Town of Glastonbury

Building-Zone Regulations

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GLASTONBURY ZONING REGULATIONS
SECTION 1
ZONES AND ZONE BOUNDARIES

1.0 Zones

These Regulations are adopted under authority of Chapter 124 of the 1958 Revision to the General Statutes for the purpose of promoting the health, safety, morals and general welfare of the community, of lessening congestion in the streets; or providing adequate light and air; of preventing the over-crowding of land and avoiding undue concentration of population; of facilitating adequate provision of transportation, water, sewage, schools, parks and other public requirements; of conserving the value of buildings and encouraging the most appropriate use of the land throughout the Town in accordance with the Town Plan of Development and with reasonable consideration for the character of the area and its peculiar suitability for particular uses; and to this end the Zoning Regulations of the Town of Glastonbury are hereby restate to read, with the inclusion of the foregoing, as follows:

1.1 Classes of Zones

The Town of Glastonbury is divided into 17 classes of zones:

Country Residence	CR	Flood	F
Rural Residence	RR	Planned Area Development	PAD
Residence AAA	AAA	Town Center Zone	TC
Residence AA	AA	Town Center Mixed Use	TCMU
Residence A	A	Planned Employment	PE
Planned Business & Development	PBD	Planned Commerce	PC
Planned Travel	PT	Village Commercial (VC) Zone	VC
Planned Industrial	PI	Village Residential (VR) Zone	VR
		Adaptive Redevelopment Zone	ARZ
Reserved Land	RL		

As shown or to be shown on a map entitled "Building Zone Map of Glastonbury, Connecticut, June 25, 1956," as amended, which accompanies these Regulations and, as now or hereafter duly amended, is declared to be part hereof. The original map is filed in the Office of the Town Clerk.

1.2 Zone Boundaries

The boundaries of these zones are hereby established as shown on the Building Zone Map referred to in the previous section. Unless otherwise indicated, the zone boundaries are either center lines of streets, property lines, contour lines, water ways, or lines drawn parallel to one or more of such lines.

In cases of uncertainty, the Town Plan and Zoning Commission shall determine the location of the boundary.

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DEFINITIONS

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SECTION 2
DEFINITIONS

For the purpose of these Regulations, certain terms or words will be defined as follows: words in the present tense include the future; words in the singular number include the plural; and vice versa. The word "person" includes a partnership or corporation.

2.1 Accessory Building

A subordinate building attached to or detached from the principal building located on the same lot and used for purposes customarily incidental and subordinate to the use of the principal building.

2.2 Accessory Use

A use of land or a portion of a structure or building customarily incidental and subordinate to the actual principal use of the land, structure or building and located on the same lot with such principal use, structure or building.

2.3 Agriculture

The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and forestry.

2.4 Boarding, Rooming Or Lodging House

A dwelling, part of which is occupied by the owner of the dwelling as his permanent residence, in which lodging and meals are offered or provided for compensation to two or more persons up to a maximum of six persons by pre-arrangement for definite periods of time. A boarding, rooming or lodging house is to be distinguished from a hotel, motel, tourist home and supervised group quarters.

2.5 Building

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, properties or materials. Any other structure more than eight (8) feet high shall be considered to be a building, including a fence or wall but excluding a public utility pole or flagpole.

2.6 Building Heights

The vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. AMENDED EFFECTIVE MARCH 26, 1984.

2.7 Building Line

A line parallel to a street at a distance from the street line equal to the required front yard or at a greater distance if otherwise established by the Town Plan and Zoning Commission as part of an approved subdivision.

2.8 Club

Premises owned and operated by a corporation or association of persons for social, civic, recreational, religious or fraternal purposes, but not operated primarily for profit or to render a service, which is customarily carried on as a business.

2.9 Convalescent, Nursing Or Rest Home

A building or portion thereof for the lodging, care and treatment of five (5) or more persons. Such home does not contain equipment for surgical care or the treatment of injury and shall comply with any State requirements applicable to such homes.

2.10 Court

An open unoccupied space other than a yard on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

2.11 Dwelling

Any building or portion thereof which is designed or used exclusively for residential purposes, by human occupants, and containing one or more dwelling units.

2.12 Dwelling, Single-Family

A dwelling used or designed exclusively for one dwelling unit; or a dwelling used or designed for two dwelling units provided a special permit has been granted for such additional dwelling unit pursuant to Section 6.11 Special Regulations. Effective October 14, 1983.

2.13 Dwelling, Two-Family

A dwelling having two dwelling units.

2.14 Dwelling Multiple

A dwelling having three or more dwelling units.

2.15 Dwelling Unit

One room or a suite of two or more rooms designed for or occupied by one family for living and sleeping purposes and having only one kitchen or kitchenette.

2.16 Family

One person, or group of two or more persons related by blood, marriage, legal adoption or legal guardianship, or a group of not more than six (6) persons who need not be so related, living and cooking together in the same dwelling unit as a single housekeeping unit. The persons constituting a family may also include up to six (6) foster children when a married couple permanently reside in the same dwelling unit as foster parents and gratuitous guests and domestic servants. A roomer, boarder, lodger or occupant of supervised group quarters, regardless of relationship or ownership, shall not be considered a member of a family.

2.17 Farm

A tract of land containing five (5) acres or more, used wholly or in part for agricultural purposes, but excluding commercial greenhouses and commercial nurseries (involving the retail sale of flowers, shrubs, trees and other plants from buildings or structures on the premises, rather than exclusively from the ground) and commercial pig farms. A farm may include a dwelling unit and premises used for the keeping of livestock, poultry and other domestic animals when permitted by these Regulations.

2.18 Garage, Parking

An accessory building used for the storage of vehicles for the use of occupants of the lot on which such building is located.

2.19 Grade

A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Effective March 26, 1984.

2.20 Guest House

A residential accessory building located on the same lot as the principal building and used to house only domestics, or gratuitous guests of the family occupying the principal dwelling on the lot.

2.21 Historic And Monument Sites

Those premises set aside primarily to commemorate a historical event, activity or person.

2.22 Home Occupation

A use, not otherwise permitted in the zone, which is customarily and may properly be conducted for compensation as an accessory use on a residential lot (See Section 7).

2.23 Hotel - Inn - Motel

A building or buildings designed and used primarily for temporary occupancy by transients, which provides or offers accommodations for a consideration for seven or more persons exclusive of proprietors and employees living on the premises. Rooms for public assembly and the serving of food may also be provided.

2.24 Livestock

Grazing animals.

2.25 Lot

A plot or parcel of land under separate ownership occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by these Regulations. Except in residential zones, more than one principal building under the same ownership may be considered as occupying the same lot, if approved by the Town Plan and Zoning Commission as a part of special permit and design review powers.

2.26 Lot Area

The required lot area shall be deemed to be the product of multiplying the average width of a lot by a lot depth not greater than three times such width, regardless of the total depth of the lot.

2.27 Lot, Corner

A lot having two adjacent sides facing a street or streets so that the interior angle of the intersection is not more than 120 degrees.

2.28 Lot, Depth Of

The mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

2.29 Lot Frontage

The minimum lot frontage shall be the shortest distance obtainable by measuring from any point where the building line intersects a lot side line to the opposite side line.

2.30 Motor Vehicles, General Repair And Services

The business of repairing, overhauling, removing, adjusting or replacing parts of any motor vehicle and body repairing of any motor vehicle.

2.31 Motor Vehicle, Limited Repair And Service

The business of minor repairs to any motor vehicle such as repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing and repair and replacement of shock absorbers.

2.32 Motor Vehicle Or Gasoline Service Station

A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, aircraft of boats and including the customary space and facilities for the installation of such commodities on or in such vehicles.

2.33 Nonconforming Building

A building which does not conform to one or more of the applicable provisions of these Regulations, but which lawfully existed prior to the effective date of these Regulations or of any amendment hereof of change in zoning classification which created the nonconformity.

2.34 Nonconforming Use

A use of land, structure, building or premises which is not a use permitted by the provisions of these Regulations for the zone in which such land, structure, building or premises is situated, but which lawfully existed prior to the effective date of these Regulations or of any amendment hereof or change in zoning classification which created the nonconformity.

2.35 Open Space

An unoccupied space open to the sky and on the same lot as the building.

2.36 Parking Area, Private

Any area of land which is used as an accessory use for parking of motor vehicles for the occupants, tenants, visitors, employees or patrons of a use or uses and is located on the same lot as said use or uses.

2.37 Parking Lot, Public

Any tract of land, which is used as the principal use of the lot for the parking of motor vehicles.

2.38 Parks

Land and/or water primarily in its natural state except for manmade recreation facilities and dedicated and used for recreation, scenic, leisure, conservation, historic or ornamental purposes.

2.39 Principal Building

A building in which is conducted the principal use of the lot on which it is situated.

2.40 Street

A public highway or a proposed public highway shown upon a plan duly approved by the Town Plan and Zoning Commission in full accordance with the Glastonbury Subdivision and Resubdivision Regulations.

2.41 Structure

Anything constructed or erected which requires location on the ground, including signs, but not including fences or walls used as fences the maximum height of which is less than four (4) feet above the ground.

2.42 Supervised Group Quarters

A dwelling housing a group of persons during a period in which such persons are undertaking a program of vocational training, counseling, social rehabilitation or other similar programs, such as children's homes and group homes. Supervised group quarters shall not be considered a rooming house, boarding house or lodging house.

2.43 Tourist Home

A dwelling, part of which is occupied by the owner of the dwelling as his permanent residence, in which overnight accommodations are offered or provided for compensation to two or more transient persons up to a maximum of six persons.

2.44 Trailer-Mobile Home

Any vehicle or similar portable structure which is or can be used for sleeping, living or working quarters and which is, has been, or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation.

2.45 Trailer Camp

Any lot, parcel, subdivision or area of land which is used or permitted to be used for the parking of more than one occupied trailer (mobile home).

2.46 Use

The "use" of property is the purpose or activity for which the land or structure or building thereon is designed, arranged, intended, occupied or maintained, and shall include any manner of performance of such activity whit respect to the standards and requirements of these Regulations.

2.47 Yard

An open space of generally uniform width or depth on the same lot with a building or group of buildings and the nearest lot line, and is unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn through the point of the building or the point of a group of buildings nearest to such lot line.

2.48 Yard, Front

A yard extending across the full width of the lot and lying between the front property line (street line) of the lot and the nearest line of the principal building.

2.49 Yard, Rear

A yard extending across the full width of the lot and lying between the rear property line of the lot and the nearest line of the principal building.

2.50 Yard, Side

A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be.

2.51 Agricultural Group Quarters, Seasonal

Any trailer or mobile home used for living and sleeping by seasonal agricultural workers (migrant) and located on a farm where agricultural production is the principal means of livelihood as defined by Section 12-91 of the Connecticut General Statues and recorded with the Town Assessor. EFFECTIVE JULY 1, 1983

2.52 Deck

An open exterior floor system supported on a least two (2) opposing sides by an adjoining structure and\or post, or piers. EFFECTIVE FEBRUARY 4, 1994.

2.53 Grandfathered Use

For purposes of Section 4.13.6 of these regulations, a use existing prior to the enactment of current zoning that does not conform to current zoning, but which is permitted as a legal pre-existing use due to its conformance with the development requirements of the zone existing prior to the enactment of these Town Center Regulations.

2.54 Floor Area Ratio

The ratio of total building floor area to area of the lot, excluding unfinished basements, utility rooms, open porches, elevator shafts, common stair towers, carports, garages and parking structures.

SECTION 3
GENERAL REGULATIONS

3.1 Conflicting Regulations

When any provision of these Regulations imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other ordinance, statute or law, the provisions of these Regulations shall apply and govern.

3.2 Covenants Not Annulled

These Regulations are not intended to abrogate or annul any easement, covenant or other private agreement.

3.3 Permitted Uses

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than the uses permitted in the zone in which the building or structure or land is located, except as otherwise provided in Section 8 of these Regulations.

3.4 Permitted Area, Yards Or Lot Coverage

No building or structure shall be erected or enlarged except in conformity with the area, yards or lot coverage regulations of the zone in which the building or structure or land is located, except as otherwise provided in Section 3.10, Section 3.24 and Section 8 of these Regulations.

3.5 Permitted Height, Density Or Bulk

No building or structure shall be erected, enlarged, reconstructed, or structurally altered to exceed the height limit, density provisions or bulk provisions herein established for the zone in which the building or structure is located except that penthouses or roof structures for the housing of elevators, stairway tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, domes, bulkheads, church steeples, spires, belfries, cupolas, storage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, and wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein prescribed, provided, however, that no such structure may be erected to exceed y more than fifteen (15) feet the height limits of the greater than ten percent (10%) of the roof area of the building or structure on which it is located; nor shall such structure be used for other than an accessory use.

3.6 Lots, Yards, And Open Spaces

No space which for the purpose of a building, structure or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by these Regulations may, be reason of change in ownership be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any other building, structure or dwelling group.

No lot on which a building or structure exists shall be reduced or diminished so that the required lot area, frontage, yards or open spaces are smaller than those required by these Regulations.

3.7 Usable Open Space

There shall be provided in all residential lots at a minimum such usable open space as is set forth in these Regulations for the zone in which said lot is located, which open space shall be used for landscaping and/or recreational purposes, and which may not be used for off-street parking or loading purposes. The area of the front,

side or rear yards which is not used for driveways and parking or loading purposes may be computed in determining the required usable open space.

3.8 Projections Into Yards And Required Open Spaces

Architectural features such as pilasters, chimneys, belt courses, sills and cornices may extend or project into a required yard or open space not more than one (1) foot.

Residential decks not higher than three (3) feet above grade may extend into the required rear yard by not more than twelve (12) feet. EFFECTIVE FEBRUARY 4, 1994

Steps, walls not over four (4) feet high, and fences not over six (6) feet high may be erected in any required yard.

3.9 Courts

Courts enclosed on all sides shall not be permitted in any building used partly or wholly for residential purposes. Courts between winds or projections of buildings shall have a width between such wings or projections at least equal to the average height of the walls surrounding the court. In no case shall a court in a residential building have a depth greater than three times the width.

3.10 Substandard Lots

In all residential zones, any lot which was separately described in the latest deed of record immediately prior to (effective date of these Regulations), or which was an approved lot shown on a plan of development or subdivisions plan approved by the Town Plan and Zoning Commission and on file in the Glastonbury Town Clerk's office prior to said date, which does not meet the requirements of these Regulations as to lot area and/or lot frontage may be utilized for any use permitted in the zone in which such lot is located, provided that all of the other provisions and requirement so these Regulations are complied with as to such lot, and provided further that all applicable subdivision regulations of the Town of Glastonbury shall have been complied with as to such lot.

3.11 Lot Limitations

In all residential zones, only one principal structure shall be placed on a lot. In non-residential zones, the Town Plan and Zoning Commission may approve a plan for more than one principal structure on a lot, if the structures and land comply with all other requirements of the zone in which they are located.

3.12 Lot Frontage

Every principal residential structure shall be located on a lot which fronts upon a public street and complies with the frontage requirements of these Regulations unless such lot is an approved rear lot under Section 6.8 of these Regulations.

