

Town of Chaplin Zoning Regulations



**Planning & Zoning Commission
Town of Chaplin, Connecticut 06235**

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ZONING REGULATIONS - TOWN OF CHAPLIN, CONNECTICUT

ARTICLE I – GENERAL

1.1 Purpose

In accordance with Title 8, chapter 124, of the Connecticut General Statutes, as amended, it is the purpose of these Zoning Regulations for the Town of Chaplin, CT, to carry out the provisions of the Connecticut General Statutes in conformity with Section 8.2 for the purpose of promoting the public health, safety, general welfare, and regulating all uses of land and the uses of buildings. These Regulations are written and amended as necessary by the Chaplin PZC in accordance with the Chaplin Plan of Conservation and Development. (revised 9/15/2023)

1.2 Conformity with Regulations Required

Except as herein provided, it shall be unlawful to use any land, building or structure, or to erect, construct, reconstruct, or structurally alter, enlarge, or rebuild any building or structure or any part thereof, or to move any building or structure onto any lot unless in conformity with these Regulations. (revised 9/15/2023)

1.3 Restriction

Whenever the requirements of these regulations are in variance with any other lawfully adopted rules, regulations, or ordinances, the most restrictive shall govern.

1.4 Temporary & Limited Moratorium [Deleted, Effective March 1, 2018]

ARTICLE II - DEFINITIONS

2.1 Definitions and Construction of Language For the purpose of these Regulations the terms, phrases and words below shall have the meaning given therein: A "person" includes an individual, a corporation, a partnership, or an unincorporated association; "shall" is always mandatory; "use", "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied." (revised 9/15/2023)

2.2 Definitions

+Accepted Street: An Approved Street which has become public by virtue of dedication to and formal acceptance by the Town of Chaplin.

Accessory Building: A supplemental building, the use of which is clearly incidental or subordinate to the principal building and use, located on the same lot with such principal building or use. An accessory building attached to a principal building shall be considered to be part of the principal building in applying the Bulk Regulations to such building.

Accessory Use: A land use located on the same lot which is incidental and subordinate to that of the principal use.

♣ **Adult Uses (including Adult Entertainment):** For the purposes of these regulations, Adult Uses shall be defined as follows:

a. **Adult Arcade:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, television screens, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

b. **Adult Bookstore:** An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

c. **Adult Cabaret:** A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or the display of films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

d. **Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown and in which a substantial portion of the presentation time is devoted to the showing of material that is characterized by an emphasis on the depiction of specified sexual activities or specified anatomical areas. Those movies rated "R" or lower are not included.

e. **Adult Theater:** A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.

f. **Massage Parlor:** An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a State licensed physician, chiropractor, physical therapist, podiatrist or acupuncturist. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

g. **Specified Anatomical Areas:** As used herein, specified anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or (2) human genitals in a discernably turgid state, even if completely and opaquely covered.

h. **Specified Sexual Activities:** As used herein, specified sexual activities means and includes any of the following: (1) the fondling or touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts normal and perverted, actual or simulated, including intercourse, oral copulation or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) of this paragraph.

Agriculture: The growing, harvesting, transporting, storing, processing and sale of agricultural, horticultural, floricultural, aquacultural and forest products, byproducts, commodities and services; the commercial or non-commercial keeping or maintenance of crops and/or livestock; the breeding, raising, feeding, grazing, caring for and training of livestock; the seasonal slaughter and processing of livestock and legally taken wild game; the development, maintenance and repair of land within a farm unit, farm buildings, structures, fences and equipment for such purposes; and those uses and activities set forth in Connecticut General Statutes § 1-1q as amended from time to time. (effective 5/1/21)

Agriculture Directional Sign: A permanent directional sign approved by the State Department of Agriculture. (effective 5/1/21)

Agriculturally Related Uses: Events of limited duration on a Farm or Limited Farm, that are incidental to agricultural uses, including events such as corn mazes, pick-your-own, harvest festivals, farm to table banquets, educational demonstrations, hay rides, riding demonstrations and competitions, petting zoos, and other similar uses. (effective 5/1/21)

Agricultural Sign: A permanent free-standing or attached sign related to a farm, limited farm, or farm stand with an area no larger than 16 square ft per side, limited to 2 sides. (effective 5/21/21)

+Approved Street: A street which has been constructed to specifications given by the Commission and the Chaplin Board of Selectmen, and which has been approved by the Commission and the Board of Selectmen.

+Aquifer: A geological formation consisting of surficial deposits of glacial till and stratified drift (sand and gravel) capable of yielding usable amounts of water.

♣Bed and Breakfast (aka Tourist Home): A dwelling in which no more than three (3) rooms are provided for compensation for transient, overnight accommodations, and which may provide breakfast only for overnight paying guests. The owner(s) or proprietor(s) must live within the dwelling.

Billboard: A sign which directs attention to a business product, service, or activity not conducted, sold or offered upon the premises where such sign is located.

Boarding House: A private residence in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.

+Buffer Strip: Vegetative screening consisting of but not limited to plantings or naturally occurring shrubs, bushes, trees, evergreens, tall grasses, etc., the purpose of which is to isolate visually and acoustically adjacent property areas.

+Buildable Area (Buildable Land): The Buildable Area of a lot (BA) is defined in these regulations as the total area of the lot minus the area of all wetlands, ponds, watercourses on the lot, minus the area of all land on the lot with slope of over 20 percent, minus the area of all exposed ledge and talus on the lot, minus the area of all floodplain on the lot. ♥ A single family dwelling shall be located on 40,000 or more contiguous square feet of buildable land. ♥ A two-family dwelling shall be located on 60,000 or more contiguous square feet of buildable land.

▶ Said square foot areas must be uniformly shaped with a minimum width of 75 feet.

Building: An independent structure having a roof supported by columns and resting on its own foundation. Includes sheds, garage, stables, etc., but not trailers.

Bulk: The size and shape of buildings and non-building uses and the physical relationship of the exterior walls or their location to lot lines and other buildings or other walls of the same building, and all open spaces required in connection with a building. Bulk Regulations include all requirements in Bulk Tables, Section 6.2.

Bulk - Non-Conforming: That part of building or use which does not conform to the requirements of the Bulk Tables, Section 6.2.

◆ **Bulletin Board:** A board or wall area on which temporary bulletins, notices and displays are put up.

Business: A use facilitating the barter, sale, storage or exchange of goods.

Camp: Any land, including buildings, thereon, used for assembly of adults or children either as individuals, groups or families for day camp or overnight uses.

Club or Lodge: An incorporated organization of persons which is the occupant of an establishment catering only to its members or guests accompanying them for social, recreation or benevolent purposes, but not for pecuniary gain. A member is a person admitted in agreement with the bylaws of the club, who maintains membership by payment of annual dues in accordance with said bylaws and whose name and address are entered in the membership roster.

Commission: The Planning and Zoning Commission of Chaplin, Connecticut.

Dog Boarding and Training: - A business use which is strictly limited to the temporary boarding and/or training of dogs. [Added, Effective July 1, 2010]

Dump or Sanitary Land Fill: Land use primarily for the disposal of garbage, trash, refuse, junk or waste material.

Dwelling: A building used or designed as the living quarters for one or more families.

Dwelling Unit: A building, or part thereof, containing complete housekeeping facilities for one family.

Earth Excavation: The removal from land of earth products. (amended 5/1/21)

Earth Products: Earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat and similar substances, including rock. (amended 5/1/21)

Earth Product Processing: Screening, sifting, washing, crushing or other forms of processing of Earth Products. (effective 5/1/21)

Farm: A parcel, or parcels, of land, cumulatively of 5 or more acres under single ownership, leasehold and/or management including woodland, wetland, wasteland and associated dwellings, improvements and structures constituting a farm unit and used in whole or in part for agriculture. (effective 5/1/21)

Farm Animal: See “Livestock” (effective 5/1/21)

Farm Stand: A structure of no more than 1,000 square feet used by a farm business for the sale of raw and/or processed agricultural products, commodities, and related products, services and activities. (effective 5/1/21)

Farming: See definition of “Agriculture” (effective 5/1/21)

Family: One or more persons living together as a single non-profit housekeeping unit, including domestic servants and gratuitous guests, but excluding roomers, fraternities and sororities.

Generally Accepted Agricultural Practices: Agricultural practices that are generally accepted in the farming community of the State of Connecticut as humane and appropriate for the location and circumstances. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the State Commissioner of Agriculture or his/her designee shall be prima fade evidence that such operation follows Generally Accepted Agricultural Practices. (effective 5/1/21)

+Hazardous Waste: Any waste material that is potentially dangerous to life, health, or the environment including but not limited to explosives, radioactive substances and toxic, caustic, corrosive, abrasive or otherwise injurious substances.

Home Occupation: A small-scale commercial or light industrial use conducted upon a residentially zoned property. The occupation shall: be carried on wholly within completely enclosed buildings, be limited to a maximum of 1000 square feet, be conducted by the owner or occupant of the residence property and not employ more than one outside person. No display or advertising shall be exhibited except for a professional name plate of not more than 144 square inches. Home occupations shall not include animal hospital, automotive repair service, barber shop or beauty shop of more than one sink and hair cutting chair, restaurant, tavern, or uses the Commission deems will be detrimental to the neighborhood, in which the property is situated. The Commission and/or its designated agent reserve the right to limit hours of operation.
(revised 9/15/2023)

Hotel, Motel, Motor Hotel: A building providing lodging for ten (10) or more persons containing living and sleeping accommodations and which has a common entrance.

Industry: Manufacturing, fabricating, assembling, finishing, packaging, processing or research.
(revised 9/15/2023)

***Junk:** Any article which is worn out or discarded, which is ready for destruction, or had been collected for salvage. More than one unregistered, inoperative motor vehicle stored outdoors for more than (6) months, except as otherwise permitted herein. (revised 9/15/2023)

Junk Yard: Any area for the storage, keeping or abandonment of junk.

Kennel: The keeping of four or more dogs.

Limited Farm: A parcel, or adjoining parcels of land cumulatively less than 5 acres under single ownership, leasehold and/or management including woodland, wetland, wasteland and associated dwellings, improvements and structures constituting a farm unit and used in whole or in part for agriculture. (effective 5/21/21)

Livestock: Animals that are customarily housed outside of the home in a barn, stable, pasture, paddock, barnyard and/or stable yard, which include but not be limited to cattle, horses, ponies, mules, donkeys, other hooved animals, sheep, goats, swine, llamas, alpaca, other camelids, poultry, fowl, ratites and mutations or hybrids thereof. Livestock includes "livestock" set forth in Conn. Gen. Stat. Sec. 22- 279 and "poultry" set forth in Conn. Gen. Stat. Sec. 22-326s(5) as amended. Livestock animals are distinguished from household pets, which include but are not limited to domestic dogs, domestic cats, domestic tropical birds and pet rodents, which are customarily kept for personal enjoyment within the home. (effective 5/1/21)

Livable Area: Any permanent, soundly constructed enclosed portion of a dwelling with a height from floor to ceiling of 7 feet or more: excluding cellar, basement, porch, garage, utility room, furnace room outside vestibules, or areas in accessory buildings. Measurements shall be made on the outside of the building.

+Logging: Removal of standing timber or logs, including tops, from a site or sale or trade.

+Lot: The unit or units into which land is divided by surveyed boundaries with the intention of offering such units for sale either as developed or undeveloped sites, regardless of how they are conveyed. Lot shall also mean parcel, plot or similar term.

Lot, Corner: A corner lot is a lot whose street lot lines have an interior angle of less than 135 degrees at the intersection of the two lines.

Lot, Frontage: The horizontal distance measured along the full length of the front lot line.

Lot, Line: A boundary line of a lot.

Lot Line, Front: A front line is the line of a street on which the lot abuts.

Lot Line, Side: A side lot line is any lot line not a front lot line, or a side lot line, bounding a lot and extending from the street toward the rear in a direction approximately perpendicular to the street.

Lot, Rear: A lot which does not have the required lot frontage on a street and approved by the Commission under Section 7.2.

Lot, Width: The average distance between side lot lines measured along two lines drawn parallel to the front lot line, first one drawn through the point of the principal building closest to the street and the other drawn through the point of the principal building farthest from the street.

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

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

Manufacturing: Any process whereby the nature, size, or shape of articles is changed or where articles are assembled or packaged in quantity.

Motel: A building or group of buildings, including overnight cabins, offering rooms to transient guests.

+Multi-family Dwelling: A building containing three or more dwelling units, such as apartments or condominiums.

+Overlay Zone: A zone or use district which exists in a region in addition to some other zone or use district.

Parking Space: The area required for parking one automobile exclusive of passageways, driveways and other means of circulation or access.

Premises: A lot and all buildings and uses thereon.

+Primary Recharge Area (of Aquifer): That area immediately overlying the stratified drift aquifer as well as adjacent areas of stratified drift that may not have sufficient thickness to be part of the Aquifer; the boundary of the Primary Recharge Area is the contact between the stratified drift and adjacent till or bedrock.

Sanitary Landfill Area: Land used primarily as a dump operated or to be operated in conformance with State Health code requirements for sanitary Landfill. (June 7, 1966, or as amended).

Seasonal Agricultural Sign: A temporary free-standing or attached sign associated with a Farm, Limited Farm, Farm Stand, or Agriculturally Related Use, whose content may change per available goods, services or activities. (effective 5/1/21)

+Secondary Recharge Area (of Aquifer): Land adjacent to the Primary Recharge Area from which groundwater moves down gradient into the Aquifer.

Sign: Any device for visual communication which is used for the purpose of bringing the objects advertised to attention of the public.

