intensely glowing (such as neon) or highly reflective character are prohibited.

ADOPTED AMENDMENT TO ZONING REGULATIONS

Effective date: May 1, 2003

SIGNS

5.6.2 Standards Governing All Signs (continued)

- (f) Signs mounted on buildings shall not extend above the principal eave line, nor extend outward more than four (4) feet from the face wall of the building.
- (g) Free-standing signs, except those specifically authorized by Sections 5.6.3 and 5.6.4(c) of these Regulations, shall be located inside the front lot line of the lot. No sign shall be placed in such position that it interferes with safe visibility from a street or a driveway.
- (h) Portable signs are limited to the following:
 - an identification logo or company nameplate permanently affixed to a vehicle in daily use away from the premises where it is stored; and
 - a temporary sign, as permitted by Sections 5.6.4 (b) and (c).
- (i) Advertising signs and billboards are prohibited in all zones. *See Subsections 5.6.4(b) and (c).*
- (j) Except as provided in Section 5.6.3 of these Regulations, there shall be not more than one sign on any single lot or premises; however, the Commission may, on special application, authorize a single additional sign where it deems public convenience or necessity requires such. If an additional sign is authorized the Commission shall prescribe appropriate conditions on size, design and location of the sign to protect the character of the neighborhood.
- (k) The use of signs shall be limited to one of the following for each sign:
 - public safety information, as provided in Section 5.6.3 (c) and (d);
 - private property protection, as provided in Section 5.6.3 (b);
 - temporary sales and special events, as provided in Section 5.6.4 (b) and (c); or
 - identification of the name and permitted activity of an occupant of the premises. Such "permitted activity" shall describe only the general class of home occupation, professional office or business activity conducted on the site -- such as "cabinetmaker", "physician", or "landscape contractor", and shall not include promotional advertising messages or slogans.

5.6.3 Signs Permissible In All Zones

The following signs are permitted by right (no permit required) in all zones, with limitations noted:

- (a) An identification sign, only one per lot, indicating the name of the resident, the name of the property, or the address, not exceeding one (1) square foot in area per each sign face, located within ten (10) feet of the entrance driveway to the lot. *Provided, however, that signs in compliance with the Town Ordinance ASSIGNMENT OF NUMBERS TO HOUSES which otherwise comply with these regulations are permitted.*

ADOPTED AMENDMENT TO ZONING REGULATIONS

Effective date: May 1, 2003

5.6.3 Signs Permissible In All Zones(continued)

- (b) Private property posting or warning signs (such as "no trespassing" or "police protected"), non-illuminated, maximum of one sign along each 100 feet of property boundary or fraction thereof, not exceeding one (1) square foot in area per each sign.
- (c) Essential traffic control, emergency information, construction, road name, and directional signs erected by State and Town traffic authorities.
- (d) Necessary traffic and parking control signs in common driveways, private roads, and parking facilities, not exceeding two (2) square feet in area for each sign face.

5.6.4 Signs Subject to [Zoning] Sign Permit

The following signs are permitted in all Zones subject to issuance of a [zoning permit, as provided by Section 9.2 of these Regulations,] *sign permit, as provided in this Section*, with limitations noted:

- (a) An identification sign indicating a permitted professional office, home occupation, farm, farmers' market, nursery, farm stand or other legitimate sales activity, or any special use as provided by Section 4.3 of these Regulations, not more than one such sign per lot; such sign in conformance with all side line and rear line setback requirements of these Regulations, not over four (4) square feet in area for each sign face, and not above eight (8) feet in height above ground level.
- (b) A temporary sign indicating a permitted special event or seasonal home occupation occurring on the same premises, such as "For Sale", "For Rent", "Building Fund Drive", "Contractor", "Tag Sale", "Horse Show", "Church Fair", "Auction", "Fresh Produce", "Christmas Greens", "Seasoned Firewood", "Summer Day Camp", and the like; sign not illuminated, maximum area of four (4) square feet per sign face, height of eight (8) feet, one sign per lot. The sign shall be removed within 24 hours of completion of the construction, sale, rental, or scheduled event.
- * (c) *Not more than one (1) sign indicating a permitted sale, rental, special event, or seasonal home occupation, and for the sole purpose of providing essential public directions to the site of such event or sale, limited in area of sign face to not more than one and one-half (1.5) square feet, may be located at the street intersection nearest the site, provided written approval is obtained from each abutting property owner and from the Town Police Department, and the specific design and location of such sign is approved by the Planning and Zoning Commission. Such sign shall be removed not later than 24 hours after completion of the sale, rental, or other scheduled event.*

ADOPTED AMENDMENT TO ZONING REGULATIONS

Effective date: May 1, 2003

5.6.4 Signs Subject to [Zoning] Sign Permit (continued)

- (d) Temporary advocacy or directional signs relating to a special event of short duration, such as a public election or referendum, a church fair, an auction, a permitted sale or carnival for a civic organization, a tag sale, or other public event; signs not illuminated, one face only per sign, each sign not over one and one-half (1.5) square feet in face area; provided *however, that* the number, duration and approximate locations of such signs shall require advance approval by the Planning and Zoning Commission and such signs shall be removed within 48 hours after completion of the referenced event.

