

Chaplin Planning & Zoning Commission- Proposed Regulation Revisions

Public Hearing scheduled for 9/13/18 on Proposed Zoning & Subdivision Regulation Revisions- **#RC18-094**: (Revision Key: [Added Items](#), [Items Removed](#), Existing Text)

-Subdivision Regulations Article IV. Open Space Subdivisions- Entire Article IV to be Deleted

-All Sections of the Zoning Regulations Relating to Agriculture:

Sec. 2.2- Definitions:

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.

Agriculture Directional Sign: A permanent directional sign approved by the State Department of Agriculture.

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.

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.

Earth Excavation. The removal from land of ~~earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and other similar substances~~ Earth Products.

Earth Products. ~~Sand~~ Earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat and similar ~~natural~~ substances, including rock.

Earth Product Processing. Screening, sifting, washing, crushing or other forms of processing of Earth Products.

Farm: A parcel, or parcels, of land, cumulatively of 3 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.

Farm Animal: See "Livestock."

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.

Farming: See definition of "Agriculture."

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 facie evidence that such operation follows Generally Accepted Agricultural Practices.

Limited Farm: A parcel, or adjoining parcels of land cumulatively of less than 3 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.

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.

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.

Sec. 5.1.C:

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 and Limited Farms shall not be considered driveways for the purposes of this section.](#)

Sec. 5.2.A.3:

3. Farming, ~~provided no stable or~~ and agriculture subject to the following:

- a. No manure pit ~~is~~ shall be maintained within 100 feet of any lot line. ~~Keeping, breeding, and raising except with the adjoining landowner’s consent.~~
- b. Not more than one dwelling building, with a livable area not to exceed three thousand (3,000) square feet, for the housing of cattle, sheep, chickens, goats, horses, and sale thereof, farm labor is permitted on parcels 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 of ~~5~~no less than ten (10) acres , provided that such dwelling building for the housing of farm labor complies with all other applicable provisions of these Regulations.
- c. On Limited Farms, keeping of Livestock is permitted in conformity with following animal density limitations:

- a. one (1) acre for a single cattle, horse, pony, mule, donkey, llama and/or more other camelid, and an additional one-half (1/2) acre per each additional cattle, horse, pony, mule, donkey, llama and/or other camelid; one-half (1/2) acre for a single sheep, goat, miniature pony, ratite and/or alpaca, and an additional one-quarter (1/4) acre per each additional sheep, goat, miniature pony, ratite and/or alpaca;
- c. 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.

Sec. 5.A.7:

7. Roadside stand Farm Stands for sale of farm produce agricultural and homemade products and services.

Sec. 5.A.12-15:

12. Agriculturally Related Uses on Farms.

13. Temporary and/or portable agricultural buildings and structures are permitted on Farms without a zoning permit.

14. Community fairs under local sponsorship.

15. Other uses specifically permitted in these Regulations without a Special Permit.

Sec. 5.2.B.9:

Operations involving stockyards and Permanent slaughter houses, for other than the seasonal slaughter and processing of livestock; keeping, breeding, and raising of foxes, minks, ~~pigs~~, or primates for commercial or laboratory purposes; provided:

- a. Operation is conducted on parcel ten (10) acres or more.
- b. No ~~buildings or enclosures housing~~ such activities shall be conducted closer than 200 feet from any lot line except with the adjoining landowner's consent.
- c. Premises are to be maintained sanitary and clean.
- d. All ~~Connecticut State Laws~~ state and federal laws and regulations are to be observed.

Sec. 5.2.B. 13-15:

13. Keeping of Livestock on limited farms in excess of those permitted as of right under Section 5.2.A.3.c.

14. Agriculturally related uses on Limited Farms.

15. Temporary and portable farm buildings and structures on Limited Farms.

Sec. 5.6.B:

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.

Sec. 5.7:

Each ~~land use or non-farm~~, non-residential use permitted in the Town of Chaplin shall ~~meet~~ be governed by the following performance standards

Sec. 5.7.H:

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.

Sec. 6.1.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.

Sec. 7.1.A.1, 4-6:

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 ~~roadside stands~~ Farm Stands which shall be a minimum of 2015 feet from the street line, and safe access, parking and loading space off the highway shall be provided

4. Agriculturally Related Uses are permitted on Farms. Agriculturally Related Uses are permitted on Limited Farms with a Special Permit.

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, or where the owner of such adjoining parcel has consented.