Sign, Advertising: A sign, including billboards, which directs attention to a business, commodity, service, or entertainment, which is conducted, sold or offered elsewhere than upon the same lot where such a sign is displayed or only incidentally upon such lot.

Sign Area: [Amended, effective April 6, 2003]

A. The area of a sign face encompasses all lettering and design together with any background. Such area shall include any framed or outlined area, but shall not include (1) any structural elements lying outside the limits of such sign and (2) in the case of individual letters mounted on a wall surface, that part of the wall surface beyond the limits of all the letters defined by the smallest rectangle, triangle or circle.

B. The sign area for a sign with more than one face shall equal the total of the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, the sign area shall equal the area of one of the faces

Sign, Business: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered upon the same lot where such sign is displayed.

Sign, Directional: A sign with an area of not over two square feet indicating the direction or route to an establishment.

♣ **Sign, Temporary:** A sign which is intended to notify the public of community or civic events, church events, construction projects, logging operations, special events and real estate for sale or lease on a temporary, *ad hoc* basis.

+**Site:** The place where something specified is located.

♠ **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 the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Story: That part of a building between the surface of a floor (whether or not counted for purposes of computing livable area) and the ceiling immediately above it.

♠ **Substantial improvement:** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value (as determined by the Cost approach to value method) of the structure. 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 the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Summer Occupancy: The living in and use of a dwelling from June 1 to November 1, and including such use for not more than 30 days between November 1, and June 1.

+**Toxic Substance:** Substances which have proven to be harmful to plant or animal life; such substances may cause chronic (long-term) toxicity in which a harmful level of the substance accumulates over time causing adverse effects, or may cause acute toxicity with immediate harmful effects. Harm may include but is not limited to a statistically significant increase in cancers, mutations, birth defects, damage to the central nervous system, the respiratory system, or other physiological systems, or loss or impairment of growth and reproductive capability.

Trailer, Trailer Coach, Camper, Mobile Home: A vehicle used as a dwelling, which may be mounted on wheels, self-propelled or capable of being transported.

+**Unit:** See Dwelling Unit.

Use: Purpose for which buildings or other structures or land may be occupied, arranged, designed, intended or maintained; or any activity carried on in a building or on a tract of land.

+Use, Non-Conforming: A use of a building or land or both, which does not conform to an applicable and permitted use pursuant to these Regulations, and which use was in existence at the time these regulations were originally enacted or amended to make the use non-conforming. (revised 9/15/2023)

Wall Sign: Any painted sign or poster on any surface or plane that may be affixed to the front, rear or side wall of any building, or any sign painted directly on any such wall. [Added, effective April 6, 2003]

Yard: Open and unobstructed ground area as specified on close Regulations, not occupied by a building on the same lot as the principal building.

Yard, Front: A required yard extending along the full length of the front lot line between two side lot lines.

Yard, Rear: A required yard extending along the full length of the rear lot line between two side lot lines.

Yard, Side: A required yard extending from the required front yard to the required rear yard.

Zone: A geographic area, whether or not indicated on a map, designated in the Zoning Regulations in which are set forth requirements for uses which may or may not be conducted within the area. Also called Use District in these Regulations.

♥Zoning Location Survey: A Zoning Location Survey is a type of survey which depicts or notes the position of existing or proposed improvements with respect to applicable municipal setback requirements. The purpose of this type of survey is to enable determination of compliance with said requirements. Only those portions of the property pertinent to the issues being addressed must be depicted. No other improvements or features need be depicted.

* Definitions revised effective 9 October 1981.

+ Definitions revised effective 6 September 1990.

♠ Definitions added effective 8 April 1991.

♣ Definitions revised effective 15 July 1995.

♦ Definition added effective 6 September 1997.

♥ Definitions added or modified effective 8 January 1998

▶ Definitions added or modified effective 27 July, 1999.

ARTICLE III - NON-CONFORMING BUILDINGS AND USES

3.1 Non-Conforming Use Regulations (revised 9/15/2023)

Any lawful building or the lawful use of any building or premises or any part thereof existing, and in bona fide operation at the time of, or within one year prior to, the adoption of these regulations or any amendments thereto which does not conform to these regulations, shall be considered subject to the following regulations.

- A. Any existing non-conforming building may be restored to its prior condition without a zoning permit, if damaged by fire, flood, storm, accident or other Act of God, provided the commencement of such restoration is undertaken within one-year of time of damage. Such restoration may be undertaken beyond the one-year period with a zoning permit, special permit or variance as may be applicable.
- B. No non-conforming structure or non-conforming portion of a structure shall be enlarged, except by special permit.
- C. No non-conforming use shall be changed to another non-conforming use substantially different in character, nor to any use not permitted by these regulations in the district in which the property is located, except by special permit.
- D. No non-conforming use shall be extended except into a space already occupied by a non-conforming use, except by special permit.
- E. The Commission shall have the power to grant a special permit to restore, enlarge, change and/or extend a non-conforming use, building or structure, provided such proposed restoration, enlargement, change and/or extension does not result in a use, building, or structure in substantially less conformity to these regulations than the original non-conforming use, building or structure.

3.2 Building on Lots of Record [Revised effective 5/1/18]

The erection of a dwelling shall be permitted on a lot which is smaller than required or otherwise does not conform to these regulations if such non-conforming lot was a lot of record in the office of the Town Clerk prior to the effective date of these regulations or any amendment hereto which made the lot non-conforming.

ARTICLE IV - USE DISTRICTS

4.1 Use Districts

A. For the purposes described in Section 8-2 of Chapter 124 of the Connecticut General Statutes previously referred to, The Town of Chaplin, Connecticut is hereby divided into the following use districts (revised 9/15/2023):

- RA** - Rural Agricultural Residence District
- B** - Business District
- I** - Industry District
- AZ** - Aquifer Protection District

4.2 Boundaries of Use Districts

A. The boundaries of use districts are established as shown on the Zoning Map, Town of Chaplin, Connecticut dated February 26, 1968 as revised, and filed in the office of the Town Clerk of Chaplin, Connecticut, which is hereby declared to be a part of these regulations.

B. Where boundaries are street or other rights of way, the boundary of the use district is the centerline of the right of way.

ARTICLE V - USE DISTRICT REGULATIONS

5.1 Basic Requirements

A. All uses not specifically permitted are prohibited.

B. Except as otherwise provided in these regulations, all structures and uses of land shall comply with the Height, Area Yard Requirements; Off-street Parking and Loading Requirements; and the regulations governing Signs and Buffer Strip. (revised 9/15/2023)

C. Driveway Construction Requirements*:

No person, firm, or corporation shall construct a new driveway or relocate an existing driveway leading onto a Town Road without first obtaining a Driveway Construction Permit from the Zoning Enforcement Officer and Road Foreman of the Town of Chaplin. Unpaved farm roads and cart paths leading onto a Town Road or State Road from farms shall not be considered driveways for the purposes of this section. (amended 5/1/21)

1. The person to whom such permit is issued shall comply with the provisions and restrictions contained herein at his own expense.

2. Failure of any person constructing or locating such new driveway to first obtain such a permit shall constitute a violation of this regulation. Each day such driveway is permitted to remain shall constitute a separate violation of this regulation. In addition, the Zoning Enforcement Officer shall have the right of injunction against such violators.

**3. The land owner shall furnish the Town with a surety bond of not less than \$1,200 (May 1, 2010), the amount to be specified by the Commission, where one or more driveways are to be constructed which join a public street. The bond shall be submitted to the Commission before the applicant is issued a Driveway Construction Permit.

D. Requirements for Driveway Work Performed Within Road Limits of the Town of Chaplin. [Revised effective 5/1/18]

1. Traffic warning signs must be placed to warn traffic of the work area. No street or road shall be closed to traffic flow.

2. All boulders, soft clay, organic or spongy materials and any other objectionable material shall be removed and replaced with approved materials.

3. Surface course shall be six inch (6") depth of process gravel, no stone larger than 2". The material shall then be shaped, wetted and compacted with power roller weighing not less than 10 tons or an equivalent vibratory roller or compactor until thoroughly compacted.

4. Pavement replacement shall consist of bituminous concrete, not less than 3" thick after compaction. All trench edges shall be square cut. Trenches must be paved within 24 hours of excavation.

5. No grade changes will be made to ground surfaces at the edge of existing pavement.

6. Surface drainage caused by the construction of any road, driveway, or landscaping, will not be permitted to drain onto the surface of the existing road.

7. All work shall be performed in accordance with the Road Foreman's requirements.

+8. Driveway apron design should conform to standards set by the Chaplin Board of Selectmen.

8a. Bituminous concrete berm-type driveway aprons (entrances) shall be installed by the applicant for each building lot in order to check erosion, prevent surface flooding, minimize maintenance, and control stormwater runoff. All such driveway entrances shall be designed and located to provide safe and convenient vehicular access. No driveway shall be located so as to present possible traffic safety problems. Said driveway apron shall be a minimum of ten (10) feet wide at the right-of-way line and flare out thereafter some two and one-half (2 1/2) feet on each side so that the width of the said apron is a minimum of fifteen (15) feet where it intersects with the street's roadway. Said apron shall be a minimum of eight (8) inches higher at the right-of-way line than the elevation of the gutter for the said roadway, regardless of whether the driveway has a sag or crest curve. The Zoning Enforcement Officer and Road Foreman shall have the power to issue a Driveway Construction Permit providing for the use of appropriate paving material other than bituminous concrete in cases where the Road Foreman determines that such alternative material will function in that instance substantially the same as bituminous concrete in checking erosion, preventing surface flooding, minimizing maintenance, controlling stormwater runoff and protecting the town road.

Applicants performing work within the traveled portion of town roads must file a certificate of insurance with the Selectmen's Office.

+E. [Revised effective 5/1/18] Buried underground oil storage tanks are prohibited in all use districts. Below-grade oil storage tanks shall be permitted in a building or structure. Any existing exterior underground tank that needs replacement shall be replaced with an appropriate exterior above-ground or interior tank or tanks.

* Sec.'s 5.1.C.1 & 2 and 5.1.D.1-4 Effective 1 June 1986.

** Sec. 5.1.C.3. Effective October 1987.

5.2 RAR - Rural Agricultural Residence District

A. Permitted Uses:

+1. Accept as otherwise permitted in these regulations, not more than one single-family dwelling, with or without accessory apartment on a lot of two acres or more. (revised 9/15/2023)

+2. Accept as otherwise permitted in these regulations, not more than one, two-family dwelling on a lot of four acres or more. (revised 9/15/2023)

3. Farming and agriculture subject to the following: (effective 5/1/21)

a. No manure pit shall be maintained within 100 feet of any lot line without a special permit.

b. Not more than one dwelling building, with a livable area not to exceed three thousand (3,000) square feet, for the housing of farm labor is permitted on the same lot as a single-family dwelling under Section 5.2 .A .1, or a two - family dwelling under Section 5.2.A.2, on Farms no less than ten (10) acres, provided that such dwelling for the housing of farm labor complies with all other applicable provisions of these Regulations and instituted in such way as to allow for future subdivision of the property, with one dwelling on each parcel.

c. On Limited Farms, keeping of Livestock is permitted subject to a special permit

a. One-half (1/2) acre for a total number of poultry and/or fowl not to exceed ten (10) individuals, and an additional one-quarter (1 /4) acre per each additional five (5) or less poultry and/or fowl.

Keeping of Livestock on Limited Farms except in conformity with the foregoing animal density limitations is permitted only with a special permit.

4. Public buildings, churches, libraries, post offices and schools; provided minimum lot areas, yards and parking provisions conform with the regulations for the use district. (revised 9/15/2023)

5. ♣(Moved to make Section 5.2.B.10.)

6. Offices of a member of recognized professions such as physicians and home occupations. (revised 9/15/2023)

7. Farm Stands for sale of agricultural and homemade products and services. (amended 5/1/21)

8. ▲ (Deleted)

9. Accessory buildings, structures and uses, including private greenhouse. (revised 9/15/2023)

(+)10. Accessory Apartments [Revised effective 3/1/18] No more than one Accessory Apartment, subject to the following conditions:

a. An accessory apartment may be located within an existing single detached dwelling, in an addition sharing a common interior wall with an existing single detached dwelling or in a separate building located on the property.

b. Either the accessory apartment or the main dwelling shall be occupied by an owner of the premises or a spouse, parent, child or sibling of an owner of the premises.

c. The primary dwelling to which the apartment is accessory must be located on a lot of two or more acres. An accessory apartment in a separate building from the primary dwelling shall be permitted only on a lot of at least twice the minimum zoning lot size for the zone in which the lot is located, and

shall comply with all applicable required setbacks for a primary dwelling -- preexisting non-conformities excepted.

d. An accessory apartment shall be provided with one kitchen, as well as, two (2) means of egress, including at least one separate outside door. The accessory apartment's livable area shall not be less than 500 square feet, nor greater than 1200 square feet. The accessory apartment shall have no more than two bedrooms and shall have at least one complete bathroom (with toilet, tub/shower and sink), but not more than two bathrooms.

e. At least two parking spaces, in addition to those used for the primary dwelling shall be required for an accessory apartment.

f. Before occupation, a Certificate of Zoning Compliance for the apartment must be obtained from the Commission or its agent. The application for a Certificate of Zoning Compliance shall include proof of ownership of the premises, affirmation of the intent of an owner to have a person listed in subsection b. of this Section 10 occupy the apartment or main dwelling, a competent drawing or sketch of the apartments floor plan and certification from the Chaplin Building Inspector that the apartment meets current standards for water supply, sewage disposal, wiring and construction

g. The Commission may grant a Special Permit modifying the requirements of this sub-section, provided it determines that such modification is substantially consistent with the purpose of these regulations. Such modifications may allow, for example, such uses as converting into an accessory apartment an existing barn or garage which might not otherwise meet the criteria set forth herein.