3.13 Floor Area

Specific floor area requirements for living quarters in residential dwellings are set forth in the Use Regulations (Section 4) for the particular zones. Living quarters may include customary rooms, halls and closets, but shall not include rooms for heating equipment, garages, open or closed outside vestibules, or porches or verandas. Stairways, basement spaces and public halls shall not be included in the required minimum floor areas for the living quarters. Only those portions of the building which are soundly and permanently constructed and finished with materials and methods conforming to the Building Code adopted by the Town of Glastonbury shall be included in the computations of the floor area for living quarters.

a. Floor area for living quarters shall be computed from the outside of the exterior walls.

b. Living quarters above the first floor shall have access by permanent built-in stairway. All living quarters, to qualify as living quarters, shall have a ceiling height of not less than 7 feet 6 inches on the first floor, and on the second floor 7 feet 4 inches over not less than one-third (1/3) of the area of the floor. On one and one-half (1 ½) story dwellings, there shall be at least a three-quarter (3/4) dormer or equivalent, except that if the first floor living area has 1250 square feet or more, the requirement for a three-quarter (3/4) dormer shall not apply. AMENDED EFFECTIVE November 15, 1975.

c. For dwellings without cellar, the minimum floor area shall be increased by a separate room containing at least 120 square feet for heating, utility and storage space.

d. For all dwellings with cellar, there shall be direct outside access from the cellar.

3.14 Dwellings In Other Than Principal Structure

No residential dwelling shall be permitted in any accessory building except an approved guest house.

3.15 Dwelling In Nonresidential Zones

Dwellings shall be erected only in the residential and planned are development zones. The sleeping quarters of a caretaker or watchman, however, may be permitted in the nonresidential zones.

3.16 Building Grades

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.

3.17 Restoration Of Unsafe Buildings

Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the Building Official or where required by any lawful order.

3.18 Streets

All streets, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets. Where the center lie of a street serves as a zone boundary, the zoning of such street, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

3.19 Visibility At Intersection

No wall, fence, structure, planting or obstruction to vision shall be erected, maintained, placed or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or ay any street intersection. The minimum vision clearance shall require a height not exceeding tow (2) feet above the street grade within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is twenty-five (25) feet distance from the point of intersection.

3.20 Storage And Display Of Goods And Merchandise

In all zones, if any goods and/or merchandise are stored and/or displayed, such goods and/or merchandise shall be stored and/or displayed behind the established building line, except a permitted roadside stand which shall be located behind the established street line, or except as permitted by special exception granted by the Zoning Board of Appeals in accordance with Section 13.9 of the Building-Zone Regulations. AMENDED EFFECTIVE MARCH 13, 1989.

3.21 Commercial Radio And Television Towers

Commercial radio, television and other transmitting or relay antenna towers, when permitted, shall be set back from all abutting streets and adjacent property a distance of not less than one and one-half (1 1/2) times the height of the tower.

3.22 Airports

Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities or airport zoning, which is not part of any airport, shall be so developed as not to endanger safe flight conditions to and from an established airport. This provision is supplemental to any adopted airport zoning plan or ordinance.

3.23 Voting Place

The provisions of these Regulations shall be so construed as not to interfere with the temporary use of any premises as a voting place in connection with a municipal, state or federal election, referendum or primary.

3.24 Approval Of Subdivision Plans

No proposed plan of a new subdivision or resubdivision shall hereafter be approved unless the lots within such plan equal or exceed the minimum area, yards and lot coverage requirements set forth in the various zones of these Regulations, except as may otherwise be specifically provided in Section 6.7 of these Regulations end except that in the case of a subdivision or resubdivision of a parcel of land containing five (5) acres or more, where the slope of the parcel, the topography or other natural features prevent the best subdivision in strict conformity with such lot size requirements, the Town Plan and Zoning Commission may, at its discretion, permit the reduction to not less than eighty (80%) percent of the minimum lot size requirement for such zone of not more than ten (10%) percent of the lots in such subdivision or resubdivision, provided that it shall find that such reduction will have not detrimental effect on the appropriate residential use of the land within the subdivision or on the general character of the surrounding area and will not significantly impair health, safety, general welfare, property values or future land use or road layouts.

3.25 Stream Belt Protection

REPEALED EFFECTIVE APRIL 20, 1989. Refer to Inland/Wetland Regulation.

3.26 Dual Zoned Property: Flood Zone And Other Zone

When a lot of parcel contains land partially designated Flood Zone and partially any other zone listed in Section 1.1 of the Building Zone Regulations (PAD Zone excluded); that area designated Flood Zone my be counted or utilized in order to satisfy the lot area, lot frontage, lot coverage, front yard, side yard, rear yard and open space requirements of the zone where development is to occur. New residential construction on a lot or parcel, which also contains Flood Zone, shall not be permitted within the Flood Zone and shall have the lowest habitable floor elevated to or above the 500 year Flood elevations. (See Section 4.11.6.b). Development (see definition in Section 4.11.2 of the Building Zone Regulations) within Flood Zone areas is permitted only in accordance with Section 4.11 of the Building Zone Regulations. EFFECTIVE OCTOBER 28, 1983.

SECTION 4
USE REGULATIONS

4.0 Summary Table - area, frontage, yard, coverage and height requirements
4.1 Country Residence Zone CR
4.2 Rural Residence Zone RR
4.3 Residence Zone AAA
4.4 Residence Zone AA
4.5 Residence Zone A
4.6 Planned Business and Development Zone PBD
4.7 Planned Travel Zone (PT)
4.8 Planned Industrial Zone PI
4.9 Industrial Zone – ELIMINATED
4.10 Reserved Land Zone RL
4.11 Flood Zone F
4.12 Planned Area Development Zone PAD
4.13 Town Center Zone
4.14 Planned Employment PE
4.15 Planned Commerce PC
4.16 South Glastonbury Village Commercial (VC) Zone; And South Glastonbury Village Residential (VR) Zone
4.17 Adaptive Redevelopment Zone (ARZ)
4.18 Town Center Mixed Use (TCMU)

SUMMARY TABLE
AREA, FRONTAGE, YARD, COVERAGE AND HEIGHT REQUIREMENTS
SECTION 4.0
(in all instances reference shall be made to the specific provisions of these Regulations)

Zones		Minimum Required Lot Area (sq. ft)	Minimum Required Lot Frontage (ft.)	Maximum Lot Coverage (%)	Minimum Principal Front	Required Building Side	Yards (ft.) Rear	Maximum Permitted Height (stories)	(feet)	Minimum Floor Area for Living Quarters per Dwelling Unit (sq. ft.)	Minimum Open Space
CR	Country Residence	80,000[1]	200[1]	15	75	35[3]	75	2 1/2[6]	35	1250/1500/850[7]	(IN ALL RESIDENCE
RR	Rural Residence	40,000[1]	125[1]	10	50	25[3]	50	2 1/2[6]	35	1250/1340/850[7]	ZONE, FRONT YARD,
AAA	Residence	40,000[1]	150[1]	15	50	25[3]	50	2 1/2[6]	35	1500/1650/1150[7]	REAR YARD AND
AA	Residence	25,000[1]	110[1]	15	50	20[3]	50	2 1/2[6]	35	1250/1500/1000[7]	TWO SIDE YARDS)
A	Residence	15,000[1]	100[1]	15	40[*]	15[3]	50	2 1/2[6]	35	1000/1340/850/775[7]	
PC	Planned commerce[8]	40,000[2]	150[2]	20[10]	50[12]	25[4]	25	2 1/2	35		See section 4.15.11
PBD	Planned Business & Development[8]	60,000[2]	200[2]	20	75	25[3/4]	25	2 1/2	35	N/A	Twice building coverage
PE	Planned Employment[8]	40000[2]	150[2]	20[10]	50[12]	25[4]	25	2 1/2	35		See section 4.14.11
PT	Planned Travel[8/9]	10 acres[2]	400[2]	20	75	50[3/4/5]	50	2 1/2	35	N/A	Twice building coverage
PI	Planned Industrial[8]	40,000[2]	150[2]	20[10]	50	25[3/4/5]	25[5]	2 1/2	35[11]	N/A	See Sec. 4.8.11
RL	Reserved Land	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R
F	Flood	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R	N/R
PAD	Planned Area Development	See specific regulations in Section 4.12									
VC	Village Commercial	20,000[13]	100	20,000sq ft	N/A	N/A	N/A	2 1/2	35	950[14]	N/A
VR	Village Residential	10,000	75	20	20	10	30	21/2	35	N/A	N/A
TC	Town Center	40,000	100	FAR 0.5	20	8	20	3	38		
TCMU	Town Center Mixed Use	10,000	75	20%	20	20/8	30	2 1/2	35		

NOTES: N/A = Not Applicable

1. Minimum required lot area for residential uses. Requirements for other permitted uses as set forth and approved by TPZ and/or ZBA.
2. Some substandard lots of record and smaller legal lots of record under separate ownership may be developed and used as set forth in Section 3.10 and in the specific zone regulations.
3. There shall be a minimum of two (2) side yards for each principal building, except as explained in Note #4. The requirement indicated is the minimum width for each side yard. The Owner of a corner lot may, at the time a building permit for a principal building thereon is applied for, designate which yard abutting a street shall be deemed the front yard, in which case the other yard abutting a street shall be considered a side yard requiring a minimum yard depth of 50 feet in CR zone, 40 feet in RR, AAA, AA and PI zones, and 30 feet in A zone.
4. Side yard requirement may be modified or waived by TPZ in the case of a Plan of Development as set forth in the specific zone regulations.
5. Additional requirements for yards and screening when the PT Zone, PI Zone or I Zone adjoins a residential use or zone. See specific zone regulations.
6. Applies only to residential buildings. Height limit for other permitted buildings as set forth and approved by TPZ and/or ZBA
7. The first number indicates the required minimum total floor area for a 1 story dwelling. The second number indicates the required minimum total floor area for a 1 1/2, 2 or 2 1/2 story dwelling. The third number indicates the minimum amount of such total minimum floor area which must be on the first floor of a 1 1/2 story dwelling. At least 600 square feet of floor area, which need not be finished, shall be above the first floor of a 1 1/2 story dwelling. The fourth number, if any indicates the required minimum floor space for living quarters per dwelling unit in a two-family dwelling. For dwellings without cellar, the minimum floor area shall be increased by a separate room containing at least 120 square feet for heating, utility and storage space.
8. As to single and two-family dwellings existing in non-residence zones on (effective date of Regs.) the area, frontage, yard, coverage and height requirements shall be those of the A residence zone.
9. As to certain uses in the PT zone, the area, frontage, yard, coverage and height requirements shall be those of the PBD zone (see Sec. 4.7.1). See Sec. 6.5 for area and frontage requirements for new motor vehicle or gasoline service stations.
10. See Sec. 4.8.6 , 4.14.6, 4.15.6(Lot Coverage) EFFECTIVE 12/26/80 , 4/14/04
11. See Sec. 4/8/10 (Building Height) EFFECTIVE 3/26/84
12. See sec. 4.14.7, 4.15.7 (Front Yard) Effective 4/14/04
13. Minimum required for new lots only – Effective 12/29/04
14. Maximum floor area for 2nd floor accessory dwellings – Effective 12/29/04

N/R = No Specific Requirements. Approval by TPZ and/or ZBA.

4.1 Country Residence Zone CR

4.1.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the Permitted (Prmt) or Special Permit with Design Review (Sp) uses or use categories listed below and indicated in the CR column of the Table of Permitted Uses and in the Special Requirements column of said Table. AMENDED EFFECTIVE NOVEMBER 11, 2010

Permitted Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Prmt Uses and use categories permitted as a matter of right subject to the conditions of the CR Zone and any other applicable provisions of these Regulations.

Dwelling, single-family (12)
Dwelling, two-family (13), if existing on the effective date of these Regulations. AMENDED EFFECTIVE APRIL 23, 1974.
Farm (17)
Historic and monument sites (20)
Parks (37)
Agricultural group quarters, seasonal (50) (Special Requirements Sec. 6.10). EFFECTIVE JULY 1, 1983.

NOTE: As to two-family dwellings existing on the effective date of these Regulations, the area, frontage, yard, coverage and site requirements shall be those of the Residence A Zone. AMENDED EFFECTIVE APRIL 23, 1974.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations. AMENDED NOVEMBER 11, 2010

Aircraft landing field
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Boarding, rooming or lodging house (4) (3-6 persons)
Cemetery
Clubs, non-profit (8)
Commercial greenhouses
Commercial nurseries
Community centers
Convalescent, nursing or rest home or sanitarium (9)
Day care center
Dog kennel, commercial
Earth products, excavation and filling or removing or (Special Requirements Sec. 6.2).
Forestry production, commercial, including on-premises saw mills
Golf Course
Governmental services
Library
Museum or planetarium
Place of worship
Recreation uses, non-profit
Religious quarters
Riding stable

Schools - public, private and parochial, university, college, junior college and professional school
Sewage and solid waste disposal
Supervised group quarters (41)
Tourist home (42)
Towers, transmitting and relay
Transmitting exchange or receiving station
Utility - electric, gas and water
Veterinarian service

Sx DELETED AMENEDED EFFECTIVE NOVEMBER 11, 2010

4.1.2 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and with the CR column of the Table or Permitted Uses, subject to such standards as may be referred to in the list below and in the CR column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Boarding, rooming or lodging house (4) (1-2 persons)
Customary accessory uses (2)
Customary home occupation (21)
Garage, parking (18)
Guest house (19) (requires special exception approval by ZBA)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.1.3 Required Lot Area

Every parcel of property to be used for residential purposes in the Country Residence Zone shall have a minimum lot area of eighty thousand (80,000) square feet.

4.1.4 Lot Frontage

Every lot shall have a minimum lot frontage of not less than two hundred (200) feet.

4.1.5 Lot Coverage

All principal structures shall cover not more than fifteen percent (15%) of the area of the lot.

4.1.6 Front Yard

There shall be a minimum front yard of seventy-five (75) feet for every principal building.

4.1.7 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of thirty-five feet.

4.1.8 Rear Yard

There shall be a minimum rear yard of seventy-five (75) feet for every principal building.

4.1.9 Maximum Height Limit

No residential building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

4.1.10 Requirements for Floor Space Per Dwelling Unit

Every single-family dwelling shall contain, in the case of a one (1) story dwelling, not less than one thousand two hundred fifty (1,250) square feet of floor space for living quarters, and in the case of a one and one-half (1 1/2), two (2) or two and one-half (2 1/2) story dwelling, not less than one thousand five hundred (1,500) square feet of floor space for living quarters. In the case of a one-story dwelling, the required minimum total floor space for living quarters shall be provided on the first floor. In the case of a one and one-half (1 1/2) story dwelling, not less than eight hundred fifty (850) square feet of floor space for living quarters shall be provided on the first floor and at least six hundred (600) square feet of floor space, which need not be finished, shall be above the first floor. For the purposes of this section, a raised ranch shall be considered a one-story dwelling. In the case of a split-level house, the calculated floor area shall be the vertical projected floor area of the living quarters. These requirements may be modified by the Town Plan and Zoning Commission as a special permit in the case of an individual lot, taking into consideration the criteria set forth in Section 12 of these Regulations (See also Section 3.13).

4.2 Rural Residence Zone RR

4.2.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the Permitted (Prmt) or Special Permit with Design Review (Sp) uses or use categories listed below-and indicated in the RR column of the Table of Permitted Uses, subject to such standards as may be referred to in the lists below and the RR column of the Table of Permitted Uses and in the Special Requirements column of said Table. AMENDED EFFECTIVE NOVEMBER 11, 2010

Permitted Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Prmt Uses and use categories permitted as a matter of right subject to the conditions of the RR Zone and any other applicable provisions of these Regulations.