* (Add new sub-section 5.6.4 (e) as follows:)

- 5.6.4(e) *A municipal sign or sign post which conveys public information essential to health, safety, public meetings, elections, referenda or other matters of public concern, or any sign required by any agency of the State or Federal government, provided the size, location, duration and general design of such sign or signs is approved by the Planning and Zoning Commission.*

Application for a sign permit shall be on a form prescribed by the Planning and Zoning Commission, and shall be accompanied by an accurate diagram or pictorial facsimile of the proposed sign indicating its dimensions, character, height, type of support or mount, location(s) and such other information as may be required to determine full compliance with all requirements of these regulations.

Each application for a sign permit shall be submitted to the Zoning Enforcement Officer not later than fifteen (15) days before its proposed erection, accompanied by a fee as prescribed by the Commission. On determination that all requirements of these regulations have been met, the Zoning Enforcement Officer may issue the sign permit. In any instance in which there is doubt as to permissibility of a proposed sign, and as provided in Sections 5.6.4(c) and 5.6.4(d) above, the application shall be referred by the Zoning Enforcement Officer to the Planning and Zoning Commission for decision. A sign permit shall expire as provided above, or whenever the Zoning Enforcement Officer determines the subject sign is not in compliance with these regulations. All illegal signs shall be removed promptly, and the Zoning Enforcement Officer may, after affixing a notice of violation to an illegal sign, remove and impound such sign three or more days after such notice.

Violations of these regulations shall be subject to the same penalties as other infractions of the regulations, as provided by law.

ADOPTED AMENDMENT TO ZONING REGULATIONS

Effective date: May 1, 2003

* (Add the following text to draft Section 5.6.4:)

An application for a sign permit which requires specific approval by the Planning and Zoning Commission, as provided in Sections 5.6.4 (c) and (d) above, may be granted subject to a cash performance bond sufficient to guarantee timely removal of the sign as required by these regulations.

(Add new sections 5.6.5 and 5.6.7; renumbered present 5.6.5 as 5.6.6)

5.6.5 Pre-existing Non-conforming Signs

Any sign which has been in legal and continuous existence from prior to the effective date of this amendment (-----), as verified by graphic evidence established to the satisfaction of the [Zoning Enforcement Officer], Planning and Zoning Commission may be continued. It shall be the sole responsibility of the owner of such sign to provide such graphic or documentary evidence. Refer to Sections 8.2.2 and 8.2.3 of these Regulations.

5.6.6 Prohibition

All signs not specifically permitted by Sections 5.6.1 through [5.6.4] 5.6.5 above are explicitly prohibited.

5.6.7 Severability

As provided in Section 11.2 of these Regulations, the invalidity of any portion of Section 5.6 hereof as determined by any Court of competent jurisdiction shall not affect the validity or enforceability of all other provisions of this Section.

AMENDMENTS TO ZONING REGULATIONS
SPECIAL EXCEPTION FOR PRE-EXISTING FARM AND FOREST ACTIVITIES
Text Adopted July 28, 2003
Effective date August 18, 2003

(Amend Section 4.3, USES PERMITTED BY SPECIAL PERMIT, to add a new subsection as follows.)

4.3.17 Certain special uses complementary to existing farming or forestry operations; see Section 7.12.

(Amend Article 7, SPECIAL PERMITS, to add the following new section 7.12)

7.12 SPECIAL EXCEPTION FOR PRE-EXISTING FARM AND FOREST ACTIVITIES

Where an established farming or forestry-related use has been in existence and actively operated on the same site over a period of at least five (5) years prior to the effective date of this Section (August 28, 2003), Commission may authorize one or more of the special uses listed in Sections 7.12.1, 7.12.2 and 7.12.3 subject to the stated limitations governing the particular use or uses:

7.12.1 The display, processing and sale of farm produce, nursery and greenhouse stock, and/or other products of a farm or nursery garden, comprising at least five (5) acres of on-site cultivated area, provided a substantial proportion of all material processed or offered for sale shall be raised on the premises by the residents thereof and any balance of produce or material for sale shall be of a character native to Connecticut or otherwise approved for appropriateness by the Commission; subject to all other requirements of Section 4.2.3 hereof.

7.12.2 The processing and sale of forest and tree products, such as firewood, leaf mulch, brush and bark chips, maple syrup, orchard fruits, and similar consumable or biodegradable products of a character native to Connecticut, specifically excluding bulk sawmills and any process which results in refined chemical or manufactured products; provided a complete description of all activities, materials used, and end products shall be supplied to the Commission for its determination of appropriateness within a rural residential environment; further provided that such use shall be located on a site of at least seven (7) acres and be conducted exclusively by the residents thereof.

AMENDMENTS TO ZONING REGULATIONS (page 2)
SPECIAL EXCEPTION FOR PRE-EXISTING FARM AND FOREST ACTIVITIES

7.12 SPECIAL EXCEPTION FOR PRE-EXISTING FARM AND FOREST ACTIVITIES (continued)

7.12.3 The temporary rental or lease of surplus space in any existing farm building(s), not exceeding 10,000 square feet in aggregate floor area, for office or research use as determined appropriate for each occupancy by the Commission; provided located on an active farm of at least fifteen (15) acres and providing employment space for not more twenty-five (25) employees, in addition to farm employees, or one employee per each two (2) acres of total site area, whichever is less.