♣ 11. Day care centers for six (6) or fewer children.

12. Agriculturally related uses on Farms (effective 5/1/21)

13. Temporary and/or portable agricultural buildings and structures are permitted on Farms without a zoning permit. (effective 5/1/21)

14. Community fairs under local sponsorship. (effective 5/1/21)

15. Other uses specifically permitted in these regulations without a special permit. (effective 5/1/21)

B. Uses Requiring Special Permit:

Purpose: The Commission may issue a Special Permit to allow any of the following uses upon receipt of an application accompanied by a Site Development Plan (Section 8.7) and filing fee established by the Commission to defray costs involved. The Commission shall hold a public hearing, notice of which shall comply with the notice provisions required by Section 8-3 of the General Statutes.

In considering the proposed use, the Commission shall be guided by the need for the proposed use; existing and future character of the neighborhood; location of main and accessory buildings; height and bulk of building in relation to others in the neighborhood; width, gradient and alignment of the street; volume of traffic at present and as projected; means of access and exit; water supply and sewage disposal system; and protection of neighboring property values by planted buffer zones or other screening.

1. Aircraft landing fields, subject to the following conditions:

- a. # Must comply with all current State recommendations and design standards for private use airports and/or heliports.
 - b. # Requires a minimum of 15 acres.
 - c. # Land must be owner occupied.
 - d. # An 8 to 1 Approach/Takeoff Surface, i.e. 8 feet horizontal for each 1 foot of vertical, must be located entirely within the property boundaries.
 - e. # Requires a minimum setback of 250 feet from any property line, from the edge of the designated landing area.
 - f. # Must be fully licensed to operate the specific type of aircraft approved.
2. Utility substations.
 3. Excavation of earth products when a special permit is required under sections 8.6, 8.7 and 8.10 of these regulations. (revised 9/15/2023)
 4. (# Deleted and moved to section 5.3 B. n.)
 5. Junk Yards in conformity with 5.4.B.5. (revised 9/15/2023)
 6. Community fairs not under local sponsorship.
 7. Cemeteries and expansion thereof.
 8. (# Deleted)
 9. Permanent slaughter houses, for other than the seasonal slaughter and processing of livestock; keeping, breeding, and raising of foxes, minks, or primates for commercial or laboratory purposes; provided: (amended 5/1/21)
 - a. Operation is conducted on parcel ten (10) acres or more.
 - b. No such activities shall be conducted closer than 200 feet from any lot line.
 - c. Premises are to be maintained sanitary and clean.
 - d. All state and federal laws and regulations are to be observed.
 - ♣10. Parks and recreation areas, reservoirs, clubs and camps. (revised 9/15/2023)
 - ♣11. Bed and breakfast tourist home. (This use also requires Site Plan Review as described in Section. 8.7 of these Regulations.)
 12. Boarding, Breeding, Training and Caring for Dogs as a Business, provided: [Revised effective 3/1/18]
 - a. Such operation shall be conducted on a parcel of at least five acres for the boarding of two dogs and one additional acre for each additional dog boarded, unless the Commission determines that in a given circumstance, a smaller lot size can be used to board a larger number of dogs without causing undue noise or annoyance to neighbors.

b. No dog-involved activities shall be conducted or maintained less than five hundred (500) feet from any property line when such respective other property is not owned or occupied by the owner or operator of the facility, unless in a given circumstance, the Commission determines that a greater distance is necessary or lesser distance is acceptable.

c. The owner of the property or the operator of the facility shall be a full time resident of the subject premises.

d. No outdoor dog activities shall occur between the hours of 9pm and 7am.

e. All facilities must be maintained in a clean and sanitary condition at all times.

f. All Connecticut state and local laws and regulations shall be complied with in full. In addition, the operator shall abide by all regulations required by the applicable health district. A copy of each required annual Pet Facility License issued by the state, if any, shall be submitted to the Commission for its files.

g. Unless the Commission determines that the subject property is suitably buffered from adjoining properties, whether by topography, natural vegetation, proximity or otherwise, the applicant shall maintain a Buffer Strip consistent with Section 8.5 of these Regulations.

h. All facilities shall be subject to inspection by the Commission's agent and representatives of the applicable health district to ensure compliance with applicable regulations.

13. Keeping of livestock on Limited Farms in excess of those permitted as of right under section 5.2.A.3.c (effective 5/1/21)

14. Agriculturally related uses on Limited Farms. (effective 5/1/21)

15. Temporary and portable farm buildings and structures on Limited Farms. (effective 5/1/21)

16. A second single-family dwelling on a lot of not less than 10 acres, provided: (added 9/15/2023)

a. All applicable building, zoning and health and safety regulations related to the construction of a single-family residence are met.

b. That the second single-family dwelling is so located on the lot that the lot could be subdivided in conformity with the regulations, and with the Chaplin Subdivision regulations, creating two lots each containing the minimum lot size in the district, and with each lot and single-family dwelling meeting all applicable frontage, access, setback and bulk regulations. Subdivision of the lot shall not be required to qualify for a special permit under this subsection.

17. Other uses as the Commission finds suitable for the Rural Agricultural Residential District after a public hearing. (added 9/15/2023)

5.3 B - Business District

The purpose of the Business District is to assure that the use of land, buildings and other structures and site development within its boundaries are conducted in a manner that promotes the establishment of small-scale business uses, discourages the establishment of strip development, and promotes community character.

This district is primarily intended for small-scale business or personal service uses developed in a manner that:

- helps enhance the rural character of the district and the town,

- helps implement pertinent recommendations of the Chaplin Plan of Development,
- avoids creation of traffic congestion or hazards within the Route 6 corridor,
- protects the water quality in the Natchaug River, and
- demonstrates excellence in building and site design.

A. Permitted Uses:

1. Any use permitted in an RA-Rural Agricultural Residence District subject to same restrictions if special permit is required.

2. Office, bank, studio.
3. Retail and wholesale business including greenhouses.
4. Personal service business.
5. Restaurants, motels and hotels.
6. Funeral Home.
7. Radio and television studios.
8. Repair service or sales: appliances, radio, television, and bicycles.
9. Theaters.
10. Printing, including newspaper and job printing.
11. Auto, truck and boat sales, repair, service and garage.
12. Laundry and dry-cleaning establishment, agency.
13. Feed and grain sales and storage.
14. Accessory Apartments, subject to the following conditions: (effective 5/1/21)

a. An accessory apartment may be located within a business structure, sharing a common interior wall or on a separate level.

b. An accessory apartment shall be provided with one kitchen, as well as two (2) means of egress, including at least one separate outside door. The accessory apartment's livable area shall not be less than 500 square feet, nor greater than 1,200 square feet. The accessory apartment shall have no more than two (2) bedrooms and shall have at least one complete bathroom (with toilet, tub/shower and sink, but no more than two (2) bathrooms. The combined square footage of all residences in a given business structure shall occupy no more than 50% of the square footage of any business structure.

c. At least two (2) parking spaces, in addition to those used for the business structure shall be required for each accessory apartment.

d. Before occupation, a certificate of Zoning Compliance for the apartment must be obtained from the Commission or its Agent. The application for Certificate of Zoning Compliance shall include a drawing of the apartments floor plan and certification from the Chaplin Building Inspector that the apartment meets current standards for water supply, sewage disposal, wiring and construction.

e. One accessory apartment per business structure shall be allowed as of right. A special permit shall be required for two (2) or more accessory apartments in a business structure.

f. The Commission may grant a special permit modifying the requirements of this subsection, provided it determines that such modification is sustainably consistent with the purpose of these regulations. Such modifications may allow, for example, such uses as converting into an accessory apartment existing barn or garage which might not otherwise the criteria set forth herein.

B. Business Uses Requiring Special Permit with Design Review:

The purpose of Design Review is to ensure that new development and changes to existing development are designed in a way that promotes community character and discourages strip development.

The Design Review process considers a wide range of design issues including building massing and location, architectural style, site design, pedestrian and traffic circulation, building materials, signage, lighting, utilities, landscaping, and stormwater runoff. While each issue may appear small, together they make the difference between good and bad design.

1. The Commission may issue a Special Permit after Design Review to allow any of the following business uses upon receipt of an application, Site Development Plan (Section 8.7) and filing fee. The Commission shall hold a public hearing in accordance with Section 8-3 of the General Statutes. (Revised effective 11/3/2023)

In considering the proposed use the Commission shall be guided by the factors outlined in section 5.2.B and 8.7.F (revised effective 5/12/22)

- a. Storage yard for building materials.
- b. Small animal hospital, commercial kennel.
- c. Commercial radio and television stations and antennas.
- d. Sale of propane gas and petroleum products including fuel oil and storage above ground except that no gasoline, diesel and/or other automotive fueling stations, with or without an associate convenience store, shall be allowed. (revised effective 11/3/2023)
- e. Warehousing distribution and storage.
- f. Public utility garage (revised effective 11/3/2023)
- g. (deleted effective 11/3/2023)
- h. Package store.

- i. Bowling alley; similar commercial recreation establishment.
- j. Outdoor theater.
- k. Accessory uses customary to permitted use.
- l. Any business which may involve small-scale assembly, processing or fabrication, provided such activity shall take place only for immediate sale or direct service to customers from the premises; and further, that no noise, odor, dust, vibration or disorder is experienced beyond the lot lines of said business.
- m. Fuel and petroleum products sales and storage underground in conformity with General Statutes Chapter 250 (Sect. 14-321). Except that no gasoline, diesel and/or other automotive fueling stations, with or without an associate convenience store, shall be allowed. (revised effective 11/3/2023)
- n. # Hospitals, sanitarium, rest, convalescent and nursing homes.
- o. Research and Development, Laboratories (effective 5/12/22)
- p. A mix of two or more uses in this section (effective 11/3/2023)
- q. Any Permitted Use in Section 5.3.A which is larger than 10,000 square feet, or which would require more than 20 parking spaces pursuant to the requirements in Section 8.3. (effective 11/3/2023)

C. Special Regulations (revised effective 11/3/2023)

- 1. In granting a Special Permit with Design Review in this district, the Commission shall determine that the applicant has demonstrated:
 - a. excellence in building and site design, and
 - b. that the proposed development will be compatible with:
 - Chaplin’s rural character,
 - neighborhood development patterns, and
 - the purposes of this zone.
- 2. In determining whether excellence in building and site design has been demonstrated, the Commission shall be guided by design parameters a-k.
 - a. Building massing and location should reflect the typical architectural style of the community and New England.

The Chaplin Planning and Zoning Commission Shall Encourage and May Require:	As opposed to:
1) Small building footprints ($\leq 2,500$ SF)	Large building footprints ($> 2,500$ SF)
2) New England building proportions	“Box” buildings
3) Clustered small buildings	“Strip” orientation of a building
4) Interconnected small elements	One large building footprint
5) Consistent building setbacks	Discontinuous facades or excessive setbacks

6) Buildings oriented towards the street	Buildings oriented internally to site
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- b. In keeping with Chaplin’s rural and historic character, building designs should reflect the typical New England architectural style and the architectural styles of adjacent buildings.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:	As opposed to:
1) Colonial character	“Character-less” architecture
2) Multi-level buildings	One-story “box” buildings
3) Articulated facades	Flat building facades
4) Sloped roofs (>6:12 pitch)	Flat roofs / Mansard roofs
5) Roof gables	Unbroken roof line
6) Multiple Colonial-style windows	No windows or undivided display windows
7) Building eaves/overhangs	Flush walls
8) Shutters / Porches / Columns	No exterior ornamentation

- c. Building materials should be appropriate for the architectural style with an emphasis on brick and clapboard walls and appropriate details.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:	As opposed to:
1) Clapboards with cornerboards	Stucco or Block Masonry
2) Brick Masonry	Metal buildings
3) Colonial building and trim colors	Inappropriate building or trim colors
4) Architectural roof shingles	Flat shingles / metal roofs

- d. Site designs should minimize the prominence of parking, especially in the front yard.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:	As opposed to:
1) Parking to the rear or side of buildings	Unscreened parking
2) Reasonable parking and paving	Excessive parking or paving
3) Defined traffic circulation patterns	Undefined traffic or parking layouts
4) Few curb cuts	Multiple driveways per site
5) Defined or narrow curb cuts	Wide or undefined curb cuts
6) Interconnected sites	Separate sites with no connections
7) Landscape areas in parking lots	“Sea” of asphalt

- e. Pedestrian and bicycle facilities should be provided.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:	As opposed to:
1) Walkways within sites	Walking areas through parking lots
2) Walkways between sites	No pedestrian connections between sites
3) Walkways along roads	No walkways along roads

4) Crosswalks	Undefined pedestrian crossings
5) Bicycle paths and routes	Undefined bicycle routes

- f. Landscaping should be used to integrate a site into the character of the area and complement the proposed development, adjacent sites and the community.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:

As opposed to:

1) Landscaped front yards	Paved front yards
2) Native species of planting	Non-native species
3) Grass with mulch planting beds	Large areas of stone or mulch
4) Mass plantings	Individual trees or shrubs
5) Coordinated planting design	Uncoordinated planting design
6) Stone walls	Chain link or stockade fences
7) Saving large existing trees	Clear-cutting a site
8) Landscaping along the street	
9) Screening of parking areas	

- g. Utilities should complement the site and the vicinity.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:

As opposed to:

1) Underground utilities	Overhead utilities
2) Screened HVAC units	Rooftop and exposed HVAC units
3) Screened service areas	Exposed dumpsters, loading areas

- h. Lighting should complement the site and the vicinity.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:

As opposed to:

1) Colonial-style lighting fixtures	Floodlights
2) Standardized lighting fixtures	Uncoordinated lighting fixtures
3) Low lighting levels	Glaring lighting levels

- i. Signage should complement the site and the vicinity.