Dwelling, single-family (12)
Dwelling, two-family (13), if existing on the effective date of these Regulations. AMENDED EFFECTIVE APRIL 23, 1974.
Farm (17)
Historic and monument sites (20)
Parks (37)

NOTE: As to two-family dwellings existing on the effective date of these Regulations, the area, frontage, yard, coverage and site requirements shall be those of the Residence A Zone. AMENDED EFFECTIVE APRIL 23, 1974.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations. AMENED EFFECTIVE NOVEMBER 11, 2010

Agricultural group quarters, seasonal (50) (Special Requirements Sec. 6.10). EFFECTIVE JULY 1, 1983.
Aircraft landing field
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Boarding, rooming or lodging house (4) (3-6 persons)
Cemetery
Clubs, non-profit (8)
Commercial greenhouses
Commercial nurseries
Community centers
Convalescent, nursing or rest home or sanitarium (9)
Day care center
Dog kennel, commercial
Earth products, excavation and filling or removing or (Special Requirements Sec. 6.2).
Forestry production, commercial, including on-premises saw mills
Golf Course
Governmental services
Library
Museum or planetarium
Place of worship
Recreation uses, non-profit
Religious quarters
Riding stable
Schools - public, private and parochial, university, college, junior college and professional school
Sewage and solid waste disposal
Supervised group quarters (41)
Tourist home (42)
Towers, transmitting and relay
Transmitting exchange or receiving station
Utility - electric, gas and water
Veterinarian service

Sx DELETED AMENEDED EFFECTIVE NOVEMBER 11, 2010

4.2.2 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and with the RR column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the RR column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Boarding, rooming or lodging house (4) (1-2 persons)
Customary accessory uses (2)
Customary home occupation (21)
Garage, parking (18)
Guest house (19) (required special exception approval by ZBA)

Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.2.3 Required Lot Area

Every parcel of property to be used for residential purposes in the Rural Resident Zone shall have a minimum lot area of forty thousand (40,000) square feet.

4.2.4 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred twenty-five (125) feet.

4.2.5 Lot Coverage

All principal structures shall cover not more than ten percent (10%) of the area of the lot.

4.2.6 Front Yard

There shall be a minimum front yard of fifty (50) feet for every principal building.

4.2.7 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of twenty-five (25) feet.

4.2.8 Rear Yard

There shall be a minimum rear yard of fifty (50) feet for every principal building.

4.2.9 Maximum Height Limit

No residential building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

4.2.10 Requirements For Floor Space Per Dwelling Unit

Every single-family dwelling shall contain, in the case of a one (1) story dwelling, not less than one thousand two hundred fifty (1,250) square feet of floor space for living quarters, and in the case of a one and one-half (1 1/2), two (2) or two and one-half (2 1/2) story dwelling, not less than one thousand three hundred forty (1,340) square feet of floor space for living quarters. In the case of a one-story dwelling, the required minimum total floor space for living quarters shall be provided on the first floor. In the case of a one and one-half (1 1/2) story dwelling, not less than eight hundred fifty (850) square feet of floor space for living quarters shall be provided on the first floor and at least six hundred (600) square feet of floor space, which need not be finished, shall be above the first floor. For the purposes of this section, a raised ranch shall be considered a one-story dwelling. In the case of a split-level house, the calculated floor area shall be the vertical projected floor area of the living quarters. These requirements may be modified by the Town Plan and Zoning Commission as a special permit in the case of an individual lot, taking into consideration the criteria set forth in Section 12 of these Regulations. (See also Section 3.13).

4.3 Residence Zone AAA

4.3.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the Permitted (Prmt) or Special Permit with Design Review (Sp) uses or use categories listed below and indicated in the RR column of the Table of Permitted Uses, subject to such standards as may be referred to in the lists below and the RR column of the Table of Permitted Uses and in the Special Requirements column of said Table. AMENDED NOVEMBER 11, 2010

Permitted Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Prmt Uses and use categories permitted as a matter of right subject to the conditions of the AAA Zone and any other applicable provisions of these Regulations.

Dwelling, single-family (12)
Dwelling, two-family (13), if existing on the effective date of these Regulations. AMENDED EFFECTIVE APRIL 23, 1974.
Farm (17)
Historic and monument sites (20)
Parks (37)

NOTE: As to two-family dwellings existing on the effective date of these Regulations, the area, frontage, yard, coverage and site requirements shall be those of the Residence A Zone. AMENDED EFFECTIVE APRIL 23, 1974.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations. AMENDED EFFECTIVE NOVEMBER 11, 2010

Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or Organization
Cemetery
Community centers
Convalescent, nursing or rest home or sanitarium (9)
Day care center
Golf Course
Governmental services
Library
Museum or planetarium
Place of worship
Recreation uses, non-profit
Religious quarters
Schools - public, private and parochial, university, college, junior college and professional school
Supervised group quarters (41)
Tourist home (42)
Utility - electric, gas and water

Sx DELETED AMENDED EFFECTIVE NOVEMBER 11,2010

4.3.2 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and with the AAA column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the AAA column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Accessory Uses and use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Customary accessory uses (2)
Customary home occupation (21)
Garage, parking (18)
Guest house (19) (requires special exception approval by ZBA)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.3.3 Required Lot Area

Every parcel of property to be used for residential purposes in the Residence Zone AAA shall have minimum lot area of forty thousand (40,000) square feet.

4.3.4 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred fifty (150) feet.

4.3.5 Lot Coverage

All principal structures shall cover not more than fifteen percent (15%) of the area of the lot.

4.3.6 Front Yard

There shall be a minimum front yard of fifty (50) feet for every principal building.

4.3.7 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of twenty-five (25) feet.

4.3.8 Rear Yard

There shall be a minimum rear yard of fifty (50) feet for every principal building.

4.3.9 Maximum Height Limit

No residential building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

4.3.10 Requirements For Floor Space Per Dwelling Unit

Every single-family dwelling shall contain, in the case of a one (1) story dwelling, not less than one thousand five hundred (1,500) square feet of floor space for living quarters, and in the case of a one and one-half (1 1/2), two (2) or two and one-half (2 1/2) story dwelling, not less than one thousand six hundred fifty (1,650) square feet required minimum total floor space for living quarters. In the case of a one-story dwelling, the required minimum total floor space for living quarters shall be provided on the first floor. In the case of a one and one-half (1 1/2) story dwelling, not less than one thousand one hundred fifty (1,150) square feet of floor space for living quarters of the required minimum total floor space for living quarters shall be provided on the first floor and at least six hundred (600) square feet of floor space, which need not be finished, shall be above the first floor. For the purposes of this section, a raised ranch shall be considered a one-story dwelling. In the case of a split-level house, the calculated floor area shall be the vertical projected floor area of the living quarters. These requirements may be modified by the Town Plan and Zoning Commission as a special permit in the case of an individual lot, taking into consideration the criteria set forth in Section 12 of these Regulations. (See also Section 3.13).

4.4 Residence Zone AA

4.4.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the Permitted (Prmt) or Special Permit with Design Review (Sp) uses or use categories listed below and indicated in the AA column of the Table of Permitted Uses, subject to such standards as may be referred to in the lists below and the AA column of the Table of Permitted Uses and in the Special Requirements column of said Table. AMENDED NOVEMBER 11, 2010

Permitted Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Prmt Uses and use categories permitted as a matter of right subject to the conditions of the AAA Zone and any other applicable provisions of these Regulations.

Dwelling, single-family (12)
Dwelling, two-family (13), if existing on the effective date of these Regulations. AMENDED EFFECTIVE APRIL 23, 1974.
Farm (17)
Historic and monument sites (20)
Parks (37)

NOTE: As to two-family dwellings existing on the effective date of these Regulations, the area, frontage, yard, coverage and site requirements shall be those of the Residence A Zone. AMENDED EFFECTIVE APRIL 23, 1974.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or Organization
Cemetery
Commercial greenhouses, if existing on (the effective date of these Regulations) (extension or enlargements require special permit approval by TPZ)

Commercial nurseries, if existing on (the effective day of these Regulations) (extensions of enlargements required special permit approval by TPZ)
Community centers
Convalescent, nursing or rest home or sanitarium (9)
Day care center
Golf Course
Governmental services
Library
Museum or planetarium
Place of worship
Recreation uses, non-profit
Religious quarters
Schools - public, private and parochial, university, college, junior college and professional school
Supervised group quarter (14)
Tourist home (42)
Utility - electric, gas and water

Sx DELETED AMENDED NOVEMBER 11, 2010

4.4.2 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and with the AA column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the AA column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Accessory Uses and use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Boarding, rooming or lodging house (4) (1-2 persons)
Customary accessory uses (2)
Customary home occupation (21)
Garage, parking (18)
Guest house (19) (requires special exception approval by ZBA)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.4.3 Required Lot Area

Every parcel of property to be used for residential purposes in the Residence Zone AA shall have minimum lot area of twenty-five thousand (25,000) square feet.

4.4.4 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred ten (110) feet.

4.4.5 Lot Coverage

All principal structures shall cover not more than fifteen percent (15%) of the area of the lot.

4.4.6 Front Yard

There shall be a minimum front yard of fifty (50) feet for every principal building.

4.4.7 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of twenty (20) feet.

4.4.8 Rear Yard

There shall be a minimum rear yard of fifty (50) feet for every principal building.

4.4.9 Maximum Height Limit

No residential building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

4.4.10 Requirements For Floor Space Per Dwelling Unit

Every single-family dwelling shall contain, in the case of a one (1) story dwelling, not less than one thousand two hundred fifty (1,250) square feet of floor space for living quarters, and in the case of a one and one-half (1 1/2), two (2) or two and one-half (2 1/2) story dwelling, not less than one thousand five hundred (1,500) square feet of floor space for living quarters. In the case of a one-story dwelling, the required minimum total floor space for living quarters shall be provided on the first floor. In the case of a one and one-half (1 1/2) story dwelling, not less than one thousand (1,000) square feet of floor space for living quarters of the required minimum total floor space for living quarters shall be provided on the first floor and at least six hundred (600) square feet of floor space, which need not be finished, shall be above the first floor. For the purposes of this section, a raised ranch shall be considered a one-story dwelling. In the case of a split-level house, the calculated floor area shall be the vertical projected floor area of the living quarters. These requirements may be modified by the Town Plan and Zoning Commission as a special permit in the case of an individual lot, taking into consideration the criteria set forth in Section 12 of these Regulations. (See also Section 3.13).

4.5 Residence Zone A

4.5.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the Permitted (Prmt) or Special Permit with Design Review (Sp) uses or use categories listed below and indicated in the A column of the Table of Permitted Uses and in the Special Requirements column of said Table. AMENDED NOVEMBER 11, 2010

Permitted Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Prmt Uses and use categories permitted as a matter of right subject to the conditions of the A Zone and any other applicable provisions of these Regulations.

Dwelling, single-family (12)
Dwelling, two-family (13), if existing on the effective date of these Regulations. AMENDED EFFECTIVE APRIL 23, 1974.
Farm (17)
Historic and monument sites (20)
Parks (37)

NOTE: As to two-family dwellings existing on the effective date of these Regulations, the area, frontage, yard, coverage and site requirements shall be those of the Residence A Zone. AMENDED EFFECTIVE APRIL 23, 1974.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations. AMENDED NOVEMBER11, 2010

Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Cemetery
Commercial greenhouses, if existing on (the effective date of these Regulations) (extensions or enlargements require special permit approval by TPZ)
Commercial nurseries, if existing on (the effective date of these Regulations) (extensions or enlargements require special permit approval by TPZ)
Community centers
Convalescent, nursing or rest home or sanitarium (9)
Day care center
Dwelling, two-family (13)
Golf Course
Governmental services
Library
Museum or planetarium
Place of worship
Recreation uses, non-profit
Religious quarters
Schools - public, private and parochial, university, college, junior college and professional school
Supervised group quarters (41)
Tourist home (42)
Utility - electric, gas and water

Sx DELETED AMENDED NOVEMBER 11, 2010

4.5.2 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and with the A column of the Table or Permitted Uses, subject to such standards as may be referred to in the list below and in the A column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Boarding, rooming or lodging house (4) (1-2 persons)
Customary accessory uses (2)
Customary home occupation (21)
Garage, parking (18)
Guest house (19) (requires special exception approval by ZBA)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.5.3 Required Lot Area

Every parcel of property to be used for residential purposes in the Residence Zone A shall have a minimum lot area of fifteen thousand (15,000) square feet.

4.5.4 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred (100) feet.

4.5.5 Lot Coverage

All principal structures shall cover not more than fifteen percent (15%) of the area of the lot.

4.5.6 Front Yard

There shall be a minimum front yard of forty (40) feet for every principal building. AMENDED EFFECTIVE MARCH 22, 1976.

4.5.7 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of fifteen (15) feet.

4.5.8 Rear Yard

There shall be a minimum rear yard of fifty (50) feet for every principal building.

4.5.9 Maximum Height Limit

No residential building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

4.5.10 Requirements For Floor Space Per Dwelling Unit

Every single-family dwelling shall contain, in the case of a one (1) story dwelling, not less than one thousand (1,000) square feet of floor space for living quarters, and in the case of a one and one-half (1 1/2), two (2) or two and one-half (2 1/2) story dwelling, not less than one thousand three hundred forty (1,340) square feet of floor space for living quarters. In the case of a one-story dwelling, the required minimum total floor space for living quarters shall be provided on the first floor. In the case of a one and one-half (1 1/2) story dwelling, not less than eight hundred fifty (850) square feet of floor space for living quarters shall be provided on the first floor and at least six hundred (600) square feet of floor space, which need not be finished, shall be above the first floor. For the purposes of this section, a raised ranch shall be considered a one-story dwelling. In the case of a split-level house, the calculated floor area shall be the vertical projected floor area of the living quarters. Every two-family dwelling shall contain not less than seven hundred seventy-five (775) square feet of floor space for living quarters for each dwelling unit. These requirements may be modified by the Town Plan and Zoning Commission as a special permit in the case of an individual lot, taking into consideration the criteria set forth in Section 12 of these Regulations (See also Section 3.13).

4.6 Planned Business And Development Zone PBD

4.6.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the list below of special permit uses and indicated in the PBD column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and the PBD column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Uses and Use Categories

Unless otherwise indicated, all uses and use categories require a special permit with design review approval by the Town Plan and Zoning Commission in addition to any other review that may be required.

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Ambulance service
Archery range, indoor
Athletic club
Auditorium or coliseum
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Billiard and pool hall
Boarding, rooming or lodging house (4) (1-6 persons)
Bowling
Broadcasting studio, message center or office
Bus passenger terminal
Business services, except warehousing and storage and motor vehicle rental services
Community centers
Convalescent, nursing or rest home or sanitarium (9)
Day Care Center. EFFECTIVE AUGUST 16, 1988
Dwelling, single family, if existing on (the effective date of these Regulations) (no special permit)
Dwelling, two-family, if existing on (the effective date of these Regulations) (no special permit)
Farm (17) (no special permit)
Finance, insurance and real estate services
Firing range, indoor
Golf, miniature
Governmental services
Historic and monument sites (20)

Library
Motor vehicle carwash (Special Requirements, Section 6.3)
Motor vehicle gasoline or service station, if existing on (the effective date of these Regulations) (extensions or enlargements require special permit with design review approval.)
Motor vehicle limited repair and services (30) (Approval of Location by ZBA) (Special Requirements, Section 6.4)
Museum of planetarium
Office, general or professional
Parking lot, public (36)
Parks (37) (no special permit)
Personal services
Place of worship
Professional services
Recreation uses, non-profit
Retail trade – apparel and accessories
Retail trade – automotive, marine craft, aircraft & accessories
Retail trade – building materials and farm equipment
Retail trade – eating and drinking, without drive-in or curb service (Special Requirements, Sec. 6.1 and 6.6)
Retail trade – food (Special Requirements, Sec. 6.1)
Retail trade – furniture, home furnishing and equipment
Retail trade – general merchandise
Retail trade – hardware
Retail trade – other (Special Requirements, Sec. 6.1)
Skating rink, ice and/or roller, indoor
Tennis court, indoor
Theater, legitimate and/or motion picture
Transmitting exchange or receiving station
Transportation center
Utility – electric, gas and water

NOTE: As to single and two-family dwellings existing on (the effective date of these Regulations) the area, frontage, yard, coverage and height requirements shall be those of the A Residence Zone.

