

# 1000 REGULATORY BASICS

## ENFORCEMENT

### 1510 Enforcement

#### 4. TEMPORARY MORATORIUM: ACCEPTANCE OF APPLICATIONS, AMENDMENTS, PETITIONS, AND ISSUANCE OF ZONING APPROVALS FOR OR RELATED TO CANNABIS ESTABLISHMENTS.

- a. The Planning and Zoning Commission has determined that the use of a “Cannabis Establishment”, as defined in Connecticut Bill Number 1201 *AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS ACT (RERACA)*, may have the potential to impair the health, safety, and welfare of the residents of Easton, and that a temporary limited moratorium is needed to properly consider the development of restrictions and standards for the implementation, establishment, and/or prohibition of these uses.
  1. A “Cannabis Establishment” is as defined in Connecticut Bill Number 1201 *AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS*.
  2. “Cannabis” is as defined in section 21a-240 of the Connecticut General Statutes.
  3. The terms “agriculture” and “farming” do not include the cultivation of cannabis.
- b. No application or petition for a cannabis establishment, other than for a micro-cultivator, or for any amendments to these Regulations pertaining to a cannabis establishment, other than for a micro-cultivator, shall be accepted, and no zoning permit or other zoning approval for any such establishment or amendment shall be issued, in any zoning district in the Town of Easton during the effective period specified in subsection c. below.
- c. Effective Date and Expiration
  1. The effective date of this moratorium is **October 7, 2022**. ~~the date of publication of the adoption of this amendment to the Zoning Regulations of the Town of Easton by the Planning and Zoning Commission together with the filing of this amendment with the Town Clerk.~~
  2. The moratorium shall **not** expire. ~~on June 30, 2024, or upon action by the Planning and Zoning Commission by a 2/3 vote to end the moratorium upon publication of its decision and filing of such notice with the Town Clerk, whichever comes first.~~

TEXT AMENDMENT – Effective 10/07/2022

TEXT AMENDMENT –  
Effective XX/XX/2024

**2200 DEFINITIONS**

**COMMERCIAL VEHICLE** - A vehicle or equipment regularly used to carry, deliver, handle or move goods in the conduct of a business, commerce, profession or trade.

Vehicles Or Equipment Generally Considered To Be Commercial Vehicles
<ul style="list-style-type: none"> <li>• Step vans,</li> <li>• Cargo vans,</li> <li>• Box trucks,</li> <li>• Flat bed or stake bed trucks,</li> <li>• Buses,</li> <li>• Semi-trailers,</li> <li>• Tractor trailers,</li> <li>• Dump trucks,</li> <li>• Wreckers, and</li> <li>• Trailers and Storage Containers. <del>for commercial purposes.</del></li> </ul>
<ul style="list-style-type: none"> <li>• Earth moving equipment, cement mixers, trenching and pipe laying equipment and other similar type of contractors/ construction/ site work equipment.</li> </ul>

Vehicles Or Equipment NOT Generally Considered To Be Commercial Vehicles
<ul style="list-style-type: none"> <li>• Vehicles used on a farm for activities associated with that farm which are not in violation of any other Town Regulation and/or Town Ordinance.</li> <li>• Temporary Storage Containers on site to facilitate a move (&lt;45 days) to or from the home, or to facilitate construction on the home necessitating such storage and limited to the time in which a valid building permit for the project is in effect.</li> </ul>
<ul style="list-style-type: none"> <li>• Construction vehicles or equipment engaged in a bona fide construction project and parked at the construction site while construction is in progress.</li> </ul>

TEXT AMENDMENT – Effective XX/XX/2024

**2200 DEFINITIONS**

**Day Care-Related Terms**

**DAY CARE** - A program of supplementary care or instruction provided, generally for remuneration, to people outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week. These programs include the following:

**FAMILY CHILD DAY-CARE HOME** - An establishment which offers or provides day care for children as provided in CGS Section 19a-77. A Family Child Care Home shall be licensed by the State of Connecticut and comply with all applicable Statutes and Regulations, as may be amended from time to time.

**GROUP CHILD CARE HOME** - An establishment which offers or provides day care for children as provided in CGS Section 19a-77. A Group Child Care Home shall be licensed by the State of Connecticut and comply with all applicable Statutes and Regulations, as may be amended from time to time.

**CHILD CARE CENTER** - An establishment which offers or provides day care for children as provided in CGS Section 19a-77. A Child Care Center shall be licensed by the State of Connecticut and comply with all applicable Statutes and Regulations, as may be amended from time to time.

**ADULT DAY-CARE CENTER** - An establishment which offers or provides supervision, social and recreational activities, personal care, lunch and snacks, and/or other care for adults (seniors and disabled adults) on the premises. An Adult Care Center shall comply with all applicable State of Connecticut Statutes and Regulations, as may be amended from time to time, including but not limited to those applying to nursing services, personal care, and other medical services.