The Chaplin Planning and Zoning Commission

Shall Encourage and May Require:

As opposed to:

1) Modest visible signage	Large or excessive signage
2) Low signage	Elevated or “lollipop” signs
3) Wood signage	Internally illuminated signs
4) Stone wall signage	Metal or plastic signs
5) Smaller signs when closer to the street	“One size fits all” signs

- j. Adequate care shall be taken to ensure the protection of water quality in the vicinity of the site:

The Chaplin Planning and Zoning Commission	
Shall Encourage and May Require:	As opposed to:
1) Storm water renovation 2) Oil separators / sediment traps 3) Detention basins 4) Water recharge	Direct discharge

- k. Additional considerations include:

The Chaplin Planning and Zoning Commission	
Shall Encourage and May Require:	As opposed to:
1) Site maintenance	Low maintenance/No maintenance

- 3. A Design Review Checklist must be completed by the applicant. This checklist is intended to help the applicant understand what types of development shall be allowed in the Business District. It is recommended that applicants meet with the Commission before initiating a development project. The Commission can offer ideas about particular issues that may arise and these points may be incorporated into the project’s design before the applicant makes a significant investment of time and money.

The Chaplin Planning and Zoning Commission may require design changes and will ultimately decide whether the project sufficiently conforms to the design parameters (Section 5.D.3.a-k).

- 4. The Commission may:
 - a. retain an architect, landscape architect, or professional land use planner to review, comment, and guide its deliberations on an application for a Special Permit with Design Review, and
 - b. charge the applicant additional fees to fund the cost of processing the application in accordance with the requirements of this section, per Town of Chaplin Ordinance.

5.4 I - Industry District

A. Permitted Uses:

- 1. Any use permitted in an RA-Rural Agricultural Residence District and in a B-Business District, subject to the same restrictions if a special permit is required. (revised 9/15/2023)

B. Uses Requiring Special Permit:

- 1. The Commission may issue a Special Permit to allow the following commercial and industrial uses upon receipt of an application, a Site Development Plan (Section 8.7) and filing fee in

accordance with Section 5.2.B. The Commission shall hold a public hearing in accordance with section 8-3 of the General Statutes. (revised 9/15/2023)

- a. The manufacturing, processing, assembly, fabrication and warehousing of goods.
 - b. Research and development facilities and professional office parks.
 - c. Other uses as the Commission finds suitable for the Industrial District after a public hearing.
2. The Commission may approve, approve with modification or disapprove such an application after the public hearing. (revised 9/15/2023)
 3. In considering the proposed commercial or industrial use the Commission shall be guided by the factors outlined in section 5.2-B and 8.7.F (revised 9/15/2023)
 4. Any use allowed in an RA-Rural Agricultural Residence or B-Business District only by approval of the Commission shall be allowed with similar approval of the Commission in an Industry District. (revised 9/5/2023)
 5. The Commission may issue a Special Permit to permit establishment of a Junk Yard in an Industry District. The Commission shall hold a public hearing in accordance with Section 8.3 of the General Statutes. (revised 9/15/2023)
 - a. In acting on the application the Commission shall consider the local and regional need for such a facility; existing and probable character of neighborhood; present and projected traffic; protection of watersheds, ponds and streams; and safeguards to protect neighborhood from detriment including fire hazard; disposition of materials, enclosure and screening, conformance with local and state codes governing operation; and future use of land if yard is abandoned. (revised 9/15/2023)
6. **♣Adult Uses (Adult Entertainment):** In the development and execution of these *Regulations*, it is recognized that there are some uses, as defined in **Sec. 2.2** as Adult Uses, which due to their very nature are objectionable when they occur in **RAR** or **B** use districts, particularly when they are in proximity to other adult uses. The concentration of adult uses, and their proximity to other uses of public assembly under certain circumstances could have deleterious effects on adjacent areas. It is thus necessary to have special regulation of adult uses to insure that these adverse effects will not contribute to the blighting or downgrading of property values and the living environment, including public safety, of the surrounding neighborhoods. These regulations are intended to protect retail trade, prevent crime, maintain property values, preserve the quality of neighborhood districts and life, and to prevent associated problems involving littering, parking, noise, traffic and public indecency. Thus a linear separation shall be required for each adult use, as defined, as follows:
- a. An adult use shall be separated from another adult use, public library, or museum facility by a distance of not less than 300 feet.
 - b. An adult use shall be separated from the boundary with an **RAR** or **B** use district by not less than 300 feet.
 - c. An adult use shall be separated from the premises of a school or educational facility, day care facility, church or other recognized place of worship, public park or playground by a distance of not less than 1,000 feet.
 - d. The method of measurement shall be determined by measuring in a direct line between the adult use boundary and the applicable property or district boundary.

+5.5 MR - Multifamily Residential District [Deleted Effective March 1, 2018]

+5.6 AZ - Aquifer Protection District

The Aquifer Protection District (AZ) is an Overlay Zone which exists in addition to and overlapping one or more of the other use districts. The purpose of the Aquifer Protection District is to assure that the use of land, buildings and other structures and site development within its boundaries are conducted in a manner that protects the public health and the usability of the groundwater supply resource and prevents degradation of the quality of the groundwater. The Aquifer Protection District is defined as follows: The land identified as surficial stratified drift areas by the CT Department of Energy and Environmental Protection, as shown on the Chaplin Zoning Map. (revised 9/15/2023)

A. Permitted Uses:

Within the Aquifer Protection District, land, buildings and other structures may be used as regulated for the underlying district, with the exceptions given below.

B. Prohibited Uses:

1. Disposal of solid and liquid wastes to the ground in sanitary landfills or dumps of any kind.
2. Septage lagoons and the disposal or spreading of septage on the ground.
3. Disposal of toxic substances or hazardous waste materials to the ground, including wetlands, surface water and groundwater.
4. In-ground storage tanks pipelines or distribution systems for gasoline, fuel oil, solvents, herbicides, or other hydrocarbons, fuels or chemicals.
5. Any activity which involves the manufacture, use, generation, storage, transportation of toxic substances or hazardous materials, as defined in Sec. 2.2 of these Regulations, in quantities greater than that for normal, single household use.
6. Sanitary wastewater disposal to on-site septic systems in an Aquifer Protection District shall not average more than 350 gallons per acre per day. Septic systems for multifamily residences shall be approved by the Connecticut Department of Energy and Environmental Protection as consistent with maintenance of the quality of groundwater in the Aquifer Protection District.
7. Road Salt storage, except at a site maintained by the Town of Chaplin. (revised 9/15/2023)
8. Gasoline service stations.
9. Fuel oil dealers.
10. Dry Cleaners.

11. Automotive repair garages.
12. Furniture stripping businesses.
13. Electronic circuit manufacturing.
14. Nothing herein shall be interpreted to restrict the transportation, storage, application or use of manure, compost or other commercial fertilizers and farm chemicals on Farms when following Generally Accepted Agricultural Practices. (effective 5/1/21)

5.7 Performance Standards

Each non-farm, non-residential use permitted in the Town of Chaplin shall be governed by the following performance standards: (amended 5/1/21)

A. No unnecessary dust, dirt, fly ash, or offensive smoke will be transmitted outside the boundaries of the premises. (revised 9/15/2023)

B. No offensive odors or noxious, toxic or corrosive fumes or gases transmitted outside the boundaries of the premises. (revised 9/15/2023)

C. No unnecessary noise be transmitted outside the boundaries of the premises. Noise levels outside the boundaries of the premises shall not exceed those described in the Regulations for Control of Noise in the State of Connecticut for stationary noise and Maximum Permissible Noise Levels for Vehicles in the State of Connecticut for Motor Vehicles. (revised 9/15/2023)

D. No unnecessary vibration will be transmitted outside of the boundaries of the premises. (revised 9/15/2023)

E. No radiation, will be transmitted outside of the building which it originates. No heat or glare will be transmitted outside of the boundaries of the premises. (revised 9/15/2023)

F. None of the activities or business conducted on the premises will cause any detrimental effect to adjacent property, nor shall fire or explosion hazards exist such as to produce dangerous exposure to adjacent property. (revised 9/15/2023)

G. No offensive, hazardous or toxic, wastes will be discharged into the air, onto the land or into any wetlands, stream, watercourse or storm drainage. (revised 9/15/2023)

H. Nothing herein shall be construed to conflict with the Connecticut Right to Farm Statute, Connecticut General Statutes § 19a-341, nor to limit Agricultural uses carried out in conformity with Generally Accepted Agricultural Practices. (effective 5/1/21)

5.8 Prohibited Uses

A. Manufacturing uses involving primary production of products from raw materials such as: asphalt, cement, charcoal, plastics, strong chemicals and acids, manufacturing of explosives, paints and varnishes, and rubber products.

5.9 CO - Corridor Overlay District

[Added, effective April 6, 2003] (deleted effective 11/3/2023)

5.10 Intentionally Left Blank

5.11 Municipal Adaptive Reuse Overlay District (MAROD) [Revised March 1, 2018]

A. Purpose

The Municipal Adaptive Reuse Overlay District (MAROD) is intended to allow for the conversion of municipal buildings and the (re)development of property upon which they are situated for limited uses deemed acceptable to the Chaplin Planning & Zoning Commission, and in a manner that is compatible with the existing adjacent neighborhood(s). The goal of the MAROD is to allow for non-residential, municipally owned buildings/properties to be utilized for beneficial use(s) by private persons or entities in cooperation with the Town of Chaplin, and is intended to promote public health, safety and welfare within the Town of Chaplin.

B. Overlay District Properties

Due to the specific nature and limited intent of the MAROD, the overlay district shall only encompass the following municipally owned properties:

- * Chaplin Town Museum
- * Library, Senior Center, Community Center Complex – 128 Chaplin Street (Map 75, Lot 17)
- * Former Post Office – 142 Chaplin Street (Map 75, Lot 18)
- * William Ross Library – 57 Chaplin Street (Map 75, Lot 30)
- Chaplin Town Hall – 495 Phoenixville Road (Map 75, Lot 63)
- Chaplin Public Works – 456 Phoenixville Road (Map 75, Lot 44-1)
- Chaplin Elementary School – 240 Palmer Road (Map 57, Lot 36-1)
- Chaplin Firehouse Properties – 106 Phoenixville Road (Map 91, Lot 128)
0 South Bear Hill Road (Map 91, Lot 126)
0 Phoenixville Road (Map 91, Lot 127)

* Denotes Chaplin Historic District Property

C. Explicit Limitation of Applicability

It is the express intent of the Chaplin Planning & Zoning Commission to permit specified uses of property allowed under this section ONLY if the Town of Chaplin maintains ownership of the subject property.

Therefore, it shall be made part of any Special Permit granted on all applications that all approvals granted under this Section are valid only provided that the Town of Chaplin maintains ownership of the property. Any property subsequently sold to any party other than the Town of Chaplin or a designated subsidiary municipal agency shall revert to the underlying zoning designation and any permits issued under this Section shall become null and void upon sale.

An affidavit expressing this limitation shall be signed by the Chaplin Board of Selectmen and the applicant(s), and the same shall be filed in the Chaplin Land Records subsequently with the Special Permit and Approved Site Plan Mylar.

D. Use Regulations

All uses allowed in the underlying RAR Zoning District (see Section 5.2 of these Regulations), shall be permitted as of right. In addition to such as of right uses, the Commission may issue a Special Permit to allow any of the following listed uses upon receipt of an application, (see Site Development Plan section of these regulations) and filing fee, provided the applicant meets all regulatory requirements contained in this section. The Commission shall hold a public hearing in accordance with Section 8-3 of the General Statutes. All such listed uses are subject to Design Review as part of the Site Development Plan and Special Permit review process if such use will be conducted anywhere except entirely within an enclosed building.

1. Residential Uses

- Singly Family Housing
- Assisted Living
- Senior Housing
- Artists' lofts specifically used for live-in and work situations

2. Non-Residential Uses

- Professional or administrative offices
- Community recreational center or personal training centers
- Medical Clinic and Ancillary Offices and Facilities
- Senior center, community center or conference center with meeting rooms
- Studios for art, drama, speech or dance
- Small-scale commercial/light industrial uses such as non-automotive repair and assembly

3. Multiple or Mixed Uses

Any combination of the above listed residential or non-residential uses may be permitted, provided that they are deemed by the Commission to be compatible with one another and maintain the public health, safety and welfare of the community.

E. Dimensional Controls

1. Changes to the size or exterior dimensions of buildings proposed for re-use shall be subject to the dimensional requirements of the underlying RAR Zoning District Regulations.

F. Historical Considerations

1. The proposed reuse of buildings or properties under jurisdiction of the Chaplin Historic District Commission shall comply with applicable regulations and requirements of said Commission.

G. Special Permit Criteria

1. The applicant shall demonstrate compliance with the following requirements, to the satisfaction of the Commission for any Special Permit to be granted under this Section:

- a. Permitted Uses: the reuse of the buildings and the property in the MAROD shall be consistent with the uses as specified in this Section.
- b. Adequate Access: There shall be adequate provisions for safe access for the pedestrians and motor vehicles and for emergency services to the building and the property on which situated.
- c. Parking: Off-street parking spaces and loading and unloading spaces shall conform to the provisions of Section 8.3 of these Regulations. Waivers may be granted if existing parking does not meet current parking requirements and additional space would be detrimental to the compatibility of the neighborhood character.
- d. Utilities: All utilities serving the intended reuse must meet minimum standards as set by law.
- e. Signs: All proposed signs shall comply with Section 8.4.A of these Regulations, and its subsections, excepting that in the MAROD signs may have areas up to six (6) square feet for non-residential uses specified in this Section, provided they are non-illuminated or externally illuminated, and that design of such sign is deemed appropriate by the Commission and/or the Chaplin Historic District Commission, if applicable.