4.6.2 Permitted Accessory Uses

Customary accessory uses are permitted and those permitted in accordance with the list below and with the PBD column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the Special Requirements column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Customary accessory uses (2)
Garage, parking (18)
Parking area, private (35)
In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.6.3 Plan Of Development

For the purpose of assuring orderly and integrated development in a Planned Business and Development Zone PBD, no building, structure, use or other form of development shall be established or constructed and no existing building,

structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a Plan of Development shall have been approved as part of the special permit with design review approval by the Town Plan and Zoning Commission and shall have been filed with the Town Clerk. Such plan shall be in accordance and consistent with the provisions of Section 12 of these Regulations.

Insignificant changes shall be approved in accordance with Section 12.10. Existing buildings, structures or uses that have never received a special permit with design review that are proposed to be altered or enlarged may be considered by the Commission as a Minor change in accordance with the criteria in Section 12.9. AMENDED EFFECTIVE MAY 30, 1981.

4.6.4 Required Lot Area

Every parcel to be used for a use or uses permitted in the PBD Zone shall have a minimum lot area of sixty thousand (60,000) square feet, except that smaller legal lots of record under separate ownership may be developed and used for a permitted use provided by Town Plan and Zoning Commission finds that the Plan of Development for such lots has been formulated and integrated in a proper manner, taking into consideration the criteria set forth in Section 12 of these Regulations. Nothing herein is intended to limit the number of smaller lots that may be combined and developed under a single Plan of Development.

4.6.5 Lot Frontage

Every lot shall have a minimum lot frontage of not less than two hundred (200) feet, except that the provisions set forth in 4.6.4 above for smaller lots shall also apply herein to lot frontage.

4.6.6 Lot Coverage

All principal structures, with their accessory structures, shall cover not more than twenty percent (20%) of the area of the lot.

4.6.7 Front Yard

There shall be a minimum front yard of seventy-five (75) feet for every principal building, provided, however, that if the required parking spaces are located to the rear or side of the building, the Commission may permit a front yard of not less than forty (40) feet.

4.6.8 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of twenty-five (25) feet, except that where, in the judgment of the Town Plan and Zoning Commission, the development of adjoining lots may best be accomplished by consolidated development of such lots, the Commission may modify or waive the side yard requirements, provided that:

a. Plan of Development for the consolidated parcel shall have the minimum side yards at each side lot line of the consolidated parcel; and

b. where required, rights of access shall be mutually granted; and

c. satisfactory agreements from the owners of such lots, in recordable form, are provided to insure the continued compliance of the consolidated parcel with these Regulations.

4.6.9 Rear Yard

There shall be a minimum rear yard of twenty-five (25) feet for every principal building.

4.6.10 Maximum Height Limit

No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

4.6.11 Required Open Space

Open space shall be provided and set aside in an amount at minimum equal to twice the area of the building lot coverage. All open space areas shall be landscaped and planted and shall be adequately protected and separated from paved areas to minimize damage from vehicles. Parking, loading areas, and access driveways shall not be counted in determining the amount of open space required in accordance with this subsection.

4.6.12 Floor Area – Retail Trade AMENDED EFFECTIVE SEPTEMBER 17, 2007

The floor area of any individual retail trade use as specified by Section 4.6.1 shall not exceed 65,000 sq. ft. Mezzanine areas up to 10% of the principal floor area shall not be included in this calculation.

4.7 Planned Travel Zone PT

4.7.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the list below of special permit uses and indicated in the PT column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and the PT column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Uses and Use Categories

Unless otherwise indicated, all uses and use categories require a special permit with design review approval by the Town Plan and Zoning Commission in addition to any other review that may be required.

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Ambulance service
Archery range, indoor
Athletic club
Auditorium or coliseum
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Billiard and pool hall
Boarding, rooming or lodging house (4) (1-6 persons)
Bowling
Broadcasting studio, message center or office
* Bus passenger terminal
Business services, except warehousing and storage and motor vehicle rental services
Day Care Center. EFFECTIVE AUGUST 16, 1988
Dwelling, single family, if existing on (the effective date of these Regulations) (no special permit)
Dwelling, two-family, if existing on (the effective date of these Regulations) (no special permit)
Farm (17) (no special permit)
Finance, insurance and real estate services
Firing range, indoor
Golf, miniature
Governmental services
Historic and monument sites (20)
* Hotel/Motel/Inn
Motor vehicle carwash (Special Requirements, Section 6.3)

* Motor vehicle gasoline or service station (31) (approval of location by ZBA) (Special Requirements, Section 6.4)
Office, general and/or professional
Parking lot, public (36)
Parks (37) (no special permit)
Personal services
Platform Tennis, indoor and outdoor – AMENDED EFFECTIVE OCTOBER 12, 1976.
Professional services, except convalescent, nursing or rest home or sanitarium.
Recreation uses, non-profit
Retail trade – apparel and accessories
* Retail trade – automotive, marine craft, aircraft & accessories
* Retail trade – eating and drinking, without drive-in or curb service (Special Requirements, Sec. 6.1 and 6.6)
Retail trade – food (Special Requirements, Sec. 6.1)
Retail trade – furniture, home furnishing and equipment
Retail trade – general merchandise
Retail trade – hardware
Retail trade – other (Special Requirements, Sec. 6.1)
Skating rink, ice and/or roller, indoor
Tennis court, indoor
Theater, legitimate and/or motion picture
Transmitting exchange or receiving station
* Transportation center
Utility – electric, gas and water

* NOTE: As to lots in the PT zone used or to be used for those uses designated above by an asterisk, they are, frontage, yard coverage and height requirements shall be those of the Planned Business & Development PBD Zone, notwithstanding any provision hereinafter contained in this Section 4.7, except that the area and frontage requirements for motor vehicle or gasoline services stations shall be those set forth in Section 6.5 of these Regulations.

NOTE: As to single and two-family dwellings existing on (the effective date of these Regulations) the area, frontage, yard, coverage and height requirements shall be those of the A Residence Zone.

4.7.2 Permitted Accessory Uses

Customary accessory uses are permitted and those permitted in accordance with the list below and with the PT column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the Special Requirements column of said Table.

<u>Permitted Accessory Uses and Use Categories</u>

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

<u>Acc</u> Uses and use categories permitted as an accessory use.

Customary accessory uses (2)
Garage, parking (18)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.7.3 Plan Of Development

For the purpose of assuring orderly and integrated development in a Planned Travel Zone PT, no building, structure, use or other form of development shall be established or constructed and no existing building, structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a Plan of Development shall have been approved as part of the special permit with design review approval by the Town Plan and Zoning Commission and shall have been filed with the Town Clerk. Such plan shall be in accordance and consistent with the provisions of Section 12 of these Regulations. AMENDED EFFECTIVE MAY 30, 1981.

4.7.4 Required Lot Area

Every parcel to be used for a use or uses permitted in the PT Zone shall have a minimum lot area of ten (10) acres, except that smaller legal lots of record under separate ownership may be developed and used for a permitted use provided by Town Plan and Zoning Commission finds that the Plan of Development for such lots has been formulated and integrated in a proper manner, taking into consideration the criteria set forth in Section 12 of these Regulations. Nothing herein is intended to limit the number of smaller lots that may be combined and developed under a single Plan of Development.

4.7.5 Lot Frontage

Every lot shall have a minimum lot frontage of not less than four hundred (400) feet, except that the provisions set forth in 4.7.4 above for smaller lots shall also apply herein to lot frontage.

4.7.6 Lot Coverage

All principal structures, with their accessory structures, shall cover not more than twenty percent (20%) of the area of the lot.

4.7.7 Front Yard

There shall be a minimum front yard of seventy-five (75) feet for every principal building, provided, however, that if the required parking spaces are located to the rear or side of the building, the Commission may permit a front yard of not less than forty (40) feet.

4.7.8 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of fifty (50) feet, except that where, in the judgment of the Town Plan and Zoning Commission, the development of adjoining lots may best be accomplished by consolidated development of such lots, the Commission may modify or waive the side yard requirements, provided that:

a. a Plan of Development for the consolidated parcel shall have the minimum side yards at each side lot line of the consolidated parcel; and

b. where required, rights of access shall be mutually granted; and

c. satisfactory agreements from the owners of such lots, in recordable form, are provided to insure the continued compliance of the consolidated parcel with these Regulations.

4.7.9 Rear Yard

There shall be a minimum rear yard of fifty (50) feet for every principal building.

4.7.10 Maximum Height Limit

No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

4.7.11 Required Open Space

Open space shall be provided and set aside in an amount at minimum equal to twice the area of the building lot coverage. All open space areas shall be landscaped and planted and shall be adequately protected and separated from paved areas to minimize damage from vehicles. Parking, loading areas, and access driveways shall not be counted in determining the amount of open space required in accordance with this subsection.

4.7.12 Required Screening, Fencing and Buffer Strips

Fences, buffer strips and/or screening from other uses may be required by the Town Plan and Zoning Commission, except that where buildings will be located closer than one hundred fifty (150) feet from a residential zone or use and where access drives will be located closer than one hundred (100) feet from a residential zone or use, special provisions shall be provided and assured whereby the residential zone or use will be protected from excessive noise, lights, headlights, odor, traffic hazards and/or other possible detracting elements, and a detailed description shall be submitted at the time of the submission of the plan of development showing how such protection shall be provided.

4.7.13 Floor Area – Retail Trade AMENDED EFFECTIVE SEPTEMBER 17, 2007

The floor area of any individual retail trade use as specified by Section 4.7.1 shall not exceed 65,000 sq. ft. Mezzanine areas up to 10% of the principal floor area shall not be included in this calculation.

4.8 Planned Industrial Zone PI

4.8.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the list below of special permit uses and indicated in the PI column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and the PI column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Uses and Use Categories

Unless otherwise indicated, all uses and use categories require a special permit with design review approval by the Town Plan and Zoning Commission in addition to any other review that may be required.

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Auditorium or coliseum
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Broadcasting studio, message center or office
Bus garaging and equipment maintenance
Business services, except warehousing and storage and motor vehicle rental services
Construction services – contract, indoor and outdoor, except salvage and wrecking services
Day Care Center. EFFECTIVE AUGUST 16, 1988
Dwelling, single family, if existing on (the effective date of these Regulations) (no special permit)
Dwelling, two-family, if existing on (the effective date of these Regulations) (no special permit)
Earth products, excavation and filling or removal of (Special Requirements, Section 6.2)
Farm (17) (no special permit)
Finance, insurance and real estate services
Governmental services
Health, Fitness and Recreational Uses – Indoor – EFFECTIVE JANUARY 30, 1995
Historic and monument sites (20)
Manufacturing – Apparel and their finished products excepting corrosive, poisonous and malodorous acids and chemicals and excepting glue, size, gelatin, fertilizer, fat rendering

explosives (other than firearms or small arms ammunition), printing ink and carbon black - manufacturing
Manufacturing – Food and kindred products, except abattoir and slaughter house
Manufacturing – Lumber and wood products
Manufacturing – Printing, publishing and allied industries
Manufacturing – Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks
Manufacturing – Stone, clay and glass products, except abrasive, asbestos and miscellaneous non-metallic mineral products - manufacturing, and concrete gypsum and plaster products - manufacturing, and structural clay products - manufacturing
Manufacturing – Textile mill products
Manufacturing – Miscellaneous, excepting that which is dangerous by reason of fire, radiation or explosion, or injurious, noxious or detrimental to the surrounding neighborhood by reason of the possible emission of excessive dust, odor, fumes, gas, smoke wastes, refuse matter, noise, vibration or because of any other objectionable feature, or is presently or in the future is likely to be a hazard or nuisance to adjacent property or the community at large, as determined by the Zoning Enforcement Officer, Fire Marshal, or Director of Health
Motor freight transportation terminal and garage
Motor vehicle general repair and service (29) (Approval of location by ZBA) (Special Requirements, Sec. 6.4)
Office, general of professional
Parks (37) (no special permit)
Professional services, except convalescent, nursing or rest homes or sanitarium
Recreation uses, non-profit
Retail trade – building materials and farm equipment
Skating rink, ice and/or roller, indoor
Tennis court, indoor
Transmitting exchange or receiving station
Utility – electric, gas and water
Vocational or Trade Schools (EFFECTIVE APRIL 2, 1985)
Warehousing
Wholesale Trade

NOTE: As to single and two-family dwellings existing on (the effective date of these Regulations) the area, frontage, yard, coverage and height requirements shall be those of the A Residence Zone.

4.8.2 Permitted Accessory Uses

Customary accessory uses are permitted and those permitted in accordance with the list below and with the PI column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the PI column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Customary accessory uses (2)
Garage, parking (18)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.8.3 Plan Of Development

For the purpose of assuring orderly and integrated development in a Planned Business and Development Zone PI, no building, structure, use or other form of development shall be established or constructed and no existing building, structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a Plan of Development shall have been approved as part of the special permit with design review approval by the Town Plan and Zoning Commission and shall have been filed with the Town Clerk. Such plan shall be in accordance and consistent with the provisions of Section 12 of these Regulations. Existing buildings, structures or uses that have never received a Special Permit with Design Review that are proposed to be altered or enlarged may be considered by the commission as a minor change in accordance with the criteria in Section 12.9. AMENDED EFFECTIVE MAY 30, 1981.

4.8.4 Required Lot Area

Every parcel to be used for a use or uses permitted in the PI Zone shall have a minimum lot area of forty thousand (40,000) square feet, except that smaller legal lots of record under separate ownership may be developed and used for a permitted use provided by Town Plan and Zoning Commission finds that the Plan of Development for such lots has been formulated and integrated in a proper manner, taking into consideration the criteria set forth in Section 12 of these Regulations. Nothing herein is intended to limit the number of smaller lots that may be combined and developed under a single Plan of Development.

4.8.5 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred fifty (150) feet, except that the provisions set forth in 4.8.4 above for smaller lots shall also apply herein to lot frontage.

4.8.6 Lot Coverage

All principal structures, with their accessory structures, shall cover not more than twenty percent (20%) of the area of the lot for buildings designed for office, general and/or professional use. All principal and accessory structures designed for uses other than office may cover thirty percent (30%) of the area of the lot. In addition to compliance with all other sections of the Glastonbury Building-Zone Regulations, all buildings expanding their coverage or changing their use shall be subject to a Special Permit with Design Review in accordance with Section 12 of these Regulations. AMENDED EFFECTIVE DECEMBER 26, 1980.

4.8.7 Front Yard

There shall be a minimum front yard of fifty (50) feet for every principal building, provided, however, that if the required parking spaces are located to the rear or side of the building, the Commission may permit a front yard of not less than twenty-five (25) feet. AMENDED EFFECTIVE JANUARY 27, 1992.

4.8.8 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of twenty-five (25) feet, except that where, in the judgment of the Town Plan and Zoning Commission, the integration of development of adjoining lots may best be accomplished by consolidated development of such lots, the Commission may modify or waive the side yard requirements, provided that:

a. a Plan of Development for the consolidated parcel shall have the minimum side yards at each side lot line of the consolidated parcel; and

b. where required, rights of access shall be mutually granted; and

c. satisfactory agreements from the owners of such lots, in recordable form, are provided to insure the continued compliance of the consolidated parcel with these Regulations.