In addition to full compliance with all provisions of Section 7.2 hereof (Special Permits, Procedures), the following special requirements govern each of the Special Exception uses authorized in Sections 7.12.1, 7.12.2 and 7.12.3 above:

- (a) Each proposed use shall be considered a unique case and be evaluated by the Commission in terms of compatibility with its neighborhood, traffic generation, effects if any on a public water supply watershed and on the natural environment of the site, and benefit to the community. In granting permission for any use the Commission may specify unique setbacks, permissible hours of operation, dense screening, and specific controls on lighting, noise, dust, odors, traffic and other effects of the activity as it deems necessary to protect the neighborhood.
 - (b) Any special exception granted under Section 7.12 shall expire or be renewed not later than forty-eight (48) months after site plan approval by the Commission and filing of same in the Town Land Records (see Section 7.2.2); provided, however, that the special exception permit shall expire sooner as provided in Section 7.2.5, and may be renewed, within the discretion of the Commission, following proper application, public hearing and the special findings required by this Section, for an additional period not exceeding forty-eight (48) months after each application.
-

Town of Easton, Connecticut
ADOPTED AMENDMENTS TO ZONING REGULATIONS
Effective Date: February 14, 2004

(Format Note: Except where enclosed in brackets [], existing text remains unchanged. New text appears in *italicized* type. Bracketed text indicates text to be deleted.)

MINOR STRUCTURES

(Amend Section 9.2, ZONING PERMIT, Subsection 9.2.1 A., by adding a new paragraph, as given below, following the present text:)

Exception for minor structures: where a proposed free-standing structure will not exceed 200 square feet of ground coverage, nor exceed 12 feet in maximum height, and a properly certified survey map or plot plan accompanies the application, the Zoning Enforcement Officer may accept for application purposes an uncertified drawing, accurately constructed to scale, which in his judgment demonstrates that the proposed minor structure will fully comply with all requirements of these regulations.

(Amend Section 9.2, ZONING PERMIT, Subsection 9.2.4 A., by adding a new paragraph, as given below, following the present text:)

Exception for minor structures: Where the Zoning Enforcement Officer can determine with certainty from an identifiable reference point on a prior survey certified by a licensed land surveyor that a structure not exceeding 200 square feet of ground coverage or 12 feet in maximum height complies with requisite setbacks, he may waive the submission of this location survey.

Town of Easton, Connecticut
ADOPTED AMENDMENTS TO ZONING REGULATIONS
Effective Date: February 14, 2004

(Format Note: Except where enclosed in brackets [], existing text remains unchanged. New text appears in *italicized* type. Bracketed text indicates text to be deleted.)

FENCES AND WALLS

(Amend Section 5.4, MINIMUM YARD REQUIREMENTS, Subsection 5.4.2, by deleting the existing reference to walls and fences, to read as follows:)

- 5.4.2 The front, side and rear yards may be occupied by normal appurtenances substantially at ground level, such as a driveway, access bridge, or terrace; also by [a wall or fence no higher than six feet,] a mailbox or a driveway light post.

(Amend Section 5.4, MINIMUM YARD REQUIREMENTS, by adding a new subsection as follows:)

- 5.4.3 *Fences and walls may be erected within any front, side or rear yard in conformity with the following standards:*

A. Measurement of Height

The height of a free-standing fence or wall shall be measured vertically from the finished grade at its base to the highest point of the structure, excluding however any post, column or finial with a girth not exceeding forty (40) inches (typically a 10" x 10" square post or a 12" round post). Where a fence or wall is mounted on a retaining wall, or is placed within 12 inches of same, the height of the combined structure shall be measured as an average of the two heights above finished grade on opposite sides of the structure, except that at no point shall such combined wall and fence exceed a height of eight (8) feet above the finished grade at the lower side.

ADOPTED AMENDMENTS TO ZONING REGULATIONS (page 2)
FENCES AND WALLS

B. Height Allowance For Fences and Walls

Fencing designed primarily for security against animals or intruders, which allows the free passage of light and air, and in which the solid mass is not over 25% of the face area of the fence (such as wire netting or widely-spaced rails), shall not exceed a height of eight (8) feet above grade. Except as provided in "C." below all other free-standing fences and walls within the specified yard spaces are limited to a height of six (6) feet.

C. Special Cases

Subject to a determination of need and approval of a site plan by the Planning and Zoning Commission, the following special fences or walls may be authorized by the Commission:

- A solid-screen fence or wall up to eight (8) feet in height where essential to protect the privacy or values of an adjacent residential property or neighborhood;*
- Any retaining wall or fence necessary for safety, prevention of erosion, or other public purpose.*

Any modification of an existing stone wall or erection of a new fence or wall within five (5) feet of the boundary of a Town-designated Scenic Road shall require Commission site plan approval.

Town of Easton, Connecticut
ADOPTED AMENDMENTS TO ZONING REGULATIONS
Effective Date: February 14, 2004

(Format Note: Except where enclosed in brackets [], existing text remains unchanged. New text appears in *italicized* type. Bracketed text indicates text to be deleted.)

NURSERY SCHOOL

(Amend Section 2.1, DEFINITIONS, Subsection 2.1.25, as follows:)

2.1.25 NURSERY SCHOOL: A facility *licensed by the State of Connecticut*, which provides care and instruction for *seven (7) or more* children under the age of six *(6) years* for a fee or other compensation, including "group day care" facilities.