~~**FAMILY DAY CARE HOME** - An establishment which offers or provides day care for not more than six people, including the provider's own children or relatives, in a private family home.~~

~~**GROUP DAY CARE HOME** - An establishment which offers or provides day care for:~~

- ~~• Seven to twelve related or unrelated people, including the provider's own children or relatives, in a private family home, or~~
- ~~• That meets the definition of a family day care home except that it operates in a facility other than a private family home.~~

~~**DAY CARE CENTER** - An establishment which offers or provides day care:~~

- ~~• To more than twelve related or unrelated people, or~~
- ~~• Provides day care other than a family day care home or a group day care home.~~

TEXT AMENDMENT - Effective XX/XX/2024

**2200 DEFINITIONS**

**Story Chart**

	Considered A Story	Not Considered A Story
<b>Below the Roof</b>	When the structure is capable of providing <del>amount of finished or</del> habitable floor space (as defined in the CT State Building Code) of <del>is</del> greater than 50 percent of the gross floor area of the story directly below.	When the structure is capable of providing <del>amount of finished or</del> habitable floor space (as defined in the CT State Building Code) of no more than <del>is</del> 50 percent <del>or less</del> of the gross floor area of the story directly below.
<b>Other Level</b>	Considered a story	
<b>Below Grade</b>	When <b>more than</b> 50 percent of the floor-to-ceiling height is <b>above</b> the average finished grade at the perimeter walls.	When 50 percent or more of the floor-to-ceiling height is <b>below</b> the average finished grade at the perimeter walls.

TEXT AMENDMENT –  
Effective XX/XX/2024

**STREET** - A road, highway, lane, avenue, boulevard, or any other public or private way, or a way opened to the public or private use, **or any common ownership accessway** which provides a principal means of access to a lot. "Street" shall be deemed to include the entire width of the right-of-way but shall not include private driveways and private rights-of-way.

TEXT AMENDMENT –  
Effective XX/XX/2024

**3200 PERMITTED PRINCIPAL STRUCTURES AND USES**

**3240 Institutional-Related Uses**

1.	<b>Places of Worship</b> - Places of worship and accessory uses thereto subject to the provisions of Section 5700.	Special Permit (Commission)
2.	<b>Public Schools</b> - Public school and related facilities.	Special Permit (Commission)
3.	<b>Private Schools</b> - Private school provided that: a. It delivers a comprehensive curriculum of studies considered by the Commission to be appropriate for a residential district. b. The site contains at least ten (10) acres unless the site provides adequate buffer yards or separation to adjacent uses. c. The use is subject to the provisions of Section 5700.	Special Permit (Commission)
4.	<b>Museum / Gallery</b> - Museum or art gallery subject to the provisions of Section 5700.	Special Permit (Commission)
5.	<b>Cemetery</b> - Cemetery located on at least 10 acres.	Special Permit (Commission)
6.	<b>Municipal Uses</b> - Municipal uses including municipal recreation facilities, firehouse, police station, public library, or other municipal facilities. The Commission may, by separate Special Permit, modify the setback requirements of these Regulations for such municipal use(s) subject to the following provisions: a. The Commission shall find that: i. The public health and safety of the community requires that additions or changes must be made in the facility to enable it to continue to function effectively to serve public need, ii. Such additions or changes cannot be made in any manner which would conform with the setback requirements of these regulations, and iii. The reduction in the setback requirements is the minimum necessary to allow the facility to continue to meet its public service obligation. b. Specific measures shall be required for effective protection of all nearby residential areas from the effects of lighting, noise, dust, traffic or activity which might emanate from the site, and such measures may include required berms, fences or walls, dense screening, and appropriate limitations on the scope of operations as necessary.	Special Permit (Commission)
7.	<b>Other Non-Profit Uses</b> – Other Charitable, Agricultural, Fraternal, Social Welfare, and/or Veteran Organizations which the Commission finds are consistent with the Plan of Conservation and Development and the Purposes of these Regulations. The use is subject to the provisions of Section 5700.	Special Permit (Commission)