4.8.9 Rear Yard

There shall be a minimum rear yard of twenty-five (25) feet for every principal building.

4.8.10 Maximum Height Limit

No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, except if a building is designed for office, general, and/or professional use excluding manufacturing, in which case no building shall exceed four (4) stories and a height of fifty-seven (57) feet. For the purpose of this section, the first story shall be the lowermost story entirely above grade plane. AMENDED EFFECTIVE MARCH 26, 1981.

4.8.11 Required Open Space

Open space shall be provided and set aside as follows:

> On lots with buildings designed for office, general and/or professional uses; a MINIMUM of 35% OF THE LOT AREA. On lots with buildings designed <u>for uses other than office</u>; a MINIMUM OF 30% of the lot area.

All open space areas shall be landscaped and planted and shall be adequately protected and separated from paved areas. Parking areas, loading areas, and access driveways shall not be counted in the determination of required open space. AMENDED EFFECTIVE SEPTEMBER 27, 1985.

4.8.12 Minimum Distance And Screening From A Residential Zone Or Use

All business and industrial buildings, structures and uses shall be located a minimum distance of at least one hundred (100) feet from the boundary line of any residential zone, and all parking areas shall be located a minimum distance of at least fifty (50) feet from the boundary line of any residential zone. Screening and landscaping of the open space adjoining any residential zone or residential use may be required by the Commission. AMENDED EFFECTIVE JUNE 13, 1974.

4.9 (Not Used)

4.10 Reserved Land Zone RL

4.10.1 Purpose

The purpose of the Reserved Land Zone RL is to place lands and buildings owned, at the date of the adoption of this regulation, buy a governmental unit, a department or branch of a governmental unit, of a public service company furnishing water, electric or gas service in a special zone to ensure the proper, orderly and planned growth of such land in accordance with surrounding development and the Glastonbury Plan of Development.

4.10.2 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the list below of special permit uses and indicated in the RL column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and the RL column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Prmt Uses and use categories permitted as a matter of right subject to the conditions of the RL Zone and any other applicable provisions of these Regulations.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Cemetery
Golf Course
Governmental Services
Recreation uses, non-profit
Schools – public (EFFECTIVE FEBRUARY 7, 1999)
Sewage and solid waste disposal
Utility – electric, gas and water

Any use or use category which may be permitted shall be limited to, and used exclusively for and by, the requirements of the government or utility owner.

4.10.3 Permitted Accessory Uses

Customary accessory uses are permitted and those permitted in accordance with the list below and with the RL column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the RL column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Customary accessory uses (2)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.11 Flood-Prone Area Regulations F effective 09-26-08

4.11.1 Purpose

The purpose of this Section is to apply special regulations to flood-prone areas in the Town. These special regulations are designed: (a) to prevent or minimize loss of life and injuries to persons and property and other losses, both private and public; (b) to promote the health, public safety and general welfare of the community; (c) to help control and minimize the extent of floods and reduce the impact and occurrence of flooding; (d) to preserve the floodplain as an environmentally, agriculturally, recreationally, and aesthetically valuable resource; and (e) to comply with minimum federal floodplain management criteria and to qualify property within the Town for flood insurance.

4.11.2 Definitions

For the purpose of this Section 4.11 Regulation:

1. Base Flood – the flood having a one percent chance of being equaled or exceeded in any given year.

2. Base Flood Elevation (BFE) – the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

3. Basement – that portion of a building having its floor subgrade (below ground level) on all sides.

4. Commission – shall refer to the Town Plan and Zoning Commission of the Town of Glastonbury unless otherwise stated in these Regulations.

5. Cost – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

6. Development – any man-made direct or indirect change to improved or unimproved real estate, including, but not limited to, erection, placing or altering buildings or other structures, mining, dredging, filling, grading, excavation or drilling operations.

7. Federal Emergency Management Agency (FEMA) – the federal agency that administers the National Flood Insurance Program (NFIP).

8. Flood or Flooding – a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

9. Flood Insurance Rate Map (FIRM) – the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRM published after January 1990 may also show the limits of the regulatory floodway.

10. Flood Insurance Study (FIS) – the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

11. Flood Zone – a floodplain or belt or low ground bordering a river or stream channel which may be inundated by stream waters as often as once or more each year and as infrequently as once in every one hundred years.

12. Floodway – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purpose of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

13. Floor – the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

14. Functionally Dependent Use or Facility – a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

15. Highest Adjacent Grade (HAG) – the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

16. Historic Structure – any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined by the Secretary of the Interior of (2) directly by the Secretary of the Interior in states without approved programs.

17. Incremental Fill – fill, including any material or structure used for the purpose of changing the elevation or contour of property subject to these Regulations or which would have the effect of displacing water or flood storage capacity of the property, proposed to be brought onto the property or deposited, erected or developed on such property. Shifting of existing contours without the addition of new fill from off-site and which does not reduce the existing flood storage capacity of the subject property shall not be considered Incremental Fill.

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

19. Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with our without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this Regulation.

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

21. Market Value – market value of the structure (shall be determined by an independent appraisal by a professional appraiser).

22. Mean Sea Level (MSL) – the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

23. New Construction – structures for which the "start of construction" commenced on or after the effective date of this Regulation (not the revision date).

24. Recreational Vehicle – a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

25. Special Flood Hazard Area – the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO and AH on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

26. Start Of Construction – (for other than new construction of substantial improvements under the Coastal Barrier Resources Act (p.l. 97-348)), includes substantial improvements, and means the date the building permit was issued, provided the actual start of the 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 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 replacement 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 of 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

27. Structure – a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

28. Substantial Damage – damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

29. Substantial Improvement – any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during (the life of a structure) (a one (1) year period), in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (1) the cost approach to appraisal 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.

30. Variance – a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

31. Violation – failure of a structure or other development to be fully compliant with the community's floodplain management Ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

32. Water Surface Elevation – that height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

4.11.3 General Provisions

a. Land to which these Regulations apply:

These Regulations shall apply to all property in the Flood Zone.

b. Basis for Establishing the Boundaries and Elevations of the Flood Zone:

The Flood Zone is established on the basis of a scientific and engineering report and accompanying maps, as such maps may be updated from time to time, entitled:

Flood Insurance Study
Town of Glastonbury, Connecticut
Hartford County
All Jurisdictions
Volumes 1-7
Effective September 26, 2008
Federal Emergency Management Agency

And

Flood Insurance Rate Maps
Town of Glastonbury, Connecticut
Hartford County
Community No.: 090124
Map Panels Affected: 09003C,
0507F, 0509F, 0517F, 0519F, 0526F,
0527F, 0528F, 0529F, 0531F, 0532F,
0533F, 0534F, 0536F, 0537F, 0538F,
0541F, 0545F, 0553F, 0555F, 0561F, 0562F
Effective September 26, 2008
Federal Emergency Management Agency

The Flood Zone shall be clearly designated on the zoning map of the Town. The limits of the Flood Zone shall include the A-1 through 30 zones, and unnumbered A-zones, designated on the Flood Boundary and Floodway Maps, and Flood Insurance Rate Maps.

When base flood elevation or floodway data have not been provided, then the Commission shall obtain, review and reasonably utilize any base flood elevation of floodway data available from a federal, state or other source in order to administer the provision of these Regulations. When utilizing data other than that provided by the Federal Emergency Management Agency the following standard applies: Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood

more than one foot at any one point. The Commission or its designee shall make determinations, where needed, of the exact location of the boundaries of the limits of the Flood Zone (for example, where there appears to be a conflict between a mapped boundary and actual field conditions or where recurrence-interval flood data is unavailable).

The maps and study are adopted by reference and declared to be a part of these Regulations and any subsequent revisions thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation it must take precedence when more restrictive until such time as a map amendment is obtained.

c. Permits Required; Manufactured Homes (as defined by FEMA) Prohibited:

No development of any property within the Flood Zone shall be permitted except in compliance with the terms of these Regulations and subject to the terms and conditions of a Permit or Special Permit authorizing such development. Manufactured homes and manufactured home parks are prohibited in the Flood Zone.

d. Warning and Disclaimer of Liability:

The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Compliance with all provisions of these Regulations, however, is not intended to insure against actual flood damage to persons or property. Compliance with the provisions of these Regulations is not to be considered an undertaking by the Town of Glastonbury to indemnify or otherwise hold harmless any person from damage to person or property resulting from floods. Larger floods than anticipated by these Regulations can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the limits of the specified recurrence-interval flood, or uses permitted within such areas, will be free from flooding or flood damage. These Regulations shall not create liability on the part of the Town of Glastonbury or any subdivision thereof, or any official or employee thereof or member of any Town body or commission, or the Federal Insurance Administration, for any flood damage which may result from compliance with these Regulations or any administrative decision made thereunder.

4.11.4 Administration

a. Designation of the Town Plan and Zoning Commission:

The Glastonbury Town Plan and Zoning Commission, acting through its staff within the Office of Community Development, shall be the sole agent for issuance of Permits and Special Permits under these Regulations. Any application submitted to the Commission shall be referred to the Conservation Commission for technical review and recommendation. The Commission's Staff, the applicant of any aggrieved party may petition the Commission, or the Commission on its own motion may determine, to review any action of the Commission's staff or to hold a public hearing on any application for a Permit or Special Permit or to direct its staff to take specific action with respect to such application.

b. Permits and Special Permits:

1. Permit and Special Permit Reviews – The Commission or its staff shall review all Permit and Special Permit applications to determine that the Permit requirements have been satisfied and may issue Permits and Special Permits in accordance with this Section and Section 4.11.5.

2. All Permit and Special Permit applications shall be reviewed to determine if the proposed development adversely affects the flood carrying capacity of the area within the Flood Zone. No Permit or Special Permit may be issued where such development adversely affects the flood carrying capacity of the area within the Flood Zone. For purposes of these Regulations, "adversely affects" means that the cumulative effects of the proposed activity or development, when considered with all other existing and anticipated development, will:

i.) raise to any extent the water surface elevation within the Floodway, as that term is defined in Section 4.11.2e.

ii.) where no floodway exist, raise to any significant extent the water surface elevation to the 100-year recurrence-interval flood. The minimum significant shall mean for this provision, is not more than one (1) foot increase in base flood (100 year) elevation at any point along the watercourse with all anticipated and existing development.

iii.) raise the water surface elevation of the 500-year recurrence-interval flood by an amount likely to endanger persons or property by increasing significantly the flood hazard affecting the subject property or other property within the Town, whether or not abutting the subject property.

Proposed activities or development shall be presumed to adversely affect the flood carrying capacity of the Flood Zone if any Incremental Fill is to be placed on the subject property.

c. Alteration of Watercourses:

The Commission's staff shall notify adjacent communities and the Connecticut Department of Environmental Protection prior to authorizing any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration. In the event such alteration or relocation is permitted, the Permit or Special Permit shall require that the altered or relocated portion of said watercourse shall be maintained, at no expense to the Town, so that its flood carrying capacity is not diminished.

d. Notification:

The Commission's staff shall notify the Regional Planning Agency and the affected municipality at least 35 days prior to the public hearing if any changes of regulation or use of a Flood Zone will affect an area within 500 feet of another municipality.

4.11.5 Permit Procedures:

a. Application for a Permit or Special Permit under these Regulations shall be made on forms furnished by the Commission or its staff and shall include, but shall not be limited to, plans in duplicate (drawn to scale), showing the location, dimensions, and both existing and proposed contours at 0.5 foot contour intervals of the subject property, existing or proposed structures, fill, storage of materials, drainage facilities, and such other information as the Commission or its staff may reasonably request. Specifically, the following information is required:

1. Each applicant shall submit for filing with the Office of Community Development the actual as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

2. For all new or substantially improved flood proofed structures, the applicant shall be required to submit to the Office of Community Development:

a.) Actual as-built elevation (in relation to mean sea level); and

b.) Flood proofing certificates required in Section 4.11.6.

3. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all structures;

4. Elevation (in relation to mean sea level) to which any structure has been flood proofed;

5. Certification by a registered professional engineer or architect that the flood proofing methods for any structures meet the minimum flood proofing criteria in Section 4.11.6;

6. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and proposed maintenance of such watercourse;

7. Amount of Incremental fill proposed to be deposited;

8. Proof satisfactory to the Commission or its staff that the applicant has received all necessary federal, state and local permits for the proposed activity or development, including any permit which may be required under Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. Sec. 1334); and

9. Proof that adequate drainage would be provided, acceptable to the Department of Engineering and Physical Services, associated with any activity within the Flood Zone.

b. Permitted Uses In Flood Zone:

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the list below of Permit uses and Special Permit uses and indicated in the F column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below or in the F column of the Table of Permitted Uses, in the Special Requirements column of said Table and in accordance with other applicable criteria in these Regulations. All uses designated as Special Permit uses shall also be subject to the Design Review requirements of Section 12 of the Building Zone Regulations.

P - Permit
SP - Special Permit

	Agricultural	Farm	Historic and monumental Sites	Parks	Aircraft Landing Fields	Golf Courses	Governmental Service
Flood Zone	P	P*	P	SP	SP	SP	SP

	Public and Private Roads	Marina	Recreation Area: Non-Profit	Sewage and Solid Waste Disposal	Utility: Electric, Gas, Water	Bazaars, Carnivals, Similar Uses	Golf Driving Range
Flood Zone	SP	SP	SP	SP	SP	SP	SP

* Excluding a dwelling, or premises used for the keeping of livestock, when a farm is located in the Flood Zone.

c. Special Permit Requirements:

The Commission may grant a Special Permit for activities to be performed in the Flood Zone, provided the

following special criteria are met, in addition to the information required in the remainder of this Section for Permits, as demonstrated by supplemental information to be submitted by the applicant:

1. Certification from a civil engineer, registered in the State of Connecticut, that floodway functions will not be adversely affected by the proposed activity.

2. A favorable report on the engineering design of the project from the Town Engineer/Director of Physical Services.

3. Preparation and submission by the applicant of an environmental and flood area impact statement indicating that the proposed activity will not have a significant adverse impact upon the environment or on the flood storage capacity or flow.

4.11.6 Flood Zone Area Requirements:

a. General Requirements:

The following nonexclusive list of requirements shall be applied to all projects located within the Flood Zone:

1. Anchoring:

a.) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of any structure.

2. Construction Materials and Methods:

a.) All new construction and substantial improvements shall be constructed with materials and equipment resistant to flood damage or at an elevation above the base flood elevation;

b.) All new construction and substantial improvements, including public facilities/utilities projects, shall be constructed using methods and practices that minimize flood damage;

c.) 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 conditions of flooding.

3. Utilities:

a.) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, by appropriate flood proofing or by elevation above the base flood elevations.

b.) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and

c.) On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

4. Standards for streams without established base flood elevations, floodways and/or flood mapping:

a.) The Town Plan and Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to Section 4.11.3.b. or 4.11.6.1.d. of these

Regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community's Firm meet the standards in Section 4.11.6.b.

b.) In a zone where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

c.) The Town Plan and Zoning Commission may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the request of the Town or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

5. Compensatory Storage: the water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it 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. Compensatory storage can be provided off-site if approved by the municipality.