(Amend Section 4.3, USES PERMITTED BY SPECIAL PERMIT, Subsection 4.3.6, as follows:)

4.3.6 Nursery school conducted by the resident occupant of the premises, subject to the [provision of Section 7.3] *provisions of Section 7.13.*

(Amend Section 7.3 to delete references to NURSERY SCHOOL therein)

(Amend Article 7, SPECIAL PERMITS, to add new section as follows:)

ADOPTED AMENDMENTS TO ZONING REGULATIONS (page 2)
NURSERY SCHOOL

7.13 NURSERY SCHOOL

- 7.13.1 *LICENSE: An appropriate license from the State of Connecticut to operate a group daycare facility or a nursery school shall accompany the application and remain in effect as a condition of any permit under this section.*
- 7.13.2 *SITE: Minimum lot area shall be 40,000 square feet in the District A Residence Zone and 3 acres in the District B Residence Zone, of which at least 10,000 square feet shall be suitable and securely fenced for outdoor exercise area or play space and reserved for exclusive nursery school use during times that the nursery school is in session.*
- 7.13.3 *ACCESS: Unless located on a major collector – type street, as determined by the Commission, and provided with ample on-site parking, all children enrolled in the nursery school shall be transported to and from the facility by car pool, van or other arrangements approved by the Commission to minimize daily traffic to the site.*
- 7.13.4 *RESIDENCE: Except where conducted as an adjunct to an established institutional use such as a church or private school regulated under Section 7.3, the nursery school shall be an integral part of the structure housing the principal residence on the site and shall be the only permitted special use on the site. The director of a nursery school conducted in a residence shall reside on the site as his/her principal domicile and shall directly supervise all activities of the nursery school.*
- 7.13.5 *NEIGHBORHOOD PROTECTION: Effective screening shall be provided and maintained for the protection of adjacent properties, especially with respect to outdoor play areas and any parking or passenger loading areas. No night-time activities associated with school use shall be permitted.*
- 7.13.6 *EXPIRATION: Any special permit granted under this section shall expire three years (36 months) after its effective date unless renewed by the Commission, upon reapplication by the owner, which renewal shall not be withheld except for cause found under the provisions of these regulations.*

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Jim Ford
SECRETARY CLERK

AMENDMENT TO EASTON ZONING REGULATIONS
SPECIAL PERMITS
(Effective Date: July 3, 2004)

7.2.5 AMENDMENTS AND EXPIRATION

A special permit shall authorize only the particular use or uses specified in the permit.

On application in a form prescribed by the Commission, the Commission may authorize an amendment to an approved special permit. Where it finds that the amendment will be consistent with the character and limitations of the original special permit, will not significantly alter the approved site plan, will not result in a greater intensity of use and will not adversely affect adjacent properties or the neighborhood, the Commission may waive public notice and hearing and consider a request for such minor amendment at any regular meeting. Any other petition for amendment to a special permit shall constitute a new application and shall meet the standards of Sections 7.2.1 through 7.2.4.

A special permit shall expire if the use or uses shall cease for more than one year for any reason, or if all required improvements are not completed within one year or such other time as is prescribed by the Commission, from the date of recording in the Town Land Records, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use, provided however that the Commission may within its discretion grant one or more reasonable extension(s) of the specified period for completion of improvements for good and just cause demonstrated to its satisfaction.

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TOWN CLERK

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Town of Easton, Connecticut

ADOPTED AMENDMENT TO ZONING REGULATIONS

Effective Date: May 6, 2005

Amend Section 7.13, NURSERY SCHOOL, subsection 7.13.2, SITE, to delete portions of present text and substitute text as follows. Brackets [] indicate present wording to be deleted and *italicized* text indicates new wording.

7.13.2 SITE: Minimum lot area shall be 40,000 square feet in the District A Residence Zone and 3 acres in the District B Residence Zone. [, of which at least 10,000 square feet shall be] *The site shall contain an area suitable and securely fenced for outdoor exercise area or play space [and] which is reserved for exclusive nursery school use during times that the nursery school is in session. Such outdoor exercise area shall be in accordance with State licensing requirements, but in no case less than 2,000 square feet in area, and shall have provision for access by emergency services.*

Debra K. [Signature]
ASST

Amendments to Easton Zoning Regulations:
(Effective date, September 5, 2006)
HEIGHT OF BUILDINGS

(Purpose of Amendments: Easton Zoning Regulations currently establish height limits only for dwellings. To maintain a consistency of appearance in future building construction throughout the town, to conserve property values, and to protect persons and property from unnecessary fire and safety hazards it is desirable that all buildings conform to basic standards of permissible height.

Recent changes in the basic building code define any habitable space in the attic of a residence, at least 7 feet 4 inches in height which is accessible by a walk-up stair, as a "story" of the building. Section 5.5.4 of the Zoning Regulations presently limits the height of a dwelling to "two stories plus attic", with no definition of "attic". Zoning variances are often sought for a finished or habitable space in an attic above two full stories, a growing demand in today's high-value housing construction. The amendments establish a standard for permissible finished attic space in two-story residences.)

(Amend Section 5.5 of the Easton Zoning Regulations, BUILDING SIZE, Subsection 5.5.4, to read as follows. Deleted text is enclosed by brackets ([]). New text appears in *italics*.)