**3350 Home-Based Business**

<p>1. <b>Family Child Care Home</b> - A day care establishment operated by a resident occupant, located in a dwelling and licensed by the State of Connecticut.</p> <p>2. <b>Group Child Care Home</b> - A day care establishment operated by a resident occupant, located in a dwelling and licensed by the State of Connecticut.</p> <p>3. <b>Detached Group Child Care Home</b> – A day care establishment accessory to an established institutional use such as a church or private school, operated in accordance with Section 5800 and licensed by the State of Connecticut.</p> <p><del>2. <b>Day Care</b> – Group day care home by a resident occupant in accordance with Section 5800.</del></p>	<p>Zoning Permit (Staff)</p> <p>Zoning Permit (Staff)</p> <p>Special Permit (Commission)</p> <p><del>Zoning Permit (Staff)</del></p>
<p>4. <b>Home Office</b> – Use of space within a dwelling for an office provided there are no non-resident employees and no client or customer visits.</p> <p>5. <b>Minor Home-Based Business</b> - Minor home-based business(es) provided that:</p> <p>a. Any such home-based business is conducted only by resident occupants entirely within the dwelling with no more than one (1) non-resident employee on the premises at any one time.</p> <p>b. The floor area devoted to all such home-based business(es) shall not exceed 25 percent of the dwelling or 600 square feet, whichever is the more restrictive requirement.</p> <p>c. Any such home-based business is operated in accordance with the provisions of Section 5100.</p> <p>d. The Zoning Enforcement Official may refer any such application to the Commission.</p> <p>6. <b>Home-Based Professional Office</b> - One professional office conducted as a home-based business entirely within the dwelling by a resident occupant of the dwelling with not more than one non-resident employee, whether full or part time, on the premises at any one time provided that:</p> <p>a. The floor area devoted to the professional office(s) shall not exceed 25 percent of the dwelling or 600 square feet, whichever is the more restrictive requirement.</p> <p>b. Parking for employees and clients shall be provided in accordance with Section 6200.</p> <p>c. Any such professional office is operated in accordance with the requirements of Section 5100.</p> <p>d. The Zoning Enforcement Official may refer any such application to the Commission.</p> <p>7. <b>Major Home-Based Business</b> - A home-based business or a home-based professional office conducted by resident occupants which:</p> <p>a. In the case of a home-based business, involves two or more non-resident employees on the premises at any one time,</p> <p>b. In the case of a home-based professional office, involves more than one non-resident employee on the premises at any one time,</p> <p>c. Will not be conducted entirely within the dwelling,</p> <p>d. Occupies more than 25 percent of the dwelling or more than 600 square feet of floor area, or</p> <p>e. Will not be operated in accordance with the provisions of Section 5100.</p>	<p>No Zoning Permit Required</p> <p>Zoning Permit (Staff)</p> <p>Zoning Permit (Staff)</p> <p>Special Permit (Commission)</p>
<p>8. <b>Bed and Breakfast</b> - Operation of a bed and breakfast or other home-based lodging facility in accordance with the provisions of Section 5320.</p>	<p>Special Permit (Commission)</p>
<p>9. <b>Micro-Cultivator</b> – a person licensed by the Connecticut Department of Consumer Protection (CTDCP) to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner of the CTDCP.</p>	<p>Special Permit (Commission)</p>

TEXT AMENDMENT –  
Effective XX/XX/2024

*Text Amendments to the Easton Zoning Regulations effective XXXXXXXX XX, 2024*

**3360 Other Accessory Uses**

<p>3. <b>Child Care Center</b> - A day care establishment accessory to an established institutional use such as a church or private school, operated in accordance with Section 5800 and licensed by the State of Connecticut.</p>	<p>Special Permit (Commission)</p>
<p>4. <b>Adult Care Center</b> - A day care establishment accessory to an established institutional use such as a church or private school in accordance with Section 5800.</p>	<p>Special Permit (Commission)</p>
<p>5. <b>Special Temporary Uses</b> – Special social, cultural, civic, recreational, or educational uses including art shows, musical concerts, theatrical productions, antique shows, firemen carnivals, patriotic exercises, memorials, and other events conducted by the Town of Easton, the Volunteer Fire Department, the Emergency Medical Service, or other Town-affiliated organization.</p>	<p>No Zoning Permit Required</p>
<p>6. <b>Special Temporary Uses</b> – Special social, cultural, civic, recreational, or educational uses including art shows, musical concerts, theatrical productions, antique shows, firemen carnivals, patriotic exercises, memorials, and other events conducted by a non-profit organization for a calendar year when in accordance with the following:</p> <ul style="list-style-type: none"> <li>a. The duration and nature of the event shall be fully described in the application.</li> <li>b. A sketch plan may be used to illustrate the proposed configuration.</li> <li>c. Adequate off-street parking shall be provided.</li> <li>d. The proposed location will safely accommodate the traffic flow for the event.</li> <li>e. Any requirements of the Health Code shall be complied with.</li> <li>f. The proposed use and any structures proposed will be compatible with the proposed location.</li> <li>g. The Zoning Enforcement Official may refer any such application or renewal request to the Commission.</li> </ul>	<p>Zoning Permit (Staff)</p>
<p>7. <b>Special Temporary Uses</b> – Private social events not open to the public (such as parties, entertainment, weddings, and/or similar gatherings) conducted by the resident occupant with 50 or fewer non-resident attendees and no outdoor amplified sound.</p>	<p>No Zoning Permit Required</p>
<p>8. <b>Special Temporary Uses</b> – Private social events not open to the public (such as parties, entertainment, weddings, and/or similar gatherings) conducted by the resident occupant with more than 50 but fewer than 100 non-resident attendees and no outdoor amplified sound.</p>	<p>Zoning Permit (Staff)</p>
<p>9. <b>Special Temporary Uses</b> – Private social events not open to the public (such as parties, entertainment, weddings, and/or similar gatherings) conducted by the resident occupant with 100 or more non-resident attendees and/or outdoor amplified sound.</p>	<p>Special Permit (Commission)</p>
<p>10. <b>Other Uses</b> - Other uses accessory to an active farm as approved by the Commission.</p>	<p>Special Permit (Commission)</p>