6. Equal Conveyance: within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

7. Above-ground Storage Tanks: above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

8. Portion of Structure in Flood Zone: if any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

9. Structures in Two Flood Zones: if a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks

or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

10. No Structures Entirely or Partially Over Water: new construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

b. Specific Requirements:

The following specific requirements shall be applied to all construction activities proposed to be conducted in the Flood Zone:

1. Residential Construction:

No new residential construction shall be conducted within the Flood Zone. Substantial improvement of any existing residential structure shall have the lowest floor (including basement) elevated to or above the elevation of the 500-year recurrence-interval flood.

No subdivision related construction activities, residential or otherwise, shall be conducted within the Flood Zone. Base flood elevation data shall be required for subdivision proposals to ensure that construction activity does not occur within the Flood Zone.

2. Nonresidential Construction:

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the 500-year recurrence-interval flood or, together with attendant utility and sanitary facilities, shall:

a.) Be flood proofed so that below the 500-year recurrence-interval flood level the structure is watertight with walls substantially impermeable to the passage of water;

b.) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy; and

c.) Be certified by a registered professional engineer or architect who shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of these Regulations.

3. All new construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls, specifically:

a.) Designs for complying with this requirement must either be certified by a professional engineer or architect, or meet the following minimum criteria:

i.) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii.) The bottom of all openings shall be no higher than one foot above grade;

iii.) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Other coverings must be designed and certified by an engineer or approved by the Town Plan and Zoning Commission;

iv.) Electrical, plumbing, and other utilities are prohibited below the base flood elevation;

v.) Use of the enclosed area shall be limited to parking of vehicles, limited storage of maintenance equipment used in connection with the premises, and access to the building.

4. Recreational vehicles placed on sites within a Flood Zone, shall (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

c. Deficiencies:

Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

4.11.7 Waivers

1. A waiver can be granted from all or any portion of the requirements of these Regulations after notice and public hearing before the Commission.

2. Waivers shall not be issued within any designated floodway if any increase in flood levels during a 100-year recurrence-interval flood would result.

3. Waivers shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.

4. Waivers shall only be issued upon:

a.) a showing of good and sufficient cause;

b.) a determination that failure to grant the exception would result in unusual financial or other hardship to the applicant; and

c.) a determination that the granting of the exception will not result in significant increased flood heights, any additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing state or local laws or ordinances.

5. Waivers are normally limited to property having an area, in the aggregate, of one-half acre or less, but may be issued for larger parcels if the technical justification, in terms of preservation of flood storage capacity and minimization of flood heights, increases to an extent which is commensurate with the added risk of granting the exception on the larger lot.

6. Any applicant to whom a waiver is granted shall be given written notice by the Commission's staff that (i) the issuance of an exception to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all waiver actions.

7. Waivers may be issued from all or any portion of the requirements of these Regulations for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places of the State Inventory of Historic Places, without regard to compliance with the procedures set forth hereinabove. No renovations or alterations may be made to a historical structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the building, will also serve to reduce the potential for future flood damage and threat to human life and property.

8. In issuing a waiver, the Town Plan and Zoning Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these Regulations, and:

   a.) the danger that materials may be swept onto other lands to the injury of others;

   b.) the danger to life and property due to flooding or erosion damage;

   c.) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   d.) the importance of the service provided by the proposed facility to the community;

   e.) the necessity of the facility to waterfront location, in the case of a functionally dependent facility;

   f.) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

   g.) the compatibility of the proposed use with existing and anticipated development;

   h.) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

   i.) the safety of access to the property in times of flood for ordinary and emergency vehicles;

   j.) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

   k.) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges. Upon consideration of the factors listed above, the Town Plan and Zoning Commission may grant a waiver.

Land located in the Flood Zone may be removed from that zone only after is has been demonstrated to the satisfaction of the Commission and the Town Council by an individual or firm considered expert and experienced in the preparation of hydraulic and hydrologic studies and determination of flood lines, that the area in question is not prone to the hazards of flooding, following submission and acceptance of favorable reports by the Office of Community Development and Town Engineer/Director of Physical Services. A Letter of Map Change (either a Letter of Map Revision or Letter of Map Amendment) that confirms a property is outside the Flood Zone, from the Federal Emergency Management Agency shall be required.

The applicant shall submit five (5) copies of the report submitted by the above expert(s), accompanied by a map of the affected area, duly certified by a professional engineer registered with the State of Connecticut, and prepared to A-2 standards at 0.5 foot contour intervals. The Commission shall submit two (2) copies of the report to the Federal Insurance Administration for its approval. Approval of the amendment shall be contingent upon approval by the Federal Insurance Administration. Effective date of the amendment shall be the date of official notification of approval by the Federal Insurance Administration.

4.12 Planned Area Development Zone PAD

4.12.0 Purpose

In order to provide a procedure which can relate the type, design, and layout of land development to the particular site in a manner consistent with the adopted comprehensive plan of the Town of Glastonbury as required by the zoning law of the State of Connecticut and to insure that the increased flexibility of land development allowed by this regulation is subject to greater administrative standards and procedures which will require the development plans submitted hereunder to comport in all respects with the zoning law and standards of the State of Connecticut, but to encourage the disposition of proposals for land development without undue delay; the following regulation is hereby adopted for application to those areas of land which are to be developed as Planned Area Development.

4.12.1 Definitions

a. Underlying Zone: that zone district existing on the tract at the time of filing the Final Development Plan pursuant to Section 4.12.4.b of this regulation and to which the tract will revert after a Planned Area Development Zone is not developed within a time limit established pursuant to 4.12.6a of this regulation.

b. Land Use: The following land uses are recognized and permitted in a Planned Area Development Zone as may be defined and classified in Section 2 - Definitions, and Section 5 - Table of Permitted Uses, of the Glastonbury Building - Zone Regulations, limited to those uses specified in Section 4 - Use Regulations, and Section 5 - Table of Permitted Uses of the Glastonbury Building - Zone Regulations and subject to the other provision of this regulation; residential (including single-family, two-family and multiple-family dwellings and detached, semi-detached and attached dwelling units), office, service, trade, manufacturing, culture, entertainment and recreational, transportation, communication and utility, resource production and extraction.

4.12.2 Minimum Tract Size

The size of tracts for which application for a Planned Area Development Zone may be made shall be controlled by the zone classification of the tract, in accordance with the following table:

BUILDING ZONE MAP ZONE CLASSIFICATION	MINIMUM ACRES CONTIGUOUS TRACTS
Residence A Zone	10 acres
Residence AA Zone	10 acres
Residence AAA Zone	15 acres
Rural Residence Zone	20 acres
Country Residence Zone	25 acres
Planned Business & Development Zone	5 acres
Planned Industrial Zone	5 acres
Planned Travel Zone	5 acres
Planned Commerce Zone	5 acres
Planned Employment Zone	5 acres

For the purposes of this section 4.12.2, "contiguous" tracts shall mean tracts sharing a common boundary, but shall not include tracts separated by a town or state highway.

Any tracts of land located in more than one zone must meet the requirements of the zone having the highest minimum tract size requirements.

Notwithstanding the foregoing, the minimum tract size for which an application may be made in a residential zone for a PAD exclusively for Housing for the Elderly, as those terms are defined in these Regulations, or for a PAD in the Residence A or Residence AA Zone that devotes 20% or more of its units as Affordable Dwelling Units, as those terms are defined in these Regulations, is 3.5 acres. **Amended - effective August 18, 2011**

4.12.3 Standards

a. Waiver: Those sections of the Glastonbury Building-Zone Regulations governing: Use Regulations (Section 4); Table of Permitted Uses (Section 5); Special Regulations (Section 6); Accessory Uses and Structures (Section 7); Nonconforming Uses (Section 8); Off-street Parking and Truck Loading (Section 9); and Unified Sign Regulations (Section 10) which conflicts with the Final Development Plan for the Planned Area Development Zone as approved by the Town Council, shall be deemed to be waived as a result of such Council approval.

b. Mixed Land Uses: Mixed land uses may be permitted in a Planned Area Development Zone, provided that in the case of any proposed use or uses in the Planned Area Development Zone which are not permitted in the underlying zone(s) by Section 4 and Section 5 of these Regulations, the total land area or total gross floor area (which is greater) of such use or uses shall not exceed ten percent (10%) of the total land area or total gross floor area (whichever unit of measurement is used in the first instance) of the Planned Area Development Zone in the case of any underlying residence zone and twenty percent (20%) of the total land area or total gross floor area (whichever unit of measurement is used in the first instance) of the Planned Area Development Zone in the case of any underlying non-residence zone except that the aforementioned restriction shall not apply to the types of residential units (single-family, two-family, multi-family, detached, semi-detached, attached) in the case of residential uses when the Planned Area Development is to be located in an underlying residence zone. No industrial Planned Area Development shall be permitted in any residential zone, nor shall a residential Planned Area Development be permitted in an industrial zone.

c. Definitions **Section 4.12.3.c amended – effective April 29, 2007**

For the purposes of this section 4.12.3(c)(1)&(2), the following definitions shall apply:

"100-year flood hazard area (Zone A)" shall mean property located within a floodplain with a flood frequency of every 100 years or greater designated Zone A on the municipal flood hazard maps or by more detailed survey.

"Unbuildable Property" shall mean property with any one of the following characteristics: inland wetland or watercourse; slopes with an incline of 25% or greater; or 100-year flood hazard area (Zone A).

"Buildable Property" shall mean all property that is not Unbuildable Property as defined above.

"Housing for the Elderly**"** shall mean housing restricted for those persons 62 years of age and older. In a multiple occupancy dwelling at least one of the occupants must be 62 years of age or older.

"Affordable Dwelling Unit" is an owner occupied residential dwelling, containing not more than 1,600 square feet of living area (excluding basements, seasonal porches/decks) for which persons/families pay up to 40% of their gross monthly income for mortgage principal and interest, private mortgage insurance, property taxes, and insurance and common charges if the unit is part of a common interest community. Gross income shall be equal to or less than the low (80%) income levels established by the U.S. Dept. of Housing and Urban Development for the Hartford-West Hartford-East Hartford, CT HMFA, as may be amended from time to time. **Amended - effective August 18, 2011**

(1) Residential Unit Density

Dwelling Units per Acre: The Maximum Residential Dwelling Units per acre of Buildable Property of a Planned Area Development shall be in accordance with the following table:

UNDERLYING	DWELLING UNITS PER ACRE
Residence A Zone	3
Residence AA Zone	1.8
Residence AAA Zone	0.9

Rural Residence Zone	1
Country Residence Zone	0.5
South Glastonbury Village Residential	3

Where lands proposed for a Planned Area Development contain Unbuildable Property, the number of dwelling units shall be limited to the number of dwelling units allowed per acre of Buildable Property.

An exception may be made to the above table in accordance with the following three provisions:

a) Up to a maximum of 11 units per acre of Buildable Property for housing for the elderly or elderly congregate housing may be allowed.

b) The Town Council at its sole discretion based upon a finding of significant public benefit may allow one (1) additional dwelling unit for each acre of property defined as Unbuildable Property if the land is dedicated to the Town and accepted by the Town Council**,** provided, however, that the total number of dwelling units per acre of Buildable Property shall not exceed twice the density specified in the above table. Prior to a finding of significant public benefit, the Town Council, at a minimum, shall consider how the project protects and promotes the public health, safety or welfare, sound planning and community aesthetics.

c) In a Planned Area Development which includes Buildable Property designated and accepted by the Town Council at its sole discretion based upon significant public benefit as open space to be deeded to the Town, the number of dwelling units shall adhere to the residential density table set forth above based on the total buildable property including the land dedicated to the Town, provided, however, that the total number of dwelling units per acre of Buildable Property not deeded to the Town shall not exceed twice the density specified in the above table. Prior to a finding of significant public benefit, the Town Council, at a minimum, shall consider how the project protects and promotes the public health, safety or welfare, sound planning and community aesthetics.

Section 4.12.3(2) Affordable Dwelling Units **Amended - effective August 18, 2011**

a) Purpose To provide for the construction of owner occupied affordable dwelling units as encouraged by the 2007-2017 Plan of Conservation and Development in conjunction with a Planned Area Development in accordance with the following.

b) Standards Persons/families purchasing an affordable dwelling unit shall pay not more than 40% of their gross annual income for mortgage principal and interest, property taxes, and insurance and common charges if the unit is part of a common interest community. Gross income shall be equal to or less than the low (80%) income levels established by the U.S. Dept. of Housing and Urban Development for the Hartford-West Hartford-East Hartford, CT HMFA, as may be amended from time to time (February 2010 limit for a family of four is $64,000).

A PAD that provides affordable dwelling units shall be allowed in underlying Residence A and Residence AA zoning districts served by public water and sanitary sewer in accordance with the following.

Percentage of Affordable Dwelling Units to be Constructed	Allowed PAD Site Density/Acre of Buildable Property	
	Underlying Zone Residence A	Underlying Zone Residence AA
20% or more	6 units/acre	5 units/acre

c) Development Schedule The PAD Final Development Plan shall delineate the location of each Affordable Dwelling Unit. The Affordable Dwelling Units shall be constructed and certificates of occupancy issued at a rate that is approximately equal to the proportion of Affordable Dwelling Units versus total project units.

Restrictive Covenants Approval of Affordable Dwelling Units as part of a PAD shall be conditioned upon the execution of a contract with the Town of Glastonbury. The contract shall contain a) provisions insuring the dedication and maintenance of the Affordable Dwelling Units for at least 20 years; b)the initial sales price for each Affordable Dwelling Unit, as approved by the Town Council; c) the selection criteria and procedure for determining eligible persons or families purchasing an Affordable Dwelling Unit; d) provisions for the resale or conveyance of Affordable Dwelling Units; e) establishment of standards and conditions controlling the assessment of recurring maintenance fees/charges if the Affordable Dwelling Units are part of a common interest ownership community (condominium); f) provisions prescribing the manner in which resale restrictions will be established and enforced; g) provisions for indemnifying the Town from any liabilities, damages or claims arising out of or in connection with the terms of the agreement; and h) provisions governing the enforcement and continued effectiveness of the agreement. A copy of this agreement shall be filed on the Glastonbury Land Records.

d. Evaluation: In evaluating the appropriateness and proposed density of the development, consideration shall be given to, among other things, the recommendations of the adopted Town Plan of Development for the area being considered, the development's association with or relationship to business or village centers, either existing or future, as shown on the adopted Town Plan of Development, the distance from such centers, the relationship with the nearness to dedicated and/or preserved areas of open space, the nature and type of surrounding development, access to commercial, recreational and other community facilities, availability or existing or potential public transportation, the transitional character of the development to existing or potential developments, impact on highways and other public facilities, including utilities, preservation of the character of existing neighborhoods, and satisfaction of any other standards set forth in this regulation..

e. Lights: Outdoor Lighting shall be shielded and directed so that the light source, or light from internally lit signs or fixtures, shall not be seen at the property line of adjacent properties or properties across a street of highway from said zone. All lights shall be shielded so that indirect light falling outside the Planned Area Development Zone into areas shall be of low intensity.

f. Drainage: An adequate storm and surface water drainage system shall be provided with outfall to a natural watercourse or existing adequate storm drainage system, except that in order to reduce drainage structures and recharge water tables, storm drainage shall be led, where possible, into marshes, wet areas, or impoundments. Provision shall be made to dispose of surface water which now drains naturally into the Planned Area Development form adjoining properties, with proper allowance for increased intensity of flow due to future developments. Erosion shall be controlled by, among other things, preserving trees, plant cover, and topsoil; avoiding the creation of steep, open slopes; and grading, seeding, or otherwise stabilizing open, excavated areas. Natural streams, whether intermittent or year round, shall be left in their natural state and insofar as practicable lot layouts shall provide for streams to be located on side or real lot lines or in public open spaces.

g. Building Intensity: Buildings shall cover a total of not more than one-third (1/3) of the land area of a Planned Area Development used for nonresidential uses, Affordable Rental Housing, Moderate Priced Housing, or Elderly or elderly Congregate Housing. Buildings shall cover a total of not more than one-sixth (1/6) of the land area of the Planned Area Development used or designed, arranged or intended to be used for other residential uses. In determining such total residential or non-residential use area, buffer areas and the paved areas of public highways, common drives, and off-street parking lots shall be excluded. The Town Council may vary and the Town Plan and Zoning Commission may recommend that the Council vary the one-third (1.3) building coverage requirement for nonresidential uses when in its opinion the proposed use(s) carries out and it consistent with the intent of this regulation.

h. Building Height: No building shall exceed a height of thirty-five (35) feet, except that the Council may allow buildings to have a greater height when fire fighting feasibility is satisfactory in consideration of the report submitted by the Fire Marshal under Section 4.12.4.b below, and other information which might be included in the record.

i. Area Relationships: The proposed Planned Area Development Zone shall relate properly to proposed land uses, traffic circulation patterns, and utility plans as may be shown in the adopted Town Plan of Development. The proposed Planned Area Development Zone shall also relate properly to such land uses and zoning as may exist at the time of the application, and shall protect the property values of surrounding neighborhoods.

j. Open Space: Open space set aside or established pursuant to the density provisions of this section may be made available for public use at the option of the applicant and the Council. If not so dedicated, adequate provisions shall be made for the maintenance and upkeep of such open space, including recreational and public facilities provided therein, by an organization set up by the developer with the power of obtaining assessments through enforceable covenants against privately owned land within the development. Nothing set forth above shall be construed either as a requirement or obligation on the part of the Town of Glastonbury to make any repairs or improvements to any property subject to these covenant and restrictions or to enforce any covenant or restriction contained herein.