H. Site Plan Required

All applications made under this Section shall be subject to Site Plan Review as stipulated in Section 8.7 of these Regulations. All procedures, standards, and submission requirements contained in Section 8.7 and its subsections shall apply.

The Commission shall have the power to approve, disapprove, approve with conditions or suggest modifications or recommendations to the plan or and subsequent reviews to the plan. Any disapproval shall indicate what modifications to the plan would make it acceptable to the Commission. The power shall in no way eliminate, decrease or abrogate the powers of any board, commission, committee or other authority having jurisdiction. It shall be the duty and responsibility of the applicant to secure any all permits, licenses and approvals necessary to the project. All uses specified herein shall otherwise comply with all applicable provisions of these Regulations.

ARTICLE VI - HEIGHT, AREA AND YARD REQUIREMENTS

6.1 General

A. All buildings erected or altered after the adoption of these regulations, and all lots on which such buildings are placed shall conform to the requirements of this Article and to the schedule which follows in Sect. 6.2.

B. Maximum height of buildings shall be two and one-half stories or 35 feet except churches, schools, public buildings, farm buildings and structures on farms, electronic towers and utility structures which shall be reviewed and approved by the Commission. (amended 5/1/21)

C. Dwellings in Business and Industry Districts shall conform to requirements Section 6.2.

6.2 Dimensional Requirements [Revised effective 5/1/18]

Use District	Min. Lot Areas	Min. Lot Width & Frontage ft.	Front Setback ft. *	Yards		Min Dwelling Area Sq.Ft.		
				Side	Rear	1 family	2 family	MF
				Min. ft.	Min. ft.			
RAR***	2A	200	40	20	30	800 on 1 floor. 1000 on 2 floors.	1500 on 1 floor. 2000 on 2 floors.	750 / D.U.
B (Business)	2A	200	75	10**	10**	Same as RAR District		
I (Industry)	2A	250	50	50	50	Same as RAR District		

* Front yard setback shall be measured from the front property line.

**If adjacent to Residential District increase in conformity with Section 8.5

*** **Dimensional requirements for Open Space Subdivisions are located in Section 8.8. of these regulations. As per Section 6.02 of the Subdivision Regulations, Open Space Subdivisions are required for the subdivision and resubdivision of a parcel or portion of a parcel of land that on the date June 11, 2006 was equal to or larger than 15 acres.**

ARTICLE VII - GENERAL REGULATIONS

7.1 Accessory Structures and Uses

A. Accessory structures or uses are permitted in any district subject to the following:

1. Accessory farm buildings and structures may be located in side or rear yards, but not in the front yard nearer to the lot lines than specified requirements for the principal buildings, except Farm Stands which shall be a minimum of 15 feet from the street line, and safe access, parking and loading space off the highway shall be provided. (amended 5/1/21)

2. No accessory non-farm building or use in RA-Rural Residence District shall be located in any front, side or rear yard, nearer to the lot lines than specified requirements for the principal buildings.

3. On a corner lot no accessory building in a rear yard shall be nearer a street side lot line than the least depth of any yard requirements on either street.

4. Agriculturally related uses are permitted on farms. Agriculturally related uses are permitted on Limited Farms with a Special Permit. (effective 5/1/21)

5. The Commission may waive the setback requirements of this section for farm buildings, farm structures and farm uses when the required setback is from the property line of a parcel of farmland, forestland or open space. (effective 5/1/21)

6. Boundary lines and agricultural fences and walls shall not be subject to the setback requirements of these regulations. (effective 5/1/21)

+7.2 Development of Rear Lots

No dwelling shall be erected on any lot unless said lot abuts on a highway unless there is provided a 50 foot right of access to accommodate fire, maintenance and emergency apparatus and equipment.

7.3 Corner Lots

On a corner lot, each lot line which abuts a street shall be deemed to be a front line, and the required yard along both lot frontages shall be a required front yard. There shall be no obstruction or plantings at the corner, or a triangular area with sides of 20 feet, to impede traffic visibility.

ARTICLE VIII - SPECIAL REGULATIONS

8.1 Trailer, Trailer Coach, Mobile Home (Entire Section Effective May 7, 2009)

- A. A new trailer, trailer coach or mobile home may be placed upon a lot within the Town of Chaplin only if it replaces an existing trailer, trailer coach or mobile home.
- B. A new trailer, trailer coach or mobile home shall be no larger in floor area, and shall consist of the same number of bedrooms as that which is replaced. If a unit to be replaced is of such size and/or dimension that it is no longer commercially available for purchase, the minimum sized unit available for purchase may be utilized.
- C. All other requirements of state and local law shall apply.
- D. In accordance with Section 8-2 of the Connecticut General Statutes, nothing within this Section is intended to impose conditions or requirements upon manufactured homes having as their narrowest dimension 22 feet or more, and built in accordance with federal manufactured home construction and safety standards, that are substantially different than those affecting single-family dwellings.
- E. This section is applicable only to residential trailers, trailer coaches and mobile homes, and shall not be construed to apply to travel trailers, camp trailers, storage trailers, equipment trailers, car haulers, food service trailers or any trailer or vehicle used primarily to transport people, goods and/or services. (added 9/15/2023)

8.2 Public Repair Garages and Service Stations

- A. A public repair garage or an auto service station may be located in a business district or in an industrial district provided no part of a building to be so used is within 400 feet of any entrance to a public park or playground or within 300 feet of the nearest point of any building in which there is established or maintained a school, hospital, church, theater, public library, or building for civic assembly.
- B. Gasoline filling appliances shall be located at least 30 feet from a street line, adjacent property line, or if no street line is established, at least 45 feet from the centerline of the pavement of the road; and shall be at least 25 feet from an adjacent property line.

8.3 Minimum Parking Space Requirements

A. Type of Use and Space Requirements: (revised 9/15/2023)

Use	Minimum Number of Spaces
Residences	2 per family unit
Hotels, Motels	1 per each guest room or suite and 1 per each 3 employees
Funeral Home	1 per each 5 seats
Home Occupation	2.0 spaces in addition to those for each dwelling
Retail Business	6 per each 1000 square feet of gross floor area
Office Building	4 per each 1000 square feet of gross floor area
Hospitals: Convalescent & Rest Homes	1 per bed and 1 per each 3 employees
Restaurants, including Drive-In Type	1 per each 4 seats and 1 per each 2 employees
Private Recreational Facilities	1 per each 4 members
Industrial Buildings	1 per each 4 employees on largest shift
Uses not listed here	As determined by the Commission based on the anticipated need of the facility

1. In all non-residential uses, handicapped parking spaces shall be provided in accordance with State requirements.
2. Each parking space shall measure at least 9 feet by 18 feet with a 24-foot wide travel aisle.
3. The Commission may permit a permanent reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day.

4. The Commission may waive the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use. Before approval of a waiver by the Commission, the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements. The owner shall file that plan in the Office of the Town Clerk, stipulating that the owner, or the successor and, assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within 6 months of the Commission's request when, in the opinion of the Commission, such installation is needed.

B. Minimum Loading Space:

In a Business or Industrial District at least one off-street loading space shall be provided, and may not be in the required front yard. The size shall be at least 12 feet wide and 68 feet long, with a clearance 14'-6", and be located on the same lot as the principal use.

C. Special Regulations:

1. Not more than one commercial vehicle or trailer may be parked or stored on a lot in the RAR district. Such vehicle shall be limited to a maximum of 20,000 lbs. Gross Vehicle Weight (GVW). Additionally, one single axle or one dual axle trailer is permitted, with no more than two tires per axle. Parking or storage of such commercial vehicle and/or trailer(s) shall be restricted to the rear or side yard of the property, a minimum of thirty feet from any lot line, or be parked in a building.

On lots within the B district, commercial vehicles shall be regulated as follows: If the Commission or its Agent determines that a legally established business or commercial use exists upon the subject property, the number of commercial vehicles and/or trailers parked or stored upon the lot shall not be limited provided that said vehicles are deemed by the Commission or its Agent to be related to the business operation. If the Commission or its Agent determines that such a legally established business or commercial use does not exist, the requirement shall be the same for B districts as it is for RAR districts (see above paragraph).

2. In the RAR district and on properties located in the B district upon which a legally established business or commercial use does not exist, parking or storage of a second commercial vehicle or one single or dual axle trailer with no more than two tires per axle not to exceed a maximum 20,000 lbs. GVW shall be subject to the issuance of a Certificate of Zoning Compliance by the Commission or its agent. If issued, the Commission or its agent may review such Certificate periodically, for compliance. The Certificate may be revoked due to non-compliance. In considering the proposed use, the Commission, or its agent, may require certain measures to help mitigate the impact of parking commercial vehicles in the RAR and B districts. These measures may include, but are not limited to:
 - a. Requiring vehicles be kept on a prepared surface suitable for parking including but not limited to: concrete, asphalt, compacted gravel, or reinforced turf.
 - b. Requiring any driveway connected to a town road have a paved apron.

- c. Requiring vehicles be screened from a public right-of-way and neighboring properties by methods including, but not limited to: fencing, vegetative buffering¹, earthen berms, or by parking the vehicles in a building.
 - d. Requiring vehicles be kept in good mechanical condition, in order to reduce noise, odors, air pollution or other nuisances transmitted to the neighboring properties.
 - e. A Certificate of Zoning Compliance requires a minimum of two acres.
3. Farm equipment and farm vehicles are exempt from the provisions of this regulation. Farm equipment shall not include construction equipment, semi-trailer boxes, or shipping containers unless deemed by the Commission or its Agent to be used in conjunction with a farming activity legally established upon the subject property.
 4. Businesses existing in their present location prior to February 8, 1968 which used these types of vehicles in the operation of the business shall be declared a permitted non-conforming use, when the Commission or its agent receives proof of business operation prior to this date.
 5. Vehicles owned, leased, rented, or necessary to the operation of the Town of Chaplin are exempt from the provisions of this regulation provided these vehicles are properly stored on Town property.
 6. Historic vehicles (vehicles twenty-five (25) years or older as of the current calendar year) are exempt from obtaining a Certificate of Zoning Compliance, however, they are not exempt from other regulations contained in section 8.3.C. (revised 9/15/2023)
 7. Not more than one unregistered motor vehicle, or one recreational vehicle, may be parked or stored on a lot in the RAR or B districts, unless the unregistered motor vehicles are stored in a building or structure. In both districts, the parking of one unregistered vehicle, or one recreational vehicle outside of a building or structure is restricted to the rear of the principal building. The single permitted unregistered motor vehicle is subject to the provisions of Sec. 8.3.C.1., if applicable. (revised 9/15/2023)

8.4 Signs and Billboards

A. Signs Permitted in Any District

The following signs are permitted in any district:

1. ♣ One non-illuminated sign or name plate not exceeding two (2) square feet in area, giving the name of the occupant or the use of the premises, except on Routes 6 and 198, signs may have areas up to four (4) square feet and be non-illuminated.
2. One non-illuminated sign not exceeding 6 square feet in area pertaining only to the sale or lease of the land or building upon which it is displayed.
3. Bulletin boards not over 16 square feet, on the premises of churches, public buildings, granges, and educational institutions.
4. A contractor's temporary sign not over 12 square feet in area when displayed on premises where building is under construction.

¹ Vegetative buffering recommendations are available upon request.

♣5. A temporary sign with an area of not more than 32 square feet, non-illuminated, may be used to advertise community or church events. It shall be removed by 48 hours after the close of the event.

♣6. A sign which may become unsafe or unsightly, shall, upon notice from the Building Official, be repaired or removed by the owner or lessee of the property upon which the sign is located. If such a sign is non-conforming, it shall be made to conform to Sec. 8.4 of these *Regulations*, when replaced.

7. No sign in the RAR District shall exceed a height of eight (8) feet above natural grade. [Added, effective April 6, 2003]

8. No sign shall have a maximum dimension greater than eight (8) feet except as specifically allowed by the Zoning Commission. [Added, effective April 6, 2003]

9. One Agricultural sign per Farm, Farm Store and Farm Stand with an area no larger than 16 square feet per side, limited to 2 sides. (effective 5/1/21)

10. One Agricultural sign per Farm, Farm Store, Farm Stand and agriculturally related use with an area no larger than 32 square feet per side subject to approval, if applicable, of the State Department of Agriculture and the State Department of Transportation. (effective 5/1/21)

11. Two Agriculture Directional Signs per Farm, Limited Farm, Farm Stand and agriculturally related use are allowed, subject to approval if applicable, of the State Department of Agriculture and the State Department of Transportation. (effective 5/1/21)

B. Signs Permitted in Business or Industry District

The following signs are permitted in a Business or Industry District and must be located on the same parcel as the use it advertises.