- 5.5.4 The maximum height of any [dwelling] *building* shall be no more than two stories plus attic, but in no event higher than 35 feet above *finished* grade, with reference to the highest elevation where the foundation meets grade, *subject to the useable emergency egress provisions below. For the purposes of these regulations an attic in a residential dwelling may contain finished or habitable space not greater in floor area than one-half the gross floor area of the story directly below, and such finished residential attic space may be equipped with heat, plumbing and electricity. No finished residential attic space shall be used for an accessory apartment or for a rental office. Any habitable attic space shall be provided with two means of egress usable in the event of an emergency, the arrangements for which are acceptable to the Building Official.*

In determining the height of a building, cupolas, steeples, spires, chimneys, antennas, weather vanes and similar appurtenances shall not be counted toward height. Within its discretion, the Commission may allow any public or institutional building subject to special permit to rise to a height not exceeding forty (40) feet, provided such building is at least fifty (50) feet from the nearest property boundary.

Adopted Amendments to the
ZONING REGULATIONS OF THE TOWN OF EASTON
Effective Date: May 30, 2010

Purpose of Amendments: To update and revise Article 10, FLOOD PLAIN MANAGEMENT, in accordance with new federal minimum standards and state requirements for designated flood plains in order that the Town of Easton may remain eligible to participate in the National Flood Insurance Program (NFIP).

ARTICLE 10

FLOOD PLAIN MANAGEMENT

(Adopted July 1996, Amended May 30, 2010)

10.1 THE PURPOSE AND OBJECTIVES:

These regulations are designed to promote the public health, safety, and welfare by minimizing public and private losses due to flood conditions in specific areas known as the 100-year flood plain. To gain greater protection from flooding and to keep federal Flood Insurance available in the Town of Easton at reasonable costs, development in the 100-year flood plain will be controlled and regulated.

10.2 GENERAL:

10.2.1 These regulations shall apply to all special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Easton. These documents, with any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The special flood hazard areas include any area shown on the FIRM as Zone A or Zone AE, including areas designated as a floodway on a FIRM. Special flood hazard areas are determined by utilizing the base flood elevation (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and must be verified with the BFEs published in the FIS for a specific location.

FLOOD PLAIN MANAGEMENT (continued)

10.2 GENERAL (continued)

- 10.2.2 No structure or land shall hereafter be constructed, located, extended, converted or altered in the 100-year flood plain without full compliance with the terms of these regulations and other applicable regulations.
- 10.2.3 This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 10.2.4 The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Easton or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Easton, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Easton.

10.3 DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application.

- 10.3.1 "Base Flood" mean a flood (100 year storm) which has a 1% or greater chance of occurring in any given year.
- 10.3.2 "Base Flood Elevation (BFE)" means the elevation of the crest of the base flood (100-year flood). This elevation is stated as its height in relation to mean sea level, based on North American Vertical Datum (NAVD) of 1988, expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

FLOOD PLAIN MANAGEMENT (continued)

10.3 DEFINITIONS (continued)

- 10.3.3 “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.
- 10.3.4 “Building” means see the definition for “Structure”.
- 10.3.5 “Development” means any man-made change to improved or unimproved real estate including, but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the areas of special flood hazard.
- 10.3.6 “Existing Manufactured Home Park or Subdivision” means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date, September 30, 1983, of the floodplain management ordinance adopted by the Town of Easton.
- 10.3.7 “Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 10.3.8 “Federal Emergency Management Agency (FEMA)” means the federal agency that administers the National Flood Insurance Program (NFIP).
- 10.3.9 “Flood or Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation/runoff of surface waters from any source.

FLOOD PLAIN MANAGEMENT (continued)

10.3 DEFINITIONS (continued)

- 10.3.10 "Flood Insurance Rate Map (FIRM)" means the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100 - year floodplain) and the insurance risk premium zones applicable to a community.
- 10.3.11 "Flood Insurance Study (FIS)" means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
- 10.3.12 "Flood Plain, 100 Year" means all land area, including structures thereon, which is subject to a one percent chance of flooding in any given year. Said areas are generally described on the "Flood Insurance Rate Maps" and "Flood Insurance Study" prepared for the Federal Emergency Management Agency as described in Section 10.2.
- 10.3.13 "Floodway" means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevations more than one foot.
- 10.3.14 "Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
- 10.3.15 "Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

FLOOD PLAIN MANAGEMENT (continued)

10.3 DEFINITIONS (continued)

10.3.15 "Historic Structure" (continued)

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

10.3.16 "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement).

10.3.17 "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 recreational vehicles, park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

10.3.18 "Manufactured Home Park or Manufactured Home Subdivision" means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

10.3.19 "Market Value" means the value of the structure shall be determined by the appraised value of the structure, using the cost approach to value method, prior to the start of the initial repair or improvement, or in case of damage, the value of the structure prior to the damage occurring.

10.3.20 "Mean Sea Level" means for purposes of the National Flood Insurance Program the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

10.3.21 "New Construction" means structures for which the "Start of Construction" commenced on or after September 30, 1983, the effective date of Easton Flood Plain Regulations.