4.12.4 Procedure and Application

The procedure of making application for and obtaining approval of a Planned Area Development Zone shall be governed by the laws applicable to all zone changes in the Town of Glastonbury.

At the time of submission of a preliminary proposal, the applicant shall be informed of the schedule of fees on file in the Town Plan and Zoning Commission office covering the application and its processing including any special studies required. Such fees, as approved by the Town Council and the Town Manager, shall be paid by the applicant at the time of submission of the Final Development Plan.

a. Preliminary Development Plan: The applicant shall submit four (4) copies of a Preliminary Development Plan to the Commission. The Town Plan and Zoning Commission and Town Council, either jointly or severally, shall hold a public hearing, or hearings as the case may be within sixty (60) days of acceptance of a complete Preliminary Development Plan. Date of acceptance shall be the next regularly scheduled meeting of the Commission. After receipt of the Preliminary Plan and before public hearing, it shall not be submitted to any commission or board. The Chairman of the Town Council shall chair the joint hearing on the Preliminary Development Plan. Notice of the hearing shall be published in a newspaper of general circulation in Glastonbury at least twice at intervals of not less than two (2) days prior to the date of such hearing, and also sent at least fifteen (15) days before such hearing, and also sent at least fifteen (15) days before such hearing, by ordinary mail, to owners as appearing on the Assessor's records of land within five hundred feet of the area to be rezoned. Such notice shall indicate the time, date, and place of said hearing, the general location of the land involved in the zone change, the type of development, and tat copies of the Preliminary Development Plan are available in an appropriate location for inspection. At the hearing on the Preliminary Plan of Development, the applicant shall present such plan, which will contain at a minimum the proposed uses, building and major structure layout, road and parking patterns, proposed recreation and open space, density, architectural style of buildings, the names and owners of property as appearing on the Assessor's records of land within five hundred (500) feet of the area to be rezoned, and benefits of this Planned Area Development to the Town. The purpose of this hearing is to receive input from the public and comment and suggestions from the Commission and Council which would allow the applicant to decide whether to proceed with the expense of preparation of the Final Development Plan. The applicant may return for further guidance to a Planned Area development Subcommittee of Commission and Town Council members. The applicant may make such changes to the Preliminary Development Plan as he deems appropriate, provided, however, the Commission may within its discretion, if it considers those changes substantial, require the submission of a new Preliminary Development Plan to a public hearing. The Town Council or Town Plan and Zoning Commission may approve, approve with stipulations or disapprove the Preliminary Development Plan. Any opinions or suggestions expressed by members of the

Commission or Council as to the Preliminary Development Plan shall be tentative only and shall not hinder or preclude such members from making an independent judgment as to the Final Plan of Development based upon all evidence in the record at the time of a final decision.

b. Subsequent to the hearing on the Preliminary Development Plan, the Final Development Plan shall, where applicable, be prepared and certified by a licensed architect, or a professional civil engineer, and shall include or be accompanied by the following information unless specifically waived:

1. Location and zone of property and nature of owner's interest, including a boundary map certified to State of Connecticut A-2 map survey standards, which map is to be adopted as description of the zone boundaries.

2. Present and proposed land and building uses, categorized as residential, non-residential, or both, and the acreage assigned to each.

3. Proposed dwelling unit densities pursuant to Section 4.12.3c above, including the number of dwelling units and rooms within the units.

4. Building intensities pursuant to Section 4.12.3g above, including use, dimensions and locations of present and proposed structures.

5. Proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives.

6. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways.

7. Proposed pedestrian walks, malls and other paths, public and private.

8. Proposed open space such as parks, lawn areas, and recreational facilities, and such proposed covenants, easements and other provisions relating to dimensions, location and density of such building units and public facilities as are necessary for the welfare and maintenance of the development and are not inconsistent with the best interests of the Town.

9. Landscaping, present and proposed, including major tree and shrub area, present and proposed water elements, and related treatment of open space, screening, present and proposed topography.

10. Proposed utilities, including water supply, sewage disposal, electrical service, exterior lighting and drainage, including capacity and additional flow produced for water courses utilized. If within area not presently served but within a master utility plan, a utility system which will be adaptable to municipal services when provided.

11. Preliminary building plans, including schematic floor plans, exterior elevations and perspective drawings.

12. Description of types of building materials and facing, including fire retardant characteristics for all proposed buildings.

13. Relation to existing and future land uses in the surrounding area.

14. Priority schedule of construction of the various units, buildings, landscaping, and other elements of the plan.

15. Future division of property among landowners either by building or other reasonable separations.

16. Any other information which the Commission may reasonably require or the applicant may wish to submit.

17. If non-residential land uses are proposed, or if the residential density shall exceed the amount shown in the residential density table set forth in Section 4.12.3c above, a traffic survey of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be done by a professional engineer licensed to practice in the State of Connecticut. In addition, a report on these items and other security-related items shall be submitted from the Chief of Police.

18. A report from the Fire Marshal on firefighting feasibility of the proposed development.

19. A statement from the Town Sanitarian of the adequacy of solid wastes, disposal, and if no public sanitary sewers are available, private sewage disposal system.

20. A statement from the Town Engineer in reference to adequacy of drainage, public street design, the design of elements to be served by the Department of Public Works, and the engineering validity, as the design relates to the roads and utilities of the Town.

21. A statement from the Sewer Commission on the adequacy of the public sanitary sewers and treatment facilities if public sanitary sewers are available.

22. A statement from the Community Beautification Committee on the adequacy and design of proposed planting and landscaping plans and implementations program thereof.

23. A statement from the Conservation Commission on the environmental impact of the proposed development.

24. A statement from any other advisory committee whose opinion is deemed appropriate by the Town Plan and Zoning Commission and Town Council.

A determination shall be made that a complete Final Development Plan has been filed. The Commission's determination on completeness of the application shall be made on the specific objective criteria contained in this regulation only. The Commission shall then consider such plan in relation to the findings required in Section 4.12.5 and make an appropriate recommendation thereon to the Town Council at a public meeting. Regardless of the recommendations of the Commission, the applicant shall have the right to apply to the Town Council for a change of zone.

The Commission's recommendation for such Final Development Plan may be for a stage or stages of not less than the minimum size permitted by Section 4.12.2a above. Such a stage shall include, to substantially the same proportion as included in the Final Development Plan, all the public amenities and elements used as public protection of the surrounding area, and shall be to substantially the same dwelling and building density as the Final Development Plan. Such a stage shall be capable of complete and self-sufficient existence without the completion of the final stages. Such plan shall conform to and include the information required by the Final Development Plan.

The applicant may thereafter submit the Final Development Plan and the Commission's recommendations thereon as a request for a change in zone to the Town Council.

Such an application for a change in zone to the Town Council with the Final Development Plan shall include four (4) copies of each of the following documents:

1. Site plan containing information developed in Section 4.12.4b–1, 2, 4, 5, 6, 7, 13, 14, 15 and 16.

2. Building plan, containing information developed in Section 4.12.4b–3, 4, 11, 12 and 16.

3. Open space plan, containing information developed in Section 4.12.4b–8, 9 and 16.

4. Engineering plan, including information developed in Section 4.12.4b–5, 10, 16 and 17.

The Council may require additional documents to be submitted and explanatory statements or descriptive material to be appended. The Council shall approve or disapprove the Final Development Plan after a public hearing in the manner as required by law for a change of zone. Approval of the Final Development Plan may include such changes, limitations, restrictions or conditions, as the Town Council shall consider appropriate.

A certified linen, black and white copy of the approved Final Development Plan, shall be filed in the Office of the Town Clerk by the owner at his expense within ninety (90) days following approval by the Council, and any Final Development Plan not so filed within ninety (90) days shall be void. Reproducible linen or Mylar, black and white copies of the approved Final Development Plan shall also be filed with the Building Inspector and Town Planner.

4.12.5 Findings Required

Because the intent of his ordinance is to approve PADs only where specified development proposals are approved simultaneously, the zone change to PAD and the Final Development Plan will be approved or denied as one motion. The Commission may recommend and the Council may approve the creation of a Planned Area Development Zone provided that a finding is made that the facts submitted with the application establish that:

a. The standards and conditions of Section 12 of these Regulations have been met.

b. The developer has provided, where appropriate, for the sustained maintenance of the development in general, and also for the open space in accordance with Section 4.12.3j above.

c. Utilities, drainage and recreational facilities have been so laid out as not to duly burden the capacity of such facilities, such other facilities presently connected therewith, and such facilities proposed by the adopted Town Plan of Development and officially adopted master utility plans.

d. The streets and drives will be suitable and adequate to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.

e. The existing or proposed utility services are adequate for the population densities and building intensities.

f. The development will be in keeping with the general interest and spirit of the Glastonbury Building-Zone Regulations and comprehensive plan.

4.12.6 Phasing

a. The Town Council may establish as a condition of its approval time limits for any development or phases thereof, such time limits apply to the start and completion of construction of the development or phases thereof. Such time limits may be revised by resolution of the Town Council, upon application, provided the Town Council shall find the revision to be in the public interest.

4.12.7 Bonding

a. Prior to the issuance of any building permit, the developer shall provide the Town with a performance bond in a form satisfactory to the Town Manager covering the costs of public improvements unless said public improvements are bonded under the provisions of the Glastonbury Subdivision Regulations. Said bond shall be in a sum satisfactory to the Town Manager and shall be conditioned on completion of said public improvements within two (2) years of the date of issuance of the first such building permit, except that such

time limit may be extended by resolution of the Town Council, upon application, provided the Town Council shall find the extension to be in the public interest.

b. Prior to the issuance of any building permit, the Council shall request the developer to provide the Town with a performance bond covering the cost of facilities common to the entire development, including but not limited to recreational facilities, club houses, private road, buffer areas, and walkways as specified. Said bond shall be in a sum satisfactory to the Town Manager and shall be conditioned on the completion of said common facilities within one (1) year of the date of issuance of the first such certification of occupancy, except that such time limit may be extended by resolution of the Town Council, upon application, provide the Town Council shall find the extension to be in the public interest.

c. If a Planned Area Development is to be developed in stages and the Council finds that the common facilities are divided so that they are approximately evenly distributed over the total number of proposed stages and that each stage, together with its common facilities, shall be capable of complete and self-sufficient existence without the completion of the final stages, the Council may allow the developer to provide the Town with a performance bond covering the cost of facilities common to and contained within each stage, on a stage-by-stage basis prior to the issuance of a building permit for each stage. Said bond shall be in a sum satisfactory to the Town Manager and shall be conditioned on the completion of said common facilities for each stage within one (1) year of the date of issuance of the first certificate of occupancy for each stage, except that such time limit may be extended by resolution of the Town Council, upon application, provided the Town Council shall find the extension to be in the public interest.

4.12.8 Changes in Approved Plan

a. Minor changes in an approved Final Development Plan may, with the written approval of the Town Manager, be made, provided such changes shall not substantially affect the overall architectural and site design of the Planned Area Development. Such changes shall in no way affect overall density, impact or nature of the development. Such minor changes may include but are not limited to, the location of catch basins, manholes, and other technical aspects of drainage, slight alterations of the of the location of roads, sidewalks, structures or buildings due to unforeseen topographic or geologic features; slight alterations of finished contours, minor rearrangement of lighting standards, benches, and other incidental street furniture. If the Town Manager shall have any question as to whether such a proposed change is minor to not, such change shall require the review and written approval of the Town Council, after receiving a report of its recommendations from the Town Plan and Zoning Commission.

b. Since the PAD Zone is approved by the Town Council as permitting only that use of those uses as proposed by the application, a change in an Approved Final Development Plan which is not considered to be a minor change as permitted in Section 4.12.8a above, shall be considered and processed as a completely new application for change of zone to PAD.

4.12.9 Site Plan Compliance

a. Prior to the commencement of any site work, the developer shall schedule a job meeting with the Public Works Department in order to establish construction schedules and procedures. The developer shall be responsible for notifying all contractors and utility companies involved in the project of this meeting. A job meeting will not be held unless all affected contractor and utility companies are represented.

b. To ensure strict compliance with the approved Final Development Plan, certified record drawings shall be reviewed by the Public Works and Community Development Departments. If either of those town agencies or their designated representatives determine that said improvements do not comply with the Final Development Plan, the Public Works Department shall notify the developer of such non-compliance and give the developer a period of Thirty (30) days to remedy the non-compliance. Failure to remedy the non-compliance to the satisfaction of the Public Works Department and the Office of Community Development within said thirty-day period shall be sufficient case for revocation of the approval of the Final Development Plan by the final zoning authority.

c. Certified Record Drawings: The developer's engineer shall furnish the developer a complete set of prints upon which the developer shall incorporate and update the as-built record of all the approved Final Development Plan work on a continual basis as construction progresses. All surveys, measurements, and such other data required for the determination of the as-built records of the construction of all work shall be obtained under the direction of a Connecticut registered land surveyor or professional engineer. These drawings shall be signed and sealed by the registered land surveyor and/or professional engineer, as to materials, construction methods and location.

The complete set of prints shall be maintained at the job site at all times, and the developer shall be responsible for having clearly, neatly, accurately, and promptly recorded thereon, as the work is performed, the as-built record of the work. Principal dimensions, elevations and such other data as required shall be recorded for all work. Should there be a question as to the type and amount of data to be recorded, Town Staff shall be responsible for determining the type of data necessary.

The marked-up prints shall be available for inspection by Town Staff during regular business hours and shall be corrected immediately if found either inaccurate or incomplete.

At the completion of the project, and before any performance bond held by the Town is released, an entire set of as-built plans shall be submitted on Mylar to Town Staff for acceptance. The plans shall be signed and sealed by a Connecticut registered engineer and/or land surveyor.