1. Those signs permitted in 8.4.A.

2. For buildings containing 3 or fewer businesses, the total amount of wall mounted signage for businesses shall not exceed the lesser of the following per building: (i) 3 square feet of signage per running foot of building frontage; or (ii) a total of 32 square feet per business contained within the building. For buildings containing 4 or more businesses, wall mounted signage shall not exceed the lesser of the following: (i) 3 square feet of signage per running foot of building frontage; or (ii) 24 square feet per business contained within the building. Business Signs shall not extend more than three (3) feet above the highest point on the roof (excluding chimneys or vents), or extend one (1) foot from the façade, or project into the right-of-way. (Effective May 7, 2009)

3. Wall signs for industrial uses shall not exceed 3 square feet per running foot of building frontage and limited to 200 square feet in area. [Amended, effective April 6, 2003]

4. A single free-standing or pylon sign not to exceed a maximum height of eight (8) feet above natural grade or a maximum elevation of twelve (12) feet above road grade, whichever is higher, and shall not exceed a total area of 32 square feet, except where 4 or more businesses are located upon a single property. In such cases, allowance for signage may be increased by 8 square feet per business over 3, however under no circumstances shall total free-standing or pylon signage exceed 80 square feet. (Effective May 7, 2009)

♣5. All the illumination of externally and internally illuminated signs shall be turned off during the hours in which a business is closed.

+C. Prohibited Lighting

No flashing, rotating, or intermittent illumination shall be permitted on any sign. Roadside advertising signs shall not use any fluorescent or reflective letters, numbers, symbols, figures or background. ♣No illumination from any sign shall shine directly into the eyes of any person external to the business' premises, or cause a nuisance from excessive glare. (revised 9/15/2023)

D. Prohibited Positioning of Signs

1. No sign shall be placed in such a position that it will cause danger to traffic on the street by obstructing the view. [Amended, effective April 6, 2003]
2. Proposed signage and/or alterations to existing signage within the State of Connecticut right-of way for Routes 6 or 198 shall require the express written consent of the State of Connecticut Department of Transportation prior to issuance of a Zoning Permit. (Effective May 7, 2009)
3. Except otherwise permitted herein, all forms of temporary signage advertising services, specified products, pricing of specified products, promotions, sign boards, springboards, or any signage not permanently affixed to the building or to a free-standing pylon structure in accordance with these regulations is expressly prohibited. (Effective May 7, 2009, revised 9/15/2023)

8.5 Buffer Strip

A. Requirements:

A buffer strip shall be required in a new business or industry district after the effective date of these regulations where a side or rear yard adjoins a residential district. Said buffer strip shall be at least 50 ft. in width and shall be planted with trees and shrubs of acceptable species in the outside 1/3 of the area. At least 30% of all plants shall be evergreen and shall have a minimum height after planting and pruning of 6 ft. Acceptable existing trees and shrubs shall be preserved and supplemented with additional plants as deemed necessary by the Commission to meet the requirements of privacy of residential districts and to eliminate noise, dust and objectionable lighting. Said buffer strip shall be provided by the Owner on his property and shall be maintained by him to the satisfaction of the Commission.

B. Alternate Permitted Buffer Requirements:

Where the requirements of these regulations can be provided by other means, such a permanent fence or wall the Commission may approve such substitution for a planted screen if after a public hearing the Commission decides that the purpose of these regulations to provide abatement of noise, dust and glare will be met. The effect of grading and drainage shall also be taken into consideration in arriving at a decision.

8.6 Earth Excavation (amended 5/1/21)

A. Permitted Uses:

The following may be undertaken as of right without an excavation permit, providing that the measures in accordance with an approved erosion and sediment control plan are observed and notice in advance of commencement of the operation is given to the commission or its agent:

1. Excavation of earth products by the Town of Chaplin or its agents;
2. Excavation, grading Earth Product removal and Earth Product Processing in direct connection with the construction on the premises of buildings, structures, foundations, roads, driveways, storm sewers, utility services, septic systems, fences walls, swimming pools, or any bona fide construction project for which any required application for Zoning Permit has been approved or where said project is allowed without a permit. Necessary excavation, grading, and Earth Product removal pursuant to this subsection shall be deemed to permit the excavation and removal of only the quantity of material which shall be necessary to make the premises suitable for the proposed use.
3. Excavation, grading, Earth Product removal and Earth Product Processing in connection with improvements on the premises solely for farming or landscaping purposes, such as the improvement and expansion of agricultural lands, regrading of difficult contours, removal and burying of stones, maintenance of farm roads, the construction, improvement and maintenance of farm ponds and drainage ditches, and the improvement and maintenance of wetlands and watercourses with any applicable approvals from the Inland Wetland and Watercourse Commission and/or the State of Connecticut . Necessary excavation, grading, and Earth Product removal pursuant to this subsection shall be deemed to permit the excavation and removal of only the quantity of material which shall be necessary to make the premises suitable for the proposed use.
4. Earth Product processing conducted on land owned by the Town of Chaplin when the resulting materials are to be used for the purposes of road repairs and maintenance, or other municipal public works projects.
5. Excavation and removal from the property of Earth Products not in excess of 500 cubic yards over the period of one year.

B. Permit:

The Commission may issue an Earth Excavation permit for:

1. Excavation and removal of more than 500 cubic yards of Earth Products over a period of one year from a single parcel of land recorded in the office of the Town Clerk;
2. Excavation of Earth Products within 100 feet of a street if excavation is to be below the established grade of the street;
3. Earth Product processing on lots of twenty (20) acres or more when conducted on material excavated on the premises, and in conformity with an approved plan. Acreage of adjoining lots in

common ownership or leasehold may be taken together to satisfy the minimum acreage requirement of this subsection.

C. Public Hearing Required:

Before issuing an Excavation Permit, the Commission shall hold a public hearing after legal notice in conformity with Section 8-3 of the General Statutes, Chapter 124, as amended, and shall issue the permit only if satisfied that the following conditions will be complied with in the course of excavation:

1. The premises shall be excavated and graded in conformity with the plan as approved. Any uncured material deviation from the approved plan shall be a violation and cause for revocation of the permit.

2. The applicant shall file with the Commission a performance bond in the amount deemed sufficient by the Selectmen to insure completion of the work, restoration of the work area, or the stabilization and grading of any disturbed areas, as applicable, pursuant to requirements of these Regulations.

D. Excavation Permit Requirements:

Each application for an Earth Excavation Permit shall be accompanied by the following:

1. A site development plan, including a final grading plan;
2. An estimate of number of trucks and other equipment to be used; and
3. A statement listing the hours of operation.

E. Performance Standards:

1. In approving Earth Excavation permit applications, the Commission shall consider the facts of each case, effect on neighborhood, anticipated duration of operation, utility of the operation to the land owner, future usefulness of the premises and the general welfare of community.

2. Fixed machinery shall be located a minimum of 200 feet from any property line.

3. No commercial excavation of Earth Products shall take place within 100 feet of a property line. No commercial Earth Excavation shall take place within 100 feet of a street if excavation is to be below the established grade of the street, unless the applicant establishes to the Commission's satisfaction that such excavation shall not adversely affect the structural integrity and water shedding properties of the street and that such Earth Product excavation shall not pose any danger or nuisance to those using the street. This subsection does not apply to excavation for a building or structure for which a valid permit has been issued.

4. No building shall be erected on the premises for the purpose of Earth Product excavation except as may be permitted in these Regulations or as a temporary shelter for machinery and field office, which latter structures will be subject to approval by the Commission.

5. Proper drainage shall be maintained at all stages of operations to prevent ponding of water and harmful effect on surrounding properties. Adequate barricades shall be provided at all times to protect pedestrians and vehicles to the satisfaction of the Commission. Access shall be arranged to minimize danger to traffic and surface shall be treated to reduce nuisances of dust and noise.

6. Sound erosion and sedimentation control practices as specified in Section 8.10 shall be observed.

7. Earth Product processing shall be conducted only on material excavated on the premises, in conformity with the approved plan and shall not be conducted less than 100 feet from any lot line or closer than five hundred (500) feet to any dwelling which is not owned or occupied by the owner or occupant of the lot on which the Earth Product processing is being conducted.

8.7 Site Plan Review Requirements

A. Purpose:

This section of the *Chaplin Zoning Regulations* is adopted with the goal of protecting the health, safety, convenience and general welfare of the inhabitants of the Town. These Site Plan Review Requirements are written and amended as necessary by the Chaplin PZC in accordance with the then current Chaplin Plan of Conservation and Development. The Site Plan Review Regulation is intended to regulate the development of structures and sites in a manner which considers the following concerns, and, where necessary, requires modifications of development proposals in order to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

1. The balancing of landowner's rights to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);

2. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas and roads.

3. The adequacy of waste disposal methods and protection from pollution of surface and groundwater; and

4. The protection of historic and natural environmental features on the site under review, and in adjacent areas.

B. Projects Requiring Site Plan Review:

No permit for the construction, exterior alteration, relocation, or change in use of any building shall be given, and no existing use shall be expanded in floor area except in conformity with a Site Plan approved by the Commission. Site Plan Review shall also be required for the resumption of any use discontinued for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five percent (25%) or more within any 10-year period, or the introduction of new materials or processes not previously associated with the existing use. Except as otherwise provided herein, approval is required for proposals for commercial, industrial, office, multiple dwelling residential developments, municipal developments, institutional, utility, fraternal or recreational

developments, earth excavation (see Sec. 8.6), and any use which requires a special permit. (revised 9/15/2023)

Following an optional pre-application conference, and upon written request by the applicant, the Commission may authorize modifications to one or more of the Submission Requirements of the site plan application (subsection H) if the information required shall be unnecessary for the particular application or the lack of such information shall not impair or prejudice the Commission's determination as to the application's conformity to these Regulations. (Added 7/1/2010, revised 9/15/2023)

C. Exemptions from Site Plan Review:

Site Plan Review shall not be required for:

1. The construction or enlargement of any single-family or two-family dwelling, or building accessory to such dwelling;
2. The Agricultural and Agriculturally related use of land on a Farm, and the use, construction and alteration of any building or structure used exclusively for agriculture, or agriculturally related purposes. (amended 5/1/21)
3. Construction or alteration of structures providing not more than two hundred (200) sq. ft. total floor area are involved after construction;
4. Home Occupations
5. As-of-Right uses as set forth in these regulations (added, 9/15/2023)

D. Procedure:

1. An applicant for Site Plan Review under this section shall file with the Commission at a regularly scheduled meeting five (5) copies each of the Site Plan documents (see Sec. 8.7.H. for requirements). The Commission Chairman or Secretary shall acknowledge receipt of these plans by endorsing them with his/her signature and the date of receipt. A copy of the Site Plan shall be given by the applicant to the Town Clerk to be kept on file.

+2. For developments also requiring a special permit, the applicant shall submit to the Commission in addition to the fee for site plan review, the fee for a special permit. (Fees are listed in Sec. 9.3.B., as amended.)

- a. The Commission, at its discretion, is authorized to retain the services of professional consultants such as an environmental review team, registered professional engineers, a soil scientist, an architect, a landscape architect, a traffic consultant, a forester or other professional consultants to advise the Commission on any or all aspects of the site plan. The cost of these services shall be borne by the applicant. Where consultants are retained by the Commission at the applicant's expense, a full accounting of the consultant's services shall be provided to the applicant.
- b. Prior to retaining such professional consultants, the Commission shall obtain an estimate of the cost of such consultants' services and shall provide such estimate to the applicant. The applicant shall have five (5) days after receiving such estimate to withdraw the application and

receive, within thirty (30) days of such withdrawal, a refund of the fees paid for site plan review and/or special permit. The applicant's failure to withdraw the application shall be deemed consent for the Commission to retain such professional consultants at the applicant's expense. (added 9/15/2023)

3. After reviewing the application for completeness and determining that it is not incomplete, the Commission shall transmit to the Board of Selectmen, the Town Sanitarian, the Fire Marshall, the Building Inspector, and other Town Boards as deemed necessary, one copy each of the site plan documents. The Boards have up to thirty (30) days for regular applications, and sixty-five (65) days for developments requiring special permits to submit recommendations in writing to the Commission concerning:

- a. The adequacy of the data and procedures used by the applicant to determine the impacts of the proposed development;
- b. The effects of the projected impacts of the proposed development; and
- c. The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of an agency or Board to report within the allotted time shall be interpreted by the Commission as non-opposition to the submitted Site Plan.

4. For proposals not requiring a Special Permit, the Commission shall deliver its decision in writing to the Building Inspector within thirty (30) days after determining that the application is complete, to allow the issuance of a building permit. For proposals also requiring special permits, the Commission shall hold a Public Hearing within sixty-five (65) days after the receipt of the application, and shall take final action within ninety (90) days from the time of the hearing. The Commission's final action, rendered in writing, shall consist of either:

- a. Approval of the Site Plan based on a determination that the proposed plan will constitute a suitable development, and is in compliance with the standards set forth in this Regulation.
- b. Disapproval of the Site Plan based upon a determination that the proposed project does not meet the standards for review set forth in this Regulation.
- c. Approval of the Site Plan subject to any conditions, modifications, and restrictions as required by the Commission which will ensure that the project meets the Standards for Review.

E. Standards for Review:

The Commission shall review the Site Plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted by the Commission to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

1. *Legal*. Conformance with the provisions of the Ordinances and Regulations of the Town of Chaplin, the General Statutes of the State of Connecticut, and all applicable rules and regulations of State and federal agencies.

+2. *Traffic*: Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties. Modification of site lines by the removal of trees, vegetation, rocks and soil may be required by the Commission to ensure traffic and pedestrian safety. Modification shall be done in a manner to preserve the rural and scenic character of roads, wherever possible.

3. *Parking*: Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.

4. *Town Services*: Reasonable demands placed on Town services and infrastructure, including, but not limited to road construction and repair, police and fire protection, snowplowing, refuse collection and disposal, sewers, water supply, maintenance of emergency plan certified by appropriate federal, state and local authorities including such uses as biological, radiological, and chemical uses as appropriate. (revised effective 5/12/22)

5. *Pollution Control*: Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and aquifers. This includes minimizing soil erosion both during and after construction according to the procedures set forth in Sec. 8.10 of these *Regulations*.