TEXT AMENDMENT – Effective XX/XX/2024

**3400 PERMITTED ACCESSORY STRUCTURES**

**3410 Accessory Structures**

1.	<b>Minor Accessory Structure</b> – Garden house, tool house, playhouse, trash can enclosure or other accessory structure customarily incident to a permitted principal use of the premises provided such structure(s) shall not exceed 200 square feet in total floor area or one story in height, shall not be placed on a permanent foundation, and shall not be operated for profit or used as a residence. (see Section 3620.5)	No Zoning Permit Required
5.	<b>Emergency or Backup Generator</b> – Emergency or backup generator <del>which, notwithstanding any other provisions of these Regulations, may be located not less than 40 feet from the property line</del> provided it is not located within the front yard unless fully screened or enclosed.	Zoning Permit (Staff)
6.	<b>Propane Tank</b> – All above ground propane tanks less than 10 feet from the building served or five feet from a deck attached thereto, and those tanks typically used to power personal home grills and similar appliances.	No Zoning Permit Required
7.	<b>Propane Tank</b> – All above ground propane tanks 10 feet or more from the building served or five feet from a deck attached thereto, <del>which, notwithstanding any other provisions of these Regulations, may be located not less than 40 feet from the property line</del> provided it is not located within the front yard unless fully screened or enclosed.	Zoning Permit (Staff)
8.	<b>Fences and Walls</b> – A fence, wall, or fence/wall combination up to 6 feet and 6 inches in height in accordance with Section 6700.	No Zoning Permit Required
9.	<b>Fences and Walls</b> – A fence, wall, or fence/wall combination up to 8 feet in height, and/or a deer fence up to 10 feet in height in accordance with Section 6700.	Zoning Permit (Staff)
10.	<b>Fences and Walls</b> – A fence, wall, or fence/wall combination, other than a deer fence, greater than 8 feet in height necessary for safety, prevention of erosion, or other public purpose in accordance with Section 6700.	Site Plan (Commission)

TEXT AMENDMENT – Effective XX/XX/2024



# 3000 RESIDENTIAL DISTRICTS

## 3400 PERMITTED ACCESSORY STRUCTURES

### 3440 Agriculture

<p>6. Minor Farm Stand – A farm stand provided that:</p> <ul style="list-style-type: none"><li>a. Such farm stand shall be located on the same property as where a majority of the items offered for sale are grown;</li><li>b. The farm stand shall not exceed 200 square feet in floor area except that a farm stand within an existing building shall not be limited as to floor area.</li><li>c. The farm stand shall not be built on a permanent foundation;</li><li>d. The farm stand shall be located on the subject property and <del>at least 20 feet</del> back from the edge of the roadway pavement at least 20 feet on all arterial and collector roads, 15 feet on all local through roads, and 10 feet on all dead-end local roads;</li><li>e. The farm stand shall be located at least 20 feet from any abutting property lines; and</li><li>f. The farm stand shall provide a safe parking area for cars in an area with safe access and egress and adequate sight lines for approaching traffic and exiting traffic.</li></ul>	<p>No Zoning Permit Required</p>
--	----------------------------------