6. Boundary line and agricultural fences and walls shall not be subject to the setback requirements of these Regulations.

Sec. 8.3.A:

~~Buildings / stands for sale of agricultural products - 1 per 5 feet of building frontage plus 1 per each 2 employees~~

Sec. 8.3.C.3:

Farm equipment and farm vehicles are exempt from the provisions of this regulation, but shall be kept in a building or parked or stored a minimum of thirty feet from any lot line ~~or kept in a building except where the owner of such adjoining parcel has consented to a smaller setback..~~ 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 ~~the~~ farming activity legally established upon the subject property.

Sec. 8.4.A.9-11:

9. One Agricultural Sign per Farm, Farm Store and Farm Stand with an area no larger than 16 square ft per side, limited to 2 sides.

10. One Seasonal 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.

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.

Sec. 8.7.C.2:

The Agricultural and Agriculturally Related Use of land on a Farm, and the use, construction or and alteration of any building or structure used exclusively for agriculture, horticulture or floriculture agriculturally related purposes

Sec. 8.12.B.1:

1. ~~Agricultural uses without buildings.~~ Agriculture and Agriculturally Related Uses

Sec. 8.12.C:

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 Planning and Zoning Commission. Approval of site plans shall be based upon the following requirements

-Section 5.3- New Subsection for Accessory Apartments in Business District:

Sec. 5.3.A.14:

Accessory Apartments, subject to the following conditions:

- An accessory apartment may be located within a business structure, sharing a common interior wall or on a separate level.
- 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 (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.
- At least two (2) parking spaces, in addition to those used for the business structure shall be required for each accessory apartment.
- 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 apartment's floor plan and certification from the Chaplin Building Inspector that the apartment meets current standards for water supply, sewage disposal, wiring and construction.
- 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 meet the criteria set forth herein.

-Section 8.6- Earth Excavation:

Sec. 8.6:

A. Permit:

~~—The Commission may issue a permit for the excavation and removal of sand, loam, gravel, peat, stone and other earth products in excess of 100 cubic yards over a period of one year in any district in accordance with the following regulations:~~

~~—1. Application for permit shall be accompanied by a site development plan.~~

~~—2. An estimate of number of trucks and other equipment to be used, hours of operation shall be furnished. A. 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 and 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, 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 water courses 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 in not excess of 500 cubic yards over a 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.

B. Public Hearing Required:

~~—The~~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 ~~conditions~~requirements of these ~~regulations~~Regulations.

~~—3. Screening, sifting, washing, crushing or other forms of processing shall be conducted only on premises located within an industrial district~~

~~—4. Upon completion of excavation, the disturbed areas shall be graded so that slopes shall be no steeper than 1:3. A layer of arable topsoil shall be spread to a minimum of four inches in conformity with approved grading plan and the entire area seeded with suitable grass mixture containing a minimum of 50% of permanent grasses. Seeded areas shall be mulched, repaired and reseeded as necessary to prevent erosion and to stabilize the slopes to the satisfaction of the Commission.~~

C. Expiration of Permit:

~~—Permit shall expire one year from the date of issuance unless renewed by the Commission annually for a period up to five years. Renewal of permit may be refunded unless the operator is able to show by the report of a Registered Engineer, that the excavation already completed is in conformity with plan approved by the Commission.~~

D. Uses Allowed with Permit:

~~—Excavation and removal of more than 100 cubic yards of sand and gravel over a period of one year from a single parcel of land recorded in the office of the Town Clerk, excavation of earth products by the Town, and excavation of earth products for construction of a building for which a permit has been issued are allowed without permit.~~

E. _____

C. 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.

D. Performance Standards:

- 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.
- Fixed machinery shall be located a minimum of 200 feet from any property line, unless consent is given by the adjoining property owner to locate the machinery closer to the property line.
- No commercial excavation of ~~earth products~~Earth Products shall take place within 100 feet of a property line, ~~or unless consent is given by the adjoining property owner to excavate closer to the property line. No commercial Earth Product 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.
- No building shall be erected on the premises for the purpose of Earth Product Excavation except as may be permitted in ~~the Zoning~~these Regulations or as a temporary shelter for machinery and field office, which latter structures will be subject to approval by the Commission.
- 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.—~~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 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 unless consent is given by the dwelling owner or occupant to conduct such activities closer to the dwelling.

-Section 8.8-Open Space Subdivisions-Entire Section 8.8 proposed to be Deleted