FLOOD PLAIN MANAGEMENT (continued)

10.3 DEFINITIONS (continued)

- 10.3.22 "New Manufactured Home Park or Subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, September 30, 1983, of the floodplain management regulation adopted by the Town of Easton.
- 10.3.23 "Recreational Vehicle" means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.
- 10.3.24 "Start of Construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of 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 pouring 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, the installation of streets and walkways, excavation for basement footings, piers or the installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 10.3.25 "Special Flood Hazard Area" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zones A and AE on the Flood Insurance Rate Map.
- 10.3.26 "Structure" means a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

FLOOD PLAIN MANAGEMENT (continued)

10.3 DEFINITIONS (continued)

- 10.3.27 “Substantial Damage” means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 10.3.28 “Substantial Improvement” means any combination of repairs, reconstruction, alterations or improvements in a structure, taking place within a period of ten years or less, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure as determined by the cost approach to value method. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in 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.
- 10.3.29 “Variance”, as the term is used in this Section, means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
- 10.3.30 “Violation” means a failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 10.3.31 “Water Surface Elevation” means height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

FLOOD PLAIN MANAGEMENT (continued)

10.4 PERMIT REQUIREMENT AND ADMINISTRATION

10.4.1 No use shall be permitted which would substantially increase the flood hazard in any upstream or downstream area, or would overload the available storm drainage system.

10.4.2 No fill or structure shall be placed within the mean annual flood lines (annual flood plain) of any stream in the town of Easton, unless consistent with these regulations and also as shown on a plan approved under the town's Subdivision Regulations and Inland Wetland Regulations.

10.4.3 In addition, the following requirements govern all land lying within the 100-year flood plain, and also within any channel encroachment lines established by the Connecticut Department of Environmental Protection.

(A) No development activity, including but not limited to the construction, reconstruction, movement or enlargement of buildings and the placement of fill or other flood-flow obstructions, shall be undertaken except in accordance with a Special Permit from the Planning and Zoning Commission in accordance with Section 7.2.1 of these regulations.

(B) No Special Permit shall be issued unless the Commission is satisfied that:

(1) permits required from Federal, State or Town agencies exercising jurisdiction over the project have been obtained;

(2) all requirements of these regulations have been met;

(3) the permitted project is properly designed and will not increase flood hazards; and

(4) improved watercourses and other constructed work will be properly maintained so that flood capacity will not be diminished in the future, and such maintenance is identified on the site plan as a binding condition of the permit.

(C) Application for a Special Permit under this section shall include:

(1) a site plan prepared and certified by a Connecticut-registered professional engineer or licensed land surveyor which shows all lot lines and adjacent owners, accurate

FLOOD PLAIN MANAGEMENT (continued / page 60)

10.4 PERMIT REQUIREMENT AND ADMINISTRATION (continued)

10.4.3 (C) (1) (continued)

topography at five (5) foot or smaller contour intervals, accurate boundaries and elevations of the 100-year flood plain, the floodway boundaries, stream channel encroachment lines (if any), existing and proposed structures, accurate lowest floor elevations and floodproofing elevations of all structures referenced to National Geodetic Vertical Datum of 1988, existing and proposed utilities and roads.

(2) Proof that notice of the proposal has been received by all abutting property owners and other owners within the 100 year flood plain where located less than 500 feet from the site, and, where a watercourse, flooding or encroachment line will be affected, that notice has been received by adjacent municipalities (if any), by the Connecticut Department of Environmental Protection Inland Water Resources Division and by the Federal Emergency Management Agency.

(3) All engineer's certifications as required by this Section.

(D) In the administration of this Section, the Planning and Zoning Commission shall perform the following duties, among others:

(1) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source wherever this data has not been provided by the Federal Emergency Management Agency as described in Section 10.2.

(2) Make the necessary interpretation where needed as to the exact location of boundaries of the 100-year flood plain. The actual boundary of the 100-year flood plain is subject to determination by an accurate topographic survey in each case. Because no permit may be issued in violation of the regulatory map, the Commission may choose not to utilize that survey data which in the Commission's opinion indicates a significant discrepancy between the field conditions and the mapped flood plain. In such case the Commission shall only utilize that data after it has been processed by FEMA as a letter of map revision and made an

FLOOD PLAIN MANAGEMENT (continued / page 60)

10.4 PERMIT REQUIREMENT AND ADMINISTRATION (continued)

10.4.3 (D) (2) (continued)

official part of the Flood Insurance Rate Map. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(3) Obtain and maintain all records and certifications required under this Section including as-built lowest floor elevations and floodproofing levels, floodproofing certifications and all certifications required by Subsection 10.5 (I).

(4) Should data be requested and/or provided in Zone A areas, adopt a regulatory floodway based on the principle that the floodway shall convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

10.5 SPECIAL FLOOD REGULATIONS AND STANDARDS

All development within the 100 year floodplain must conform to the following standards:

- (A) Residential dwellings and manufactured homes as defined herein are not permitted, except as provided in sub-sections (E), (H), and (I) below.
- (B) Non-residential and accessory structures are not permitted except as provided in sub-sections (F) - (I) below.
- (C) The following uses are prohibited : fences, walls and other structures creating potential barriers to flood flow (except flood-control dams and spillways); storage of hazardous substances, including oil, gasoline, explosives, and unsecured buoyant materials such as timber, boats and wood products; waste dumps, cemeteries; land fills or causeway except as provided in sub-sections (H) and (I) below.
- (D) Necessary roads, driveways, culverts and bridges are permitted if sufficient conduit or channel capacity is provided to accommodate the 100-year flood plus 2 feet of vertical freeboard clearance (see sub-section (I) below).