TEXT AMENDMENT –  
Effective XX/XX/2024

**3600 DIMENSIONAL EXCEPTIONS**

**3620 EXCEPTIONS TO SETBACK REQUIREMENTS**

- 3. **Fences and Walls** - Fences and walls ~~taller than eight feet (8') in height shall comply with required yard setbacks but fences and walls shorter than eight feet (8') in height~~ may be erected within any front, side or rear yard provided the fence, wall, or fence/wall combination is in conformity with the following standards:
  - a. The fence, ~~wall, or fence/wall combination~~ is not taller than ~~six (6)~~ 6 feet 6 inches in height, the wall is not taller than 4 feet in height, or the fence/wall combination complies with both of these requirements as combined for height, as ~~"fence/wall height"~~ is defined in Section 6720 of the Regulations.
  - b. The fence, ~~wall, or fence/wall combination~~ is more than ~~six (6)~~ 6 feet in height but not taller than ~~eight (8)~~ 8 feet in height as ~~"fence/wall height"~~ is defined in Section 6720 of the Regulations, the wall portion of the fence/wall combination is not taller than 4 feet, and the solid mass of any fencing is not over 25% of the face area of the fence (such as wire netting or aluminum rail fence ~~widely spaced rails~~) and such that it allows the free passage of light and air.
  - c. ~~The Commission has, by Site Plan approval and determination of need, authorized:~~ A solid-screen fence, wall, or fence/wall combination up to 8 feet in height where essential to protect the privacy or values of an adjacent residential property or neighborhood from a use or structure that has been approved by the Commission by special permit.
    - ~~i. A solid screen fence, wall, or fence/wall combination up to eight (8) feet in height where essential to protect the privacy or values of an adjacent residential property or neighborhood; or~~
    - ~~ii. A retaining wall or fence necessary for safety, prevention of erosion, or other public purpose.~~
  - d. A deer fence up to 10 feet in height except that portion of the fence approximately parallel to any abutting road within the front yard shall not exceed 8 feet in height, as height is defined in Section 6720 of the Regulations.
- 4. **Handicapped Access** - Entry stairs and access ramps for the handicapped may extend up to ~~five~~ ten feet from the building foundation into any required yard setback. Temporary handicapped access ramps for a resident occupant may extend into the setbacks as minimally as is necessary for safe egress from the building and shall be removed when no longer required for the resident occupant.
- 5. **Minor Accessory Structure** – In the Residence A District only, ~~an accessory structure other than an emergency generator (such as a shed, swing set, underground propane tank, etc.)~~ may be located not less than 20 feet from a side and/or rear lot line provided: the Minor Accessory Structure is not located in the front yard. In any Residential District, a trash enclosure for the purpose of protecting against wildlife that is less than 21 square feet in area, less than 5 feet in height, and entirely within 10 feet from the edge of the driveway may be located in the front yard provided it is not less than 20 feet from a side and/or rear lot line
  - a. ~~The accessory structure is not located in the front yard, and~~
  - b. ~~The accessory structure is not more than 200 square feet in area or more than one story in height.~~
- 6. **Emergency or Backup Generators, Propane Tanks, and Air Conditioning Equipment** – may be located not less than 20 feet from a side and/or rear lot line provided it is not located in the front yard and is within 10 feet of the building served.

3. The Commission may, by Special Permit, increase the building coverage ~~up to twenty percent (20%)~~, increase the total coverage ~~up to forty percent (40%)~~, and/or decrease the setbacks to those required for residences provided that:
  - a. The applicant demonstrates that the community and the neighborhood will not be adversely affected due to the nature of the use, the intensity of the use, design and/or configuration of the use, and the screening or buffering provided.
  - b. The applicant demonstrates that water quality will not be adversely affected due to specific enhancements made as part of the proposed development.
  - c. An adequate buffer area with effective screening is established and maintained, without other uses, throughout any side or rear setback area adjoining a residential lot or lots.

## 5800 DAY CARE

1. The site shall contain an area suitable and securely fenced for outdoor exercise area or play space (fencing shall not be required for Adult Care Centers) which is reserved for exclusive day care use during times that the day care is in session. Such outdoor exercise area shall be in accordance with State licensing requirements, if applicable, ~~but in no case less than 2,000 square feet in area~~ and shall have provision for access by emergency services.
2. Effective screening shall be provided and maintained for the protection of adjacent properties, especially with respect to outdoor play areas and any parking or passenger loading areas.
3. An appropriate license from the State of Connecticut to operate a day care facility of any type shall accompany the application and remain in effect as a condition of any permit under this section.
4. ~~Minimum lot area for a day care establishment shall be 40,000 square feet in the Residence A District and 3 acres in the Residence B District.~~ If the proposed use is on a lot that is non-conforming due to lot area or lot shape, the use may be permitted provided that:
  - a. The applicant demonstrates that the community and the neighborhood will not be adversely affected due to the nature of the use, the intensity of the use, design and/or configuration of the use, and the screening or buffering provided.
  - b. The applicant demonstrates that water quality will not be adversely affected due to specific enhancements made as part of the proposed development.
  - c. An adequate buffer area with effective screening is established and maintained, without other uses, throughout any side or rear setback area adjoining a residential lot or lots.
5. ~~A family day care home shall:
  - a. Be operated by the resident/owner, and
  - b. Be an integral part of the structure housing the principal residence on the site.~~
5. A Detached Group Child Care Home shall:
  - a. Have the director of the group day care home reside on the site as his/her principal domicile, and
  - ~~b. Have the director of the group day care home directly supervise all activities of the group day care home. and~~
  - ~~c. Be an integral part of the structure housing the principal residence on the site.~~
6. A Child Care Center or Adult Care Center ~~day care center~~ shall be:
  - a. Conducted as an adjunct to an established institutional use such as a church or private school regulated under Section 3200,
  - b. Permitted only in locations fronting on or having direct, safe and convenient access to a major road (such as a collector or arterial road as may be identified in the Plan of Conservation and Development adopted by the Commission), and
  - c. Provided with ample on-site parking.