6. *Nuisances*: Containment and protection of people and properties and Town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, risk of explosion, release of contaminants, biological, chemical, radiological, electromagnetic, and all other hazards. (revised effective 5/12/22)

+7. *Existing Vegetation and Natural Features*: The developer shall minimize the area over which existing vegetation is to be removed. Mature trees, stone walls, and any other unique and fragile features of the land shall be preserved wherever possible. Where removal of mature trees is required, special attention shall be given to planting replacement trees, shrubs and bushes, where applicable.

8. *Amenities*: The applicant's efforts to integrate the proposed development into the existing landscape through design features such as, but not limited to vegetative buffers, roadside plantings, and the retention of open space, existing stone walls and agricultural land.

9. *Town Character*: The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding architectural styles and the natural landscape.

+10. *Accordance with the Town Comprehensive Plan of Development*: The overall character of the development shall not conflict with the guidelines set forth in the 1989 *Comprehensive Plan of Development* of the Town of Chaplin.

+11. *Form, Proportion, Mass, Scale*: Buildings shall be compatible with the architectural features of neighboring buildings, where applicable. External features such as facade, width-to-height ratio, fenestration, complexity and variety of component forms, and vertical/horizontal emphasis shall be

considered in new designs. Development shall be compatible with and maintain the existing and prevailing scale of the neighborhood.

12. All genetic or bio-engineering research or development activities and the creation of biogenetic products are limited to those permitted in Class P-1 or P-2 laboratories as per the current "Guidelines" of the National Institutes of Health. (effective 5/12/22)

F. Enforcement:

1. The Commission may require the posting of a performance bond or other similar guarantee of performance to ensure compliance with the Site Plan and stated conditions of approval. The Commission may suspend any permit or license when it judges that the work is not being performed as required.

2. Any special permit issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await a judicial appeal shall be included within the one (1) year time limit.

G. Submission Requirements:

The Site Plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions. Site plans shall be prepared by a registered professional engineer, architect, landscape architect, and/or licensed land surveyor at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets, with continuation on 8.5" x 11" sheets as necessary for written information. Site plan shall also be submitted in electronic format acceptable to the Commission. (Amended, 7/1/ 2010, revised 9/15/2023)

Items required for submission include:

1. Name of the project, boundaries, and locus maps showing the site's location in Town, the date, North arrow, and the scale of the plan.

2. Name and address of the owner of record, the developer, and seal of the engineer, architect, landscape architect, and/or licensed land surveyor. [Amended, Effective July 1, 2010]

3. Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property lines.

4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.

+5. The location and use of all existing and proposed building signs and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations. When requested by the Commission, elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structure(s) or existing facades plus proposed additions showing design features and indicating the type and color of materials to be used.

6. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, stone walls, paths, landscaping, ponds, streams and walls. Location, type, and screening details for all waste disposal containers shall also be shown.

+7. The location, height, intensity, and lamp type (e.g., fluorescent, incandescent, sodium, mercury vapor) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown. (revised 9/15/2023)

8. The location, height, size, materials and design of all proposed signage.

9. The location of all present and proposed utility systems, including:

a. Sewage or septic systems, including reserve drain fields;

b. Water supply systems;

c. Telephone, cable TV and electrical service; and

d. Storm drainage systems including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.

The Commission may also request soil logs, percolation tests and storm run-off calculations for large or environmentally-sensitive developments.

10. Plans to prevent the pollution of surface and groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

11. Existing and proposed topography at five (5) foot contour intervals. The Commission may require two (2) foot contour intervals in cases where wetlands, drainage problems, or steep slopes are present. All elevations shall refer to nearest U.S. Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100 year flood plain, the area shall be shown, and base elevations given. Indicate areas within the proposed site and within fifty (50) feet of the proposed site where soil removal or filling is required, and give its approximate volume in cubic yards.

12. A landscape plan showing all existing natural land features, trees, forest cover and watercourses, and all proposed changes to these features including size and type of plant material. The Site Plan shall include all aquifers, ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas. A certified soil scientist shall delineate all wetlands on the proposed site.

13. Zoning district boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan.

14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

The Commission may require a detailed traffic study (to be done at the applicant's expense) for large developments or for those in heavy traffic areas or served by marginal Town Roads. This study shall include:

- a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
- b. The projected traffic flow patterns including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
- c. The impact of this traffic upon existing abutting and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

15. For new construction, or alteration of any existing building, a table containing the following information must be included:

- a. Area of buildings to be used for a particular use, such as retail operations, offices, storage, etc.;
- b. Maximum number of employees;
- c. Maximum seating capacity (where applicable); and
- d. Number of parking spaces existing and required for the intended use.

16. For developments which propose fifteen or more residential units, or other large developments, the Commission may require the applicant(s) to prepare a Financial Impact Statement. In this document, which shall be part of the Site Plan Review documents, the applicant(s) shall estimate the cost to the Town of services which must be supplied by law to the inhabitants of the proposed site. These services shall include, but not be limited to, the yearly costs of fire protection, emergency ambulance service, snow plowing (if applicable), education costs of children living in the development (including school busing), refuse disposal, police protection, and road maintenance (if applicable). The Financial Impact Statement shall be prepared at the applicant's cost, and shall include the basis upon which each cost estimate was made.

+17. When there is reasonable cause to suspect that a proposed development may produce a strain on groundwater resources in the area adjacent to the development, particularly if the development is not in an Aquifer Zone, the Commission, at its discretion, may require an independent engineering consultant to prepare, at the developer's expense, a Hydrogeological Report which shall contain information on the site's geological conditions, soil conditions, ground water flow conditions, ground water quality (including chemical and bacteriological analysis) and ground water recharge figures.

8.8 Deleted (effective 5/1/21):

8.9 Alcoholic Liquors

A. The Commission may issue a special permit for the sale of alcoholic beverages in a grocery store or a restaurant, after a public hearing if no part of the premises is located within a radius of 500 feet:

1. From another building where alcoholic liquor, as defined in the Liquor Control Act, is sold or dispensed under the same class of State permit.

2. From the lot boundaries of any school, church, charitable institution, hospital or library.

B. The Commission shall be guided by the need for the use in the proposed location, traffic, character of the neighborhood, and safeguards for its protection.

C. The Commission may issue a special permit for the small-scale production and bottling of alcoholic beverages in any district subject to site plan review pursuant to section 8.7. Such production and bottling of alcoholic beverages shall be subject to all applicable state and federal laws and regulations. (added 9/15/2023)

8.10 Sedimentation and Erosion Control [Sec. 8.10 Effective 8 May 1985]

A. Intent:

This regulation is adopted to help preserve the natural environment in the Town of Chaplin and promote health, safety and general welfare in the Town. The establishment of specific site development principles and review procedures attempts to reduce damage from soil erosion and sedimentation, reduce downstream flooding, and to ensure proper storm drainage management.

B. Definitions:

1. "Certification" means an approval by the Commission that a Soil Erosion and Sediment Control Plan complies with the applicable requirements of these Regulations. (revised 9/15/2023)

2. "Commission" means the Planning & Zoning Commission. (revised 9/15/2023)

3. "County Soil and Water Conservation District" means the Windham County Soil & Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes. (revised 9/15/2023)

4. "Development" means any construction or grading activities to improved or unimproved real estate.

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

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

7. "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

8. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

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

10. "Soil" means any unconsolidated mineral or organic material of any origin.

11. "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and may include, but is not limited to, a map and narrative. (revised 9/15/2023)

C. Activities Requiring a Certified Erosion and Sediment Control Plan:

A Soil Erosion and Sediment Control Plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

+D. Exemptions:

The Development of a single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations unless more than one-half acre of land is disturbed.

+E. Erosion and Sediment Control Plan:

Unless otherwise specified, to be eligible for certification, a Soil Erosion and Sediment Control Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Department of Energy and Environmental Protection Guidelines for Soil Erosion and Sediment Control 2002 as amended. Alternative principles, methods and practices may be used with prior approval of the Commission, or its agent. The applicant shall bear the cost of Sedimentation and Erosion control field inspections. Said plan shall contain:

1. A narrative describing:

a. the development;

b. the schedule for grading and construction activities including;

i. starting and completion dates;

ii. sequence of grading and construction activities;

iii. sequence for installation and/or application of soil erosion and sediment control measures;

iv. sequence for final stabilization of the project site.

c. the design criteria for proposed soil erosion and sediment control measures and stormwater management facilities;

d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;

e. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

2. A site plan map at a sufficient scale to show:

a. the location of the proposed development and adjacent properties;

b. the existing and proposed topography including soil types, wetlands, watercourses and water bodies;

c. the existing structures on the project site, if any;

d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

e. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

f. the sequence of grading and construction activities;

g. the sequence for installation and/or application of soil erosion and sediment control measures;

h. the sequence for final stabilization of the development site.

3. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its agent.

F. Minimum Acceptable Standards:

1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Department of Energy and Environmental Protection Guidelines for Erosion and Sediment Control 2002, as amended. Soil Erosion and Sediment Control Plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed, and does not cause off-site erosion and/or sedimentation.

2. The minimum standards for individual measures are those in the Connecticut Department of Energy and Environmental Protection Guidelines for Erosion and Sediment Control 2002, as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

3. The appropriate method from Chapter 9 of the Connecticut Department of Energy and Environmental Protection Guidelines for Erosion and Sediment Control 2002, as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

G. Issuance or Denial of Certification:

1. The Commission shall either certify that the Soil Erosion and Sediment Control Plan, as filed, complies with the requirements and objectives of this regulation, or deny certification when the development proposal does not comply with these regulations.

2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

3. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such a plan, provided such review shall be completed within thirty days of the receipt of such plan.

4. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

H. Conditions Relating to Soil Erosion and Sediment Control:

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the Certified Plan, may be covered in a performance bond or other assurance acceptable to the Commission.

2. Site development shall not begin unless the Soil Erosion and Sediment Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the Certified Plan.

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

I. Inspections:

Inspections shall be made by the Commission or its agent during development to ensure compliance with the Certified Plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the Certified Plan and are being operated and maintained.

8.11 Logging Operations [Revised effective 3/1/18]

A. Intent:

This regulation is adopted to protect the roads and infrastructure of Chaplin, and is not intended to regulate the forest practices.

B. Permits

A logger or a landowner shall post a performance bond with the Commission or its agent, and supply the information requested on a form provided by the Commission or its agent, before beginning and commercial logger operations on such landowner's land, which would entail trucks and/or logging vehicles using town roads.

The performance bond may be in the form of a letter of credit, surety bond or cash deposit and shall be in an amount set by the commission sufficient to cover the cost of repairing any damage to town roads and infrastructure caused by the commercial logging operation and not timely repaired by the logger or landowner. Any assessment of such damage shall be made by the Commission or its agent upon the completion of the logging operation and paid out of the bond funds. Whomever posts the bond shall also be liable for any damage to Town roads or infrastructure caused by the logging operation even if the cost of repairing such damage exceeds the amount of the bond.

8.12 Flood Plain Regulations*

A. Intent:

The purpose of this section is to regulate the use of the land lying within the flood plains of rivers, streams, and other bodies of water, which are designated as zone A, A1-30, and B *as indicated in the Flood Insurance Study and on the accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated January 6, 1982, and any revisions thereto for the Town of Chaplin.* Said maps are on file with the Town Clerk of Chaplin, Connecticut. The regulations are designed to prevent damage from flood and other related dangers, prevent and minimize the loss of life and injuries, and help control and minimize the extent of floods and reduce the depth and violence of flooding.

B. Permitted Uses:

1. Agricultural and Agriculturally related uses. (amended 5/1/21)
2. Recreational facilities without buildings and, (revised 9/15/2023)
3. Any use and special permit use permitted on the Zoning District indicated and subject to the regulations of Section 8.12.

C. Standards for Plan Approval in Flood Plain Areas:

In a Flood Plain Area, except as permitted in section 8.12.B.1, no structure shall be erected, expanded or altered, nor shall any land use be established, or any parcel subdivided, and no excavation or filling of land be made until a site plan for all proposed structures, land use and fill be approved by the Commission. Approval of site plans shall be based upon the following requirements: (amended 5/1/21)

- +1. The lowest floor, *of all new or substantially improved residential structures* including basement, shall be at least two (2) feet above the elevation of the flood plain limit as delineated on maps specified in Section 8.12(A).

+2. *Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.*

3. Structures and improvements shall be designed and constructed to withstand structural demand and erosion up to an elevation not less than two (2) feet above the elevation of the flood plain limit. All new construction and substantial improvements shall be anchored to prevent flotation; collapse or lateral movement of the structure.

4. All structures are to be designed not to impede the flow of water and debris in case of flooding.

5. There shall be no outside storage of material that can be floated to cause downstream obstructions.

+6. Flood Storage and Conveyance:

a. Storage: The water-holding capacity of the flood plain shall not be reduced. Any reduction caused by structures, improvements, filling, regrading and any other form of development of land shall be compensated by deepening and/or widening of the flood plain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach; it shall be a volume not previously used for flood storage and shall 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.

b. Conveyance: Within the flood plain as designated on the maps all encroachments, including fill, new construction, substantial improvements to existing structures, and any other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any (0.00) increase in flood levels (base flood elevation). Work within the bordering land subject to flooding, including work to provide the above specified compensatory storage shall not restrict flows so as to cause an increase in flood stage or velocity.

c. No variance shall be allowed from this section unless it can be demonstrated that it can meet the provisions of the floodway requirements in 44 Code of Federal Regulations 60.3.d.(2)-(4). The floodways used for any variance under this section shall be those depicted on the Floodway Maps prepared by FEMA for the Town of Chaplin and adopted by reference in Section 8.12.A of these regulations.