FLOOD PLAIN MANAGEMENT (continued)

10.5 SPECIAL FLOOD REGULATIONS AND STANDARDS (continued)

- (E) Any residential building and or manufactured home, as defined herein, must be placed on compacted clean fill to a height of one foot above the 100-year flood elevation surrounding the foundation of the structure at least 5 feet on all sides. All floors, basements, and mechanical equipment areas shall be at least 2 feet above said flood elevation. This includes any manufactured home located within the town of Easton, including a manufactured home which has incurred substantial damage as a result of a flood. Each manufactured home shall be securely anchored so that it will resist flotation, lateral movement and hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes shall be installed using methods and practices which minimize flood damage with adequate access and drainage provided. Recreational vehicles placed on a site for 180 days or longer must meet the elevation and anchoring requirements listed above. Recreational vehicles on site for fewer than 180 consecutive days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- (F) Non-residential structures such as those devoted to institutional, commercial, office or industrial use shall be designed to safely withstand the hydraulic effects of a 100-year flood. The areas of the structure below the level of the 100-year flood shall be made water tight with walls substantially impermeable to the passage of water and shall be constructed of components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Essential utilities (electric, telephone, water, sewers) shall be installed above the 100-year flood elevation or specifically protected by flood resistant enclosures. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction. The plans for the construction shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this sub-section.
- (G) Accessory structures shall be anchored and reinforced to prevent flotation, collapse and lateral movement including the effects of buoyancy. They shall be designed to preclude finished living space and to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls by providing a minimum of two openings (the bottom of which shall be no higher than one foot above grade) which have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

FLOOD PLAIN MANAGEMENT (continued)

10.5 SPECIAL FLOOD REGULATIONS AND STANDARDS (continued)

- (H) All new construction and substantial improvements shall be:
- (1) Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy;
 - (2) Constructed with materials and utility equipment resistant to flood damage;
 - (3) Constructed by methods and practices that minimize flood damage; and
 - (4) Constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities elevated at least two (2) feet above the 100 year flood elevation.
- (I) Located within Special Flood Hazard Areas are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge.
- (J) Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

FLOOD PLAIN MANAGEMENT (continued)

10.5 SPECIAL FLOOD REGULATIONS AND STANDARDS (continued)

- (K) **Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to a structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and within a volume not previously used for flood storage; it shall also be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body, and shall require certification by a Connecticut-registered professional engineer. Compensatory storage can be provided off-site if approved by the municipality.
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Adopted Amendments to the
SUBDIVISION REGULATIONS OF THE TOWN OF EASTON
Effective Date: May 30, 2010

Purpose of Amendments: To revise Subdivision Regulations to include FLOOD PLAIN MANAGEMENT Regulations in accordance with new federal minimum standards and state requirements for designated flood plains in order that the Town of Easton may remain eligible to participate in the National Flood Insurance Program (NFIP).

(Add to the Town of Easton Subdivision Regulations, Section III General Requirements, the following new subsection:)

v. Design Standards For Special Flood Hazard Areas

If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area the following requirements shall apply:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
 4. The Commission shall require the applicant to provide base flood elevation (BFE) data for all subdivision proposals, including manufactured home parks and subdivisions. In all special flood hazard areas where BFE data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.
-

LEGAL NOTICE
EASTON, CT

At its meeting of April 26, 2010 the Easton Planning and Zoning Commission ADOPTED proposed amendments to Town Regulations, pursuant to new federal minimum standards and state requirements for designated flood plains, as follows: ZONING REGULATIONS, amend Article 10, FLOOD PLAIN MANAGEMENT, to incorporate new standards and special flood hazard area mapping; and SUBDIVISION REGULATIONS, add to Section III a new subsection v. Design Standards For Special Flood Hazard Areas.
The amendments become effective May 30, 2010.

By Robert Maquat, Chairman
Dated this 26th day of April, 2010

Please publish in the May 6, 2010 issue of the Easton Courier

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Jean Paul
EASTON TOWN CLERK *AST*

Amendment to Easton Zoning Regulations Section 7.12.2,
Special Exception For Pre-Existing Farm and Forest Activities
Adopted by the Planning and Zoning Commission May 5, 2014
Effective Date: May 27, 2014

The purposes of the proposed amendments are to clarify the permissibility of processing and sale of forest and tree products and to establish reasonable safety guidelines for dyeing and handling of colored mulch.

(Amend Subsection 7.12.2 by deleting the following text . . . ; [further provided that such use shall be located on a site of at least seven (7) acres and be conducted exclusively by the residents thereof] and by substituting the following new text in place of the deleted text.)

The use shall be located on a site of at least seven (7) acres and the Commission shall find that:

- a) The site incorporates the principal residence of a majority owner of the processing and sale operation, or
- b) The use will be accessory to an active farm or forestry operation located in Easton and processes only natural material (such as wood, brush and other vegetative material), of which a major proportion has been harvested from land within the Town of Easton.

For the purpose of this section a majority owner is defined as a person or entity which owns greater than 50% of the processing and sale operation.

(Add new text concerning dyes and coloring agents as follows:)

The use of dyes or coloring agents applied to mulch, chips and similar materials may be authorized by the Commission provided it finds as follows:

- there shall be no manufacture of dyes or chemicals on the site;
- the chemical constituents and concentration of such coloring agents are within the safe limits for human health and environmental protection as established by the United States Environmental Protection Agency and any applicable State Agencies;
- the storage of said dyes and coloring agents shall only be in secure containers and the transfer and use of said materials shall not be allowed to create contamination of earth, groundwater or streams, or to jeopardize the public health, safety or welfare; and
- each of the above uses shall be fully compliant with relevant Federal and State codes.