**6700 FENCES AND WALLS**

**6720 HEIGHT MEASUREMENT**

For the purposes of this Section of the Regulations:

- 1) The height of a free-standing fence or wall or combination fence/wall shall be measured vertically from the lowest finished grade at the base of the fence and/or wall to the highest point of the structure, excluding however any post, column or finial with a girth not exceeding forty (40) inches (typically a 10" x 10" square post or a 12" round post).
- 2) The height of a retaining wall or combination fence / retaining wall ~~(including when a fence is placed within 12 inches of the retaining wall)~~ shall be measured above the finished grade at the lower side of the retaining wall.
  - a. The height of a combination fence/retaining wall shall include any fence within 12 inches of the back face of the retaining wall.
  - b. The height of a retaining wall shall include the height of any subsequent retaining wall that is generally parallel and within a distance from the back face of the retaining wall that is equal to twice its height above finished grade at the lower side.

**6730 GENERAL REQUIREMENTS**

2. A deer fence shall be a mesh netting conforming to the following requirements:
  - a. Color: black, brown, green, or similar so as to blend in with the natural environment
  - b. Mesh size: greater than or equal to ¾ inch
  - c. Wire thickness: no thicker than 12½ gauge (except a greater thickness for the top and bottom wires is permitted).
- ~~3. A fence, wall, or fence/wall combination up to six feet (6') in height and/or a deer fence up to ten feet (10') in height may be installed within a required yard setback or elsewhere on the lot.~~
- ~~4. Any fence, wall, or fence/wall combination more than six feet (6') in height or a deer fence more than ten feet (10') in height shall observe required yard setbacks.~~
- ~~5. Any fence, wall, or fence/wall combination more than six feet (6') in height shall obtain a Zoning Permit.~~
2. No fence, wall, or fence/wall combination shall exceed the following height except as permitted by Site Plan approval for safety, prevention of erosion, or other public purpose:

	Total Height	Freestanding	Retaining
Fence	6 Feet 6 inches	6 Feet 6 inches	N/A
Wall (masonry, stone, etc.)	6 Feet	6 Feet	6 Feet
Fence/Wall Combination	8 Feet	8 Feet	6 Feet
Deer Fence	10 Feet	10 Feet	N/A

3. Any modification of an existing stone wall or erection of a new fence or wall within five (5) feet of the boundary of a Town-designated Scenic Road or State-designated Scenic Highway is subject to Site Plan Approval by the Commission. Any proposed modification shall preserve to the highest degree possible the scenic characteristics of the highway which are indicated in the records of the Planning and Zoning Commission as the basis for the designation.

**8120 Application Procedures and Requirements**

1. **Application Form** - An application for a Zoning Permit shall be made on a form to be furnished by the Commission. An electronic Portable Document Format (PDF) copy of the application and all applicable attachments shall be submitted at the time of application.
2. **Plan Requirements** - An application for a Zoning Permit shall be accompanied by plans and/or other information sufficient to demonstrate compliance with the requirements of these Regulations. The electronic PDF of all plans shall be dimensionally to the scale of the documents submitted with the application.
3. **Location Verification** –
  - a. After the foundation has been completed and prior to any additional construction thereon, the Zoning Enforcement Officer may order the submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the foundation on the site. The electronic PDF of the plot plan shall also be submitted and be dimensionally to the scale of the Plot Plan submitted prior to additional construction.
  - b. Such order shall be in writing and shall state the reasons such survey is warranted.
  - c. No building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the Zoning Enforcement Officer or the Commission as complying with the zoning permit and all applicable provisions of the Zoning Regulations.
  - d. Failure to submit a certified plot plan may result in a demolition order for that portion of the building in violation of these Regulations.
  - e. Upon confirmation that the location of said foundation is in compliance with these Regulations and any permit issued therefore, additional construction may proceed.
4. **Final “As Built” Survey** - Prior to the issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer and/or the Commission may require an "as-built" survey to ensure compliance with these regulations. Such "as-built" survey shall:
  - a. Be prepared at the same scale as the Site Plan or Sketch Plan by a surveyor registered and licensed to conduct business in Connecticut;
  - b. Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan or Sketch Plan;
  - c. Include a certification as to substantial compliance with the approved Site Plan or Sketch Plan; and,
  - d. List or show all deviations from the approved Site Plan.
  - e. An electronic PDF of the “As-Built” Survey shall also be submitted and be dimensionally to the scale of the “Final “As-Built” Survey submitted with the request for CZC.
5. The Zoning Enforcement Officer shall submit all "as-built" drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