+7. New construction and substantial improvement of all structures, excluding residential, shall have the lowest floor, the attendant utilities and sanitary facilities elevated to two (2) feet above the flood level. A registered professional engineer must certify that these floodproofing standards are satisfied.

8. Construction Materials & Methods: a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

9. Utilities: 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems. 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and, 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

10. Alteration of Watercourses: 1. Notify adjacent communities and the Department of Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

+11. Where no flood plain elevation is given, applicant shall obtain any existing base flood elevation data approved by the Planning & Zoning Commission for its reasonable utilization toward meeting the elevation or flood proofing requirement as specified.

If such data is to be used in conjunction with a request in alterations in water holding capacity of the floodplain (compensatory storage), then it shall be certified that it was produced utilizing accepted engineering methods and techniques. Such data shall be supplied with an application to the Commission for inclusion in the National Flood Insurance Program mapping of the town by the Federal Emergency Management Agency (Region I, Boston). This data will be used by the town to request revisions of the mapping.

+12. The Commission shall advise the permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. Possibly including but not limited to: Coastal Area Management Permit, Dam Safety, Corps of Engineers 404.

D. Procedure for Site Plan Approval:

The application for development within a Flood Plain District shall include the following:

+1. Three site plans of the premises drawn to scale not smaller than one hundred (100) feet to the inch and certified by a licensed surveyor or civil engineer showing the existing shape and dimensions of the lot, the location and size of all existing and proposed structures and land uses, existing and proposed topography, the flood plain limits *and elevations*. Any other information requested by the Planning and Zoning Commission or their appointed agents shall also be provided. The Planning & Zoning Commission or its agent shall record with all flood plain permits, the as-built elevation (in relation to mean sea level) of the lowest floor (including basement), or dry flood proofing of any new or substantially improved structures; and where required by these regulations, all engineering certifications shall be maintained with the permit.

2. No filling shall be permitted, nor shall any building permit be issued until a required Site Plan is approved by the Planning and Zoning Commission and signed by the Chairman of said Commission.

3. If a land owner has altered or is in the process of altering the contours of his property and the contours do not agree with the information as supported by the maps specified in Section 8.12.A., and this alteration was accomplished, or is processed, before the approval of this amendment, the land owner shall be required to file copies and receive Commission approval of a Certified Site Plan showing the new topographic contours or proposed contours before continuing his excavating or filling operations.

E. Manufactured (Mobile) Homes:

All existing, non-conforming *manufactured* (mobile) homes situated on a flood plain shall if replaced or *substantially improved* have:

1. Stands or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at least two (2) feet above the flood level; and
2. Adequate surface drainage and access for a hauler provided; and
3. In the instance of elevation on pilings, lots large enough to permit steps, piling foundations placed in stable soil no more than 10 feet apart, and reinforcement provided for piers more than six feet above ground level;

+4. Anchors required, to resist flotation, collapse, or lateral movement conforming to standards recommended by a licensed engineer, or over-the-top to ground ties be provided at each of the four corners of the manufactured (mobile) home, with two additional ties per side at intermediate locations and manufactured (mobile) homes less than 50 feet long requiring one additional tie per side. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points and manufactured (mobile) homes less than 50 feet long requiring four additional ties per side. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds (lbs) and any additions to the manufactured (mobile) home shall be similarly anchored and approved by the building inspector.

* Sec. 8.12 Effective 9 October 1981.

+ Sec. 8.12 Changes *in italics* effective 8 April 1991.

8.13 SITE LIGHTING [Revised effective 5/1/18]

The purpose of this section is to provide specific guidelines in regard to lighting, in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to avoid unnecessary upward illumination of adjacent properties, and to reduce glare. All business, residential and community roadways, sidewalks and town property luminaries should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roads, both public and private.

Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town of Chaplin, CT. This regulation shall apply to all sites located in nonresidential zones and special permit uses in residential zones.

A. DEFINITIONS:

DIRECT LIGHT : Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

FULL CUT-OFF TYPE FIXTURE : A luminaire or light fixture which, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base (or the purpose of the design is defeated, and disability glare will result).

FULLY SHIELDED LIGHTS : Fully shielded luminaire light fixtures allow control of the glare in any direction.

GLARE : Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

HEIGHT OF LUMINAIRES : The height of luminaires shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

INDIRECT LIGHTING : Direct light that has been reflected or has scattered off of other surfaces.

ISOLUX DIAGRAM : An isolux diagram is a graphical representation of points of equal luminance drawn as single line circular patterns or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

LAMP : The light source component of luminaires that produces the actual light.

LIGHT POLLUTION : Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

LUMEN : A unit of luminous flux. One-foot candle is one lumen per square foot. For the purpose of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp.

LUMINAIRE : A complete lighting system, and includes a lamp or lamps and a fixture.

OUTDOOR LIGHTING : The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

RATIO : Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination (1) should be no less than 1/4 or 4 times less than the average (4) level of illumination.

UPLIGHTING : Any light source that distributes illumination above a 90 degree horizontal plane.

B. LIGHTING PLAN

Outside lighting for non-farm and non-residential/multifamily uses will be subject to a Site Plan review and shall be accompanied by a lighting plan showing:

1. The location, height and type of any outdoor lighting luminaries, including building mounted luminaries;
2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
3. The Commission may require an isolux plan showing the intensity of illumination expressed in foot candles at ground level;

C. GENERAL REQUIREMENTS:

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across,) the property lines and disability glare at any location on or off the property. The maintained horizontal illuminance recommendations set by the Illumination Engineering Society of North America (IES) shall be observed.
2. All lighting for parking, public and park pedestrian areas will be full cut-off type fixtures.
3. Uplighting is prohibited without a special permit. Unless a special permit has been obtained, externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area.
4. All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.
5. [DELETED]
6. Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
7. Gasoline Service Stations. Maintained illumination recommendations set by the Illuminating Engineering Society of North America will be observed and not exceeded. All area lighting will be full cut-off. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface, to reduce off-site glare for roadways.
8. [DELETED]
9. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security - motion or infrared sensor lighting is encouraged. (Non-essential can apply to display, aesthetic, parking and sign lighting).
10. The height of luminaries shall be the minimum height necessary to provide adequate illumination. In general, luminaries shall not be allowed to exceed a height of 20 feet, however, the Commission may approve luminaries of greater height if it is shown that taller luminaries will reduce the total lighting required or make the lighting less obtrusive.

11. Exemptions: Traditional seasonal lighting and temporary lighting used by Police and Fire Departments or Emergency services are exempt from these regulations.

D. SPECIAL PERMITS

The Commission may grant a Special Permit modifying the requirements of this Section, provided it determines that such modification is consistent with the purpose of these regulations.

ARTICLE IX - ADMINISTRATION

9.1 Enforcement Officer

The Commission shall have an enforcement officer designated by the Commission, and called the Zoning Enforcement Officer.

9.2 Official Authority

The Commission, or person appointed by them, is designated as the official authority with full power to enforce these regulations as provided by law. All inspection duties in connection with the enforcement of these regulations shall be performed by any member of the Commission or such person as may be appointed by said Commission.

9.3 Application Procedure for a Zoning Permit:

A. Requirements to Obtain a Permit:

Except as otherwise provided in these regulations, no building or structure may be erected, altered or changed in use and no land use may be commenced unless a permit has been granted by the Commission or its appointed agent. All applications for any permit shall be submitted on forms furnished by the Commission and shall be accompanied by the following:

+1. ♥A class B Zoning Location Survey plot plan in duplicate, drawn to scale of at least 1" = 40' showing dimensions, radii and angles of lot size, elevations and locations of driveway, building(s) and accessory building(s) built or to be built, the location of sanitary facilities and water supply, and any other information as required by the Commission and as may be necessary to determine and provide for the enforcement of these regulations. The Zoning Officer shall require a plot plan drawn by a Connecticut Licensed land surveyor or engineer if there appears that a boundary dispute may result. On large tracts of land only the lot boundaries most affected shall be shown as accurate. A 1":40' scale, class A2 survey plot plan is required for any lot of less than two acres for new house construction. A class A2, 1:40 scale plot plan is also required when 3/4 of an acre or more of land is disturbed by construction of a house, driveway, well, septic system, and accessory buildings. ♥Zoning officer may waive certain requirements if it appears that setbacks are met on 2 or acres or more.

2. Any revisions or change of information in the requirements of 9.3.A.1 requires written permission of the Commission or its appointed agent.

3. Permits are granted for a period of one year and must be renewed if construction is not completed.

B. Permit Fee Schedule: See following pages.

Chaplin Planning & Zoning Commission Fee Schedule

Approved by PZC: 4/13/2023 Effective Date: 9/15/2023

Application Type	Base Fee	+	Unit Fee	+	Public Hearing	+	State Fee	=	Total
<u>PLANNING APPLICATIONS</u>									
Subdivision	\$400	+	\$75/Lot	+	300	+	\$60	=	Variable
Resubdivision	\$400	+	\$75/Lot	+	\$300	+	\$60	=	Variable
Modification to Approved Subdivision	\$200	+	0	+	0	+	\$60	=	\$260
<u>ZONING APPLICATIONS</u>									
Special Permits (Commission)									
Commercial	\$525	+	0	+	\$300	+	\$60	=	\$810
Residential -Limited Farm -Accessory Apartment	\$425	+	\$25/Unit	+	\$300	+	\$60	=	Variable
Zoning Permits (Site Plan Commission)									
Commercial	\$500	+	0	+	\$300	+	\$60	=	Variable
Residential	\$400	+	\$25/Unit	+	\$300	+	\$60	=	Variable
Zoning Permits (Agent)									
New Principal Structure (Single Family)	\$150	+	0	+	0	+	\$60	=	\$210
New Principal Structure (2-Family)	\$300	+	0	+	0	+	\$60	=	\$360

Application Type	Base Fee	+	Unit Fee	+	Public Hearing Fee	+	State Fee	=	Total
Zoning Permits (Agent) Continued									
New Additions to Exist. Structures (Res.)	\$75	+	0	+	0	+	\$60	=	\$135
New Addition to Exist Structures (Comm.)	\$150	+	0	+	0	+	\$60	=	\$210
New Accessory Structures (Residential) (Pools, Sheds, Decks, etc.)	\$75	+	0	+	0	+	\$60	=	\$135
Other									
Zoning Regulation Amendment	\$225	+	0	+	\$300	+	\$60	=	\$585
Zoning Map Amendment	\$225	+	0	+	\$300	+	\$60	=	\$585
Certificate of Zoning Compliance	\$150	+	0	+	0	+	0	=	\$150
Driveway Permit (paved apron)	\$50	+	0	+	0	+	0	=	\$50
Required Driveway Bond	\$2,000	+	0	+	0	+	0	=	\$2,000
Home Occupation Permit	\$200	+	0	+	0	+	\$60	=	\$260
Sign Permit	\$100	+	0	+	0	+	\$60	=	\$160
Excavation	\$500	+	0	+	\$300	+	\$60	=	\$785
Road Access Permit	\$50	+	0	+	0	+	0	=	\$50
Road Access Bond	\$2,500	+	0	+	0	+	0	=	\$2,500

Lot Line Revision	\$200	+	0	+	0	+	\$60	=	\$260
Special Permit Renewal	\$200	+	+	+	0	+	0	=	\$200

1. Inspection of site for sedimentation and erosion control certification: Actual cost incurred by applicant(s).
2. Review of storm drainage calculations by an independent engineering consultant: Actual cost incurred by applicant(s).
3. Review of proposed Zoning Regulation Amendment(s) by Town Attorney: Actual cost incurred by applicant(s).

ARTICLE X - BOARD OF APPEALS

10.1 Establishment of Board of Appeals

A. There shall be a Zoning Board of Appeals which shall have the powers and duties assigned to it by Sec. 8-6, Chapter 124 of the General Statutes, as amended.

ARTICLE XI – AMENDMENTS

11.1 Amending, Changing, Repeal

These regulations may be amended, changed or repealed from time to time in accordance with Section 8.3 of the General Statutes of the State of Connecticut, 1958 revision, and any amendments thereto.

ARTICLE XII - VALIDITY

12.1 Invalidity of Part

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such decision shall not affect the validity of these regulations as a whole, or the remainder thereof.

ARTICLE XIII - PENALTIES

13.1 Penalties

Whoever shall violate any provision of these regulations shall be subject to such penalties as are provided by law.

ARTICLE XIV - EFFECTIVE DATES

14.1 Effective date of these regulations is 11 August 1980

Regulations retyped with amendments, valid 1 November 1987 (Amendments noted in * footnotes).

Regulations retyped with amendments, valid 6 September, 1990. (Amendments noted in + footnotes.)

Regulations retyped with amendments, valid 8 April, 1991. (Amendments noted in ♠ footnotes.)

Regulations retyped with amendments, valid 15 July, 1995. (Amendments noted in ♣ footnotes.)

Regulations retyped with amendments, valid 6 September 1997. (Amendments noted in ♦ footnotes.)

Regulations retyped with amendments, valid 8 January 1998. (Amendments noted in ♥ footnotes.)

Regulations retyped with amendments, valid 5 August 1998. (Amendments noted in # footnotes.)

Regulations retyped with amendments, valid 27 July 1999. (Amendments noted in ► footnotes.)

Regulations retyped with amendments, valid 2 November 1999. (Amendments noted in ▼ footnotes. Article XII Cell Towers)

Regulations retyped with amendments, valid 11 January 2001. (Amendments noted in ▲ footnotes.)

* Amendments to these Regulations after 11 January 2001 are noted within the document text