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Christa Halloran
EASTON TOWN CLERK

Amendments to Zoning Regulations
Of the Town of Easton,
ARTICLE 7, SPECIAL PERMITS
Adopted by the Planning and Zoning Commission August 25, 2014
Effective Date: September 15, 2014

Background and Purpose: Recent Commission experience and judicial review has pointed to the need to enlarge the comprehensiveness and to clarify the wording of many of the requisite findings presently stated in Section 7.2.1 of the Regulations. This amendment proposes to retain the introductory paragraph of Section 7.2.1 “APPLICATION FOR SPECIAL PERMIT” but delete the present text of sub-paragraphs A through G inclusive, substituting new text as follows. The purpose of the proposed amendments is to establish clearer standards for protection of Easton’s residential and natural environment.

Adopted new and amended text, Section 7.2.1:

- A. Proposed Use
The proposed use will be consistent with the purposes of these Regulations (Article 1) and will serve a community need or convenience.

- B. Site Location
The location of the site in relation to streets providing access to it, and the nature, scope, size and intensity of the buildings, structures, parking, uses and activities proposed will be in harmony with the appropriate and orderly development of the adjacent neighborhood and will not materially impair the natural environment of the nearby area or the community.

- C. Site Development
The location, nature, bulk and height of proposed improvements, buildings, structures, walls and fences, and the nature and extent of landscaping, screen planting and exterior illumination on the site, are all such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings nor impair their value.

- D. Neighborhood Impact
Activities and hours of operation of the proposed use will not result in excessive noise, fumes, dust or vehicular traffic in such manner as to disturb the peace and tranquility of nearby residents.

Adopted new and amended text, Section 7.2.1 (continued)

E. Traffic Access

Streets and other rights of way serving the site shall be adequate in capacity, grade, alignment, width and visibility to safely accommodate all traffic destined for the site without congestion or unsafe conditions imposed on the neighborhood.

F. Parking

On-site parking shall be provided which is adequate in capacity to accommodate the maximum parking need, and shall be suitably screened with sufficient planting, walls or fences, or a combination thereof, with safely designed entrance and exit drives, as determined by the Commission.

G. Services

Water supply, sewage treatment, waste management, stormwater control, convenient access for fire, police and emergency medical services, and all utilities, will be adequate for proposed uses.

H. Building Conversions

In any case where it is proposed to convert a building or structure originally built or designed for other purposes, it is demonstrated that such building or structure can be safely adapted to the proposed use and will comply with all health and safety requirements of State and Town regulations.

I. Environmental Protection

The proposed development and use will be compatible with protection of the Town's natural environment, including the quality of its surface and groundwater resources and the purity of public drinking water supplies.

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Amendments to Zoning Regulations
Of the Town of Easton,
ARTICLE 7, SPECIAL PERMITS
Adopted by the Planning and Zoning Commission August 25, 2014
Effective Date: September 15, 2014

Background and Purpose: Recent Commission experience and judicial review has pointed to the need to enlarge the comprehensiveness and to clarify the wording of many of the requisite findings presently stated in Section 7.2.1 of the Regulations. This amendment proposes to retain the introductory paragraph of Section 7.2.1 “APPLICATION FOR SPECIAL PERMIT” but delete the present text of sub-paragraphs A through G inclusive, substituting new text as follows. The purpose of the proposed amendments is to establish clearer standards for protection of Easton’s residential and natural environment.

Adopted new and amended text, Section 7.2.1:

- A. Proposed Use
The proposed use will be consistent with the purposes of these Regulations (Article 1) and will serve a community need or convenience.

- B. Site Location
The location of the site in relation to streets providing access to it, and the nature, scope, size and intensity of the buildings, structures, parking, uses and activities proposed will be in harmony with the appropriate and orderly development of the adjacent neighborhood and will not materially impair the natural environment of the nearby area or the community.

- C. Site Development
The location, nature, bulk and height of proposed improvements, buildings, structures, walls and fences, and the nature and extent of landscaping, screen planting and exterior illumination on the site, are all such that the use will not hinder or discourage the appropriate use and development of adjacent land and buildings nor impair their value.

- D. Neighborhood Impact
Activities and hours of operation of the proposed use will not result in excessive noise, fumes, dust or vehicular traffic in such manner as to disturb the peace and tranquility of nearby residents.

Adopted new and amended text, Section 7.2.1 (continued)

- E. Traffic Access
Streets and other rights of way serving the site shall be adequate in capacity, grade, alignment, width and visibility to safely accommodate all traffic destined for the site without congestion or unsafe conditions imposed on the neighborhood.

- F. Parking
On-site parking shall be provided which is adequate in capacity to accommodate the maximum parking need, and shall be suitably screened with sufficient planting, walls or fences, or a combination thereof, with safely designed entrance and exit drives, as determined by the Commission.

- G. Services
Water supply, sewage treatment, waste management, stormwater control, convenient access for fire, police and emergency medical services, and all utilities, will be adequate for proposed uses.

- H. Building Conversions
In any case where it is proposed to convert a building or structure originally built or designed for other purposes, it is demonstrated that such building or structure can be safely adapted to the proposed use and will comply with all health and safety requirements of State and Town regulations.

- I. Environmental Protection
The proposed development and use will be compatible with protection of the Town's natural environment, including the quality of its surface and groundwater resources and the purity of public drinking water supplies.