**8100 ZONING PERMIT / CERTIFICATE OF ZONING COMPLIANCE (CZC)**

**8110 Applicability**

1. Until the Zoning Enforcement Officer has issued a Zoning Permit or a Certificate of Zoning Compliance which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals:
  - a. No building, structure or part thereof shall be constructed, reconstructed, altered, extended, enlarged, moved, gutted, or occupied;
  - b. No building or land shall be first occupied or used;
  - c. No use of an existing building or land shall be changed;
  - d. No Building Permit, including a permit for a building foundation, shall be issued; and
  - e. No use of an existing structure shall be undertaken or changed.
2. Pursuant to CGS Section 8-3(g), no Zoning Permit will be issued until a decision by the Inland Wetlands Agency, if applicable, has been reported to the Commission.
3. No Zoning Permit will be issued for any lots within a subdivision or resubdivision until a financial guarantee has been posted in accordance with the Easton Subdivision Regulations securing the subdivision improvements, or in lieu thereof, the subdivision improvements have been completed to the satisfaction of the Commission.
4. A Zoning Permit application shall not be needed for interior alterations, provided the existing structure is compliant with Section 3540 of these Regulations and there is no change of use, number of uses, or number of bedrooms. This shall include interior alterations to a cellar, basement, or attic, whether previously finished or not. However, any attic to be finished in a dwelling that has dormers of any kind, an existing roof slope that is equal to or steeper than a pitch of 12, or a basement as defined in the Regulations shall be required to submit a Zoning Permit application. In no case shall the finished space in the attic be greater than 50% of the gross floor area of the story directly below without obtaining a Zoning Permit.
5. No Building Permit shall be issued by the Building Official without the prior issuance of the Zoning Permit or a Certificate of Zoning Compliance.

## *Text Amendments to the Easton Zoning Regulations effective XXXXXXXX XX, 2024*

### **8340 Proceedings**

1. The date of receipt for the Site Plan application shall be determined in accordance with Section 8820.
2. An incomplete Site Plan application may be denied in accordance with Section 8830.
3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Site Plan application is filed with the Commission.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8862.
5. Notification to water companies may be required in accordance with the requirements of Section 8863.
6. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8864.
7. Notification to Abutting Property Owners shall be provided in accordance with the requirements of Section 8865.
8. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Permit application or a Zone Change application):
  - a. The time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
  - b. A decision on the Site Plan application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
9. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
10. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
11. The Commission may hold a public hearing on a Site Plan application except that any such hearing shall not alter or change the timeframes in Section 8340.8 of these Regulations.
12. In accordance with CGS Section 8-3(g), a Site Plan shall be presumed approved unless a decision to deny or modify it is rendered within the applicable time period specified above.
13. The applicant may, at any time prior to action by the Commission, withdraw such application.
14. To assist with its consideration of an application for Site Plan approval, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
15. If the Commission requires additional technical assistance in evaluating an application, the expense of such additional technical assistance shall be paid by the applicant.



## *Text Amendments to the Easton Zoning Regulations effective XXXXXXXX XX, 2024*

### **8430 Proceedings**

1. The date of receipt of the Special Permit application shall be determined in accordance with Section 8820.
2. An incomplete Special Permit application may be denied in accordance with Section 8830.
3. If a Special Permit application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. The Commission shall hold a public hearing on the Special Permit application and publish a legal notice in accordance with the requirements of Section 8861 of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8862.
6. Notification to water companies may be required in accordance with the requirements of Section 8863.
7. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8864.
8. Notification to Abutting Property Owners shall be provided in accordance with the requirements of Section 8865.
9. The Commission shall process the Special Permit application within the period of time provided under CGS Section 8-7d:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
  - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
10. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
11. The applicant may, at any time prior to action by the Commission, withdraw such application.

**8500 TEXT AMENDMENT APPLICATION**

**8530 Proceedings**

4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the Regional Council of Governments in accordance with Section 8866 ~~regional planning agency~~ when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality ~~and:~~
- ~~a. Such notice shall be made by certified mail, return receipt requested.~~
  - ~~b. Such notice shall be made not later than thirty (30) days before the public hearing.~~
  - ~~c.~~ The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

## 8600 ZONE CHANGE APPLICATION

### 8630 Proceedings

4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the Regional Council of Governments in accordance with Section 8866 ~~regional planning agency~~ when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality ~~and:~~
  - ~~a. Such notice shall be made by certified mail, return receipt requested.~~
  - ~~b. Such notice shall be made not later than thirty (30) days before the public hearing.~~
  - ~~c.~~ The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

**8800 PROCEDURAL REQUIREMENTS**

**8850 Consultations**

- 1. On any application, the Planning and Zoning Commission or the Zoning Board of Appeals may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
- 2. The Planning and Zoning Commission may, at the applicant’s expense, retain consultants with expertise in land use of any particular technical aspect of the application. Such consultant may include a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on any technical aspect of the application.
- 3. Prior to actually retaining such outside consultant(s), the Commission shall make findings that the nature and intensity of the proposal may have a significant impact on Easton and that:
  - a. Town staff will not be able to complete a technical review of the application in a timely fashion, or
  - b. That the proposal is of such a nature as to require expertise not available from staff.
- 4. The Commission or Zoning Enforcement Officer shall estimate ~~the all~~ projected expenses associated with for providing a technical review of ~~reviewing, evaluating and processing~~ the application based upon information received from the potential consultant(s) and shall notify the applicant of such supplemental fee estimate.
- 5. The applicant shall submit funds sufficient to cover ~~the basic application fee plus~~ the cost of the consultant review within fifteen (15) calendar days of being notified ~~or by the Zoning Enforcement Officer and~~ the application may ~~shall~~ be deemed incomplete and denied. ~~until the fee(s) have been submitted.~~
- 6. Should the estimate of supplemental funds prove inadequate or additional technical review is required due to revisions or otherwise, the Commission or Zoning Enforcement Officer shall recalculate the projected expenses to review, comment, and guide its deliberations on any technical aspect of the application ~~for reviewing, evaluating and processing the application~~ and notify the applicant of such supplemental fee estimate.
- ~~7.~~ The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified ~~or by the Zoning Enforcement Officer and~~ the application may ~~shall~~ be deemed incomplete and denied. ~~until the fee(s) have been submitted.~~
- 8. Any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review. ~~Any portion of the estimated processing fee not expended by the Town on the project shall be refunded to the applicant upon completion of the review, evaluation and processing of the application.~~
- 9. No permits shall be issued until all ~~processing~~ fees are paid.

TEXT AMENDMENT – Effective XX/XX/2024

## 8800 PROCEDURAL REQUIREMENTS

### 8860 Notice Provisions

#### 8863 Notification to Water Companies

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Planning and Zoning Commission or the Zoning Board of Appeals concerning any project on any site that is within:
  - a. An aquifer protection area provided such area has been delineated in accordance with CGS Section 22a-354c, or
  - b. The watershed of a water company provided such water company or said commissioner has filed a map with the Commission or the Board and on the Easton land records showing boundaries of the watershed.
2. Such notice shall be made as follows:
  - a. Water Company notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Zoning Enforcement Officer or agent, and
  - b. Commissioner of Public Health notice shall be made by electronic mail to the electronic mail address designated on its Internet web site for receipt of such notice.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Zoning Enforcement Officer or agent or the application shall be considered incomplete:
  - a. A copy of the complete package of information, and
  - b. Proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

#### 8864 Notification of DEEP

1. If any portion of the property, which is the subject of the application, is located within a “shaded area” identified on the most current Natural Diversity Data Base (NDDB) maps for Easton, the applicant shall submit a “Site Assessment” obtained from ~~notify~~ the Connecticut Department of Energy and Environmental Protection (DEEP) for ~~of~~ the pending project.
2. An NDDB “Request for Natural Diversity Data Base State-Listed Species Review” ~~report~~ from DEEP ~~shall~~ may be ~~a~~ required for any application ~~for a Site Plan or a Special Permit for~~ involving work that has the potential to impact a listed species found in the Site Assessment report for the property ~~located within a “shaded area” identified on the most current Natural Diversity Database maps for Easton.~~
3. Any application submitted without an NDDB Site Assessment from DEEP ~~report~~ shall be considered incomplete (see Section 8830).

#### 8865 Notification to Abutting Property Owners

1. In accordance with CGS Section 8-7d, an applicant shall provide written notice to persons who own land that is within 250 feet of the land that is the subject of the application. Such notice shall:
  - a. be addressed to the person indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed,
  - b. not require a title search or any other additional method of identifying persons who own the land that is subject of these notification procedures, and
  - c. be evidenced by a certificate of mailing certified by the United States Postal Service within 7 days of the day of submission of the application.

*Text Amendments to the Easton Zoning Regulations effective XXXXXXXX XX, 2024*

**8866 Notification to Regional Council of Governments**

1. In accordance with CGS Section 8-3b, an applicant shall provide written notice to the Regional Council of Governments when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality.
2. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by the regional council of governments on the council's Internet web site for receipt of such notice, not later than thirty days before the public hearing to be held in relation thereto.
3. If such notice is sent by electronic mail and the zoning commission does not receive an electronic mail message from a regional council of governments confirming receipt of such notice, then not later than twenty-five days before the public hearing, the zoning commission shall also send such notice by certified mail, return receipt requested, to such council