4.13 Town Center Zone

4.13.1 Purpose and Intent

The purpose of the Town Center Zone is to provide a uniform set of regulations for Glastonbury's Town Center that allows for compatible mix of uses at a density and scale supportive of development and redevelopment that will enhance and strengthen this area as a vital center for the Town. The primary objective of this zone is to implement recommendations of the 2007-2017 Plan of Conservation and Development and the Glastonbury Center 2020 Shared Vision Plan. Key recommendations include new mixed use projects, enhanced streetscapes, improved vehicular, pedestrian and bicycle circulation and new residential opportunities.

4.13.2 Permitted Uses

Land areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for the uses or use categories listed below and indicated in Section 5: Table of Permitted Uses of these Regulations, subject to such standards as may be referred to herein.

<u>Permitted Uses and Use Categories</u>

Unless otherwise indicated, all uses and use categories require a Section 12 Special Permit with Design Review from the Town Plan and Zoning Commission.

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

<u>Prmt</u> Uses and use categories permitted as of right subject to the requirements of the Town Center Zone and any other applicable provisions of these regulations.

Dwelling, single family, if existing on or before January 30, 2014
Dwelling, two-family, if existing on or before January 30, 2014
Assisted living, convalescent or nursing home, if existing on or before January 30, 2014

<u>Sp</u> Uses and use categories permitted following approval of Special Permit with Design Review by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Any Special Permit use existing within the TC Zone on or before January 30, 2014 is deemed to have been granted a Special Permit for such use.

Assisted Living, convalescent or nursing home (expansion of existing facilities only)
Bed and Breakfasts/Inn
Business services, except for warehousing and motor vehicle rental services
Day Care Center
Dwelling, multiple (14)
Fitness club
Government services
Historic and monument sites (21)
Library
Mixed use development – unified residential and commercial uses*
Museum
Office, general or professional
Office, medical
Personal Service
Places of worship
Recreation uses
Retail, including sale of alcohol for off-site consumption
Restaurant, including sale of alcohol for on-site consumption
Theater, legitimate and/or motion picture
Utility- electric, gas and water

*For any building for which both residential and commercial uses are proposed, first floor and basement uses shall be limited to commercial uses only. In mixed use structures where first floor or basement residential uses are existing on or before January 30, 2014, said residential uses shall be permitted. For existing developments where a residential use is added, the area (square footage) containing existing commercial uses shall not be reduced. This shall also apply to the area of commercial space on a site where any and all buildings are demolished and the site is redeveloped.

4.13.3 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and as indicated in Section 5: Table of Permitted Uses of these Regulations, subject to such standards as may be referred to in Section 5 and herein.

<u>Permitted Accessory Uses and Use Categories</u>

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

<u>Acc</u> Uses and use categories permitted as an accessory use.

4.13.4 Development Plan

No existing building, structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a Development Plan has been approved by the Town Plan and Zoning Commission in accordance with Section 12 of the Building Zone Regulations.

4.13.5 Change of Use

Within the TC Zone, any non-residential change of use that does not involve exterior building modifications or require the construction of additional parking shall be permitted as of right. Any change of use that does require the construction of parking or proposed exterior building modifications or additions shall require submission of a Special Permit Application to the Office of Community Development. Determination of whether a change in an approved Development Plan shall be deemed a Section 12.9 minor change, a Section 12.10 insignificant change or a

Special Permit with Design Review in accordance with Section 12 of these Regulations shall be made by the Office of Community Development.

4.13.6 Development Requirements

Uses in effect prior to the enactment of the Town Center Zone on January 30, 2014 that do not meet the Development Requirements outlined herein shall be considered grandfathered uses provided that they met the Development Requirements of the previously existing zone. Any new additions or buildings on such sites shall not increase non-compliance within the new Town Center Zone. Any change of use that is not considered a minor change or insignificant change in accordance with Section 12 of these Regulations shall be subject to the Development Standards outlined herein and will require Development Plan approval from the Town Plan and Zoning Commission in accordance with all requirements set forth in Section 12 of these Regulations

a) Lot Area

Minimum lot area shall be 40,000 square feet, except that smaller legal lots of record under separate ownership may be developed and used for a permitted use provided that the Town Plan and Zoning Commission finds that the proposed Development Plan for such lots complies with the criteria set forth in Section 12 of these Regulations. There shall be no limit to the number of smaller lots of record that may be combined and developed as a single/unified development plan.

b) Building Coverage

Maximum floor area ratio (FAR) shall be 0.5 for all commercial, multifamily residential and mixed use buildings. FAR shall not apply to single family and two-family dwellings.

c) Lot Frontage

Every lot shall have a minimum lot frontage of not less than 100 feet, except that the provisions set forth in 4.13.6(a) above for smaller lots shall also apply to lot frontage.

d) Setbacks

1. Front Yard
   There shall be a minimum front yard of 20 feet for every principal building. Placement of parking to the rear or side of the building is encouraged. No driveway serving a drive-up customer service window shall traverse the area in front of the subject building and within the front yard setback.

2. Side Yards
   There shall be a minimum side yard of 8 feet for every principal building, excluding those buildings attached at the side property line to a building on an adjoining property.

3. Rear Yard
   There shall be a minimum rear yard of 20 feet for every principal building.

e) Maximum Height Limit

No building shall exceed a height of 3 stories or 38 feet.

f) Required Open Space

Open space for commercial, multifamily dwellings and mixed use buildings shall be equal to 15 percent of lot area.

g) Design Standards

As part of Development Plan approval the applicant shall demonstrate to the Plan and Zoning Commission how the design standards outlined in the Glastonbury Center 2020 Shared Vision Plan have been incorporated into the Development Plan. These standards shall include use of distinctive paving materials; incorporation of trees, shrubs and seasonal plantings; placement of street furniture; and use and placement of appropriate lighting fixtures.
Where parking areas are contiguous with adjacent parking areas, whether within the same or different ownership, no fencing, screening, shrubbery or other barrier shall be used to prevent the movement of vehicles from one parking area to another.

h) Signage shall be in accordance with Section 10 of these regulations.

i) Parking

1) Parking Requirements
The following parking requirements shall apply to uses within the Town Center Zone:

a) Residential

Dwelling, single family: 2 spaces per unit

Dwelling, two-family: 2 spaces per unit

Dwelling, multiple
Studio: 1 space per unit
One-bedroom: 1.5 spaces per unit
Two bedrooms or more: 2 spaces per unit

b) Commercial

Shall be in accordance with Section 9 of these regulations

2) Shared Parking
Joint use of off-street parking spaces may be permitted by the Town Plan and Zoning Commission. This provision shall apply to all uses within the Town Center Zone.
Any application for shared parking must include:

a) An analysis of parking demand for each use by time period, demonstrating compatibility of shared parking between uses; and

b) A written permanent easement between the use parties, which clearly stipulates the terms of the joint use of the parking spaces and ensures that such spaces are committed and available to the respective users on a non-conflicting basis. Said easement to be filed on the land records.

j) Floor Area – Retail Trade

The floor area of any individual retail trade use shall not exceed 40,000 square feet. Mezzanine access up to 10% of the principal floor area shall not be included in this calculation.

4.14 Planned Employment Zone PE effective April 14, 2004

4.14.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the list below of special permit uses and indicated in the PE column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and the PE column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Uses and Use Categories

Unless otherwise indicated, all uses and use categories require a special permit with design review approval by the Town Plan and Zoning Commission in addition to any other review that may be required.

Prmt **Uses and use categories permitted as a matter of right subject to the conditions of the PE Zone and any other applicable provisions of these Regulations.**

Dwelling, single family, if existing on (the effective date of these Regulations) (no special permit)
Dwelling, two-family, if existing on (the effective date of these Regulations) (no special permit)
Farm (17) (no special permit)
Parks (37) (no special permit)

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Auditorium or coliseum
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Broadcasting studio, message center or office
Business services, except warehousing and storage and motor vehicle rental services
Day Care Center EFFECTIVE AUGUST 16, 1988
Earth products, excavation and filling or removal of (Special Requirements, Section 6.2)
Finance, insurance and real estate services
Governmental services
Health, Fitness and Recreational Uses – Indoor – EFFECTIVE JANUARY 30, 1995
Historic and monument sites (20)
Manufacturing – Printing, publishing and allied industries
Manufacturing – Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks
Manufacturing – Miscellaneous, excepting that which is dangerous by reason of fire, radiation or explosion, or injurious, noxious or detrimental to the surrounding neighborhood by reason of the possible emission of excessive dust, odor, fumes, gas, smoke wastes, refuse matter, noise, vibration or because of any other objectionable feature, or is presently or in the future is likely to be a hazard or nuisance to adjacent property or the community at large, as determined by the Zoning Enforcement Officer, Fire Marshal, or Director of Health
Office, general or professional
Professional services, except convalescent, nursing, rest homes or sanitarium
Recreation uses, non-profit
Skating rink, ice and/or roller, indoor
Tennis court, indoor
Transmitting exchange or receiving station
Utility – electric, gas and water

Vocational or Trade Schools (EFFECTIVE APRIL 2, 1985)
Warehousing
Wholesale Trade

NOTES: As to single and two-family dwellings existing on (the effective date of these Regulations) the area, frontage, yard, coverage and height requirements shall be those of the A Residence Zone.

All Special Permit uses existing in the PE Zone on (the effective date of these regulations) shall be deemed fully conforming uses relative to future expansion or extension.

4.14.2 Permitted Accessory Uses

Customary accessory uses are permitted and those permitted in accordance with the list below and with the PE column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the PE column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Customary accessory uses (2)
Garage, parking (18)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.14.3 Plan Of Development

For the purpose of assuring orderly and integrated development in a Planned Employment Zone, PE, no building, structure, use or other form of development shall be established or constructed and no existing building, structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a Plan of Development shall have been approved as part of the special permit with design review approval by the Town Plan and Zoning Commission and shall have been filed with the Town Clerk. Such plan shall be in accordance and consistent with the provisions of Section 12 of these Regulations. Existing buildings, structures or uses that have never received a Special Permit with Design Review that are proposed to be altered or enlarged may be considered by the commission as a minor change in accordance with the criteria in Section 12.9.

4.14.4 Required Lot Area

Every parcel to be used for a use or uses permitted in the PE Zone shall have a minimum lot area of forty thousand (40,000) square feet, except that smaller legal lots of record under separate ownership may be developed and used for a permitted use provided by Town Plan and Zoning Commission finds that the Plan of Development for such lots has been formulated and integrated in a proper manner, taking into consideration the criteria set forth in Section 12 of these Regulations. Nothing herein is intended to limit the number of smaller lots that may be combined and developed under a single Plan of Development.

4.14.5 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred fifty (150) feet, except that the provisions set forth in 4.8.4 above for smaller lots shall also apply herein to lot frontage.

4.14.6 Lot Coverage

All principal structures, with their accessory structures, shall cover not more than twenty percent (20%) of the area of the lot for buildings designed for office, general and/or professional use. All principal and accessory structures designed for uses other than office may cover thirty percent (30%) of the area of the lot. In addition to compliance with all other sections of the Glastonbury Building-Zone Regulations, all buildings expanding their coverage or changing their use shall be subject to a Special Permit with Design Review in accordance with Section 12 of these Regulations.

4.14.7 Front Yard

There shall be a minimum front yard of fifty (50) feet for every principal building, provided, however, that if the required parking spaces are located to the rear or side of the building, the Commission may permit a front yard of not less than twenty-five (25) feet.

4.14.8 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of twenty-five (25) feet, except that where, in the judgment of the Town Plan and Zoning Commission, the integration of development of adjoining lots may best be accomplished by consolidated development of such lots, the Commission may modify or waive the side yard requirements, provided that:

a. a Plan of Development for the consolidated parcel shall have the minimum side yards at each side lot line of the consolidated parcel; and

b. where required, rights of access shall be mutually granted; and

c. satisfactory agreements from the owners of such lots, in recordable form, are provided to insure the continued compliance of the consolidated parcel with these Regulations.

4.14.9 Rear Yard

There shall be a minimum rear yard of twenty-five (25) feet for every principal building.

4.14.10 Maximum Height Limit

No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, except if a building is designed for office, general, and/or professional use excluding manufacturing, in which case no building shall exceed four (4) stories and a height of fifty-seven (57) feet. For the purpose of this section, the first story shall be the lowermost story entirely above grade plane.

4.14.11 Required Open Space

Open space shall be provided and set aside as follows:

> On lots with buildings designed for office, general and/or professional uses; a MINIMUM of 35% OF THE LOT AREA. On lots with buildings designed <u>for uses other than office</u>; a MINIMUM OF 30% of the lot area.

All open space areas shall be landscaped and planted and shall be adequately protected and separated from paved areas. Parking areas, loading areas, and access driveways shall not be counted in the determination of required open space.

4.14.12 Minimum Distance And Screening From A Residential Zone Or Use

All business and industrial buildings, structures and uses shall be located a minimum distance of at least one hundred (100) feet from the boundary line of any residential zone, and all parking areas shall be located a minimum distance of at least fifty (50) feet from the boundary line of any residential zone. Screening and landscaping of the open space adjoining any residential zone or residential use may be required by the Commission.

4.15 Planned Commerce Zone PC effective 04-14-04

4.15.1 Permitted Uses

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the list below of special permit uses and indicated in the PC column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and the PC column of the Table of Permitted Uses and in the Special Requirements column of said Table.

Permitted Uses and Use Categories

Unless otherwise indicated, all uses and use categories require a special permit with design review approval by the Town Plan and Zoning Commission in addition to any other review that may be required.

Prmt **Uses and use categories permitted as a matter of right subject to the conditions of the PC Zone and any other applicable provisions of these Regulations.**

Dwelling, single family, if existing on (the effective date of these Regulations) (no special permit)
Dwelling, two-family, if existing on (the effective date of these Regulations) (no special permit)
Farm (17) (no special permit)
Parks (37) (no special permit)

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Sp Uses and use categories permitted as a special permit with design review approval by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Auditorium or coliseum
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Broadcasting studio, message center or office
Bus garaging and equipment maintenance
Business services, except warehousing and storage and motor vehicle rental services
Construction services – contract, indoor and outdoor, except salvage and wrecking services
Day Care Center EFFECTIVE AUGUST 16, 1988
Earth products, excavation and filling or removal of (Special Requirements, Section 6.2)
Finance, insurance and real estate services
Governmental services
Health, Fitness and Recreational Uses – Indoor – EFFECTIVE JANUARY 30, 1995
Historic and monument sites (20)
Manufacturing – Apparel and their finished products excepting corrosive, poisonous and malodorous acids and chemicals and excepting glue, size, gelatin, fertilizer, fat rendering explosives (other than firearms or small arms ammunition), printing ink and carbon black – manufacturing
Manufacturing – Food and kindred products, except abattoir and slaughter house
Manufacturing – Lumber and wood products
Manufacturing – Printing, publishing and allied industries
Manufacturing – Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks
Manufacturing – Stone, clay and glass products, except abrasive, asbestos and miscellaneous non-metallic mineral products - manufacturing, and concrete gypsum and plaster products - manufacturing, and structural clay products – manufacturing
Manufacturing – Textile mill products
Manufacturing – Miscellaneous, excepting that which is dangerous by reason of fire, radiation or explosion, or injurious, noxious or detrimental to the surrounding neighborhood by reason of the possible emission of excessive dust, odor, fumes, gas, smoke wastes, refuse matter, noise,

vibration or because of any other objectionable feature, or is presently or in the future is likely to be a hazard or nuisance to adjacent property or the community at large, as determined by the Zoning Enforcement Officer, Fire Marshal, or Director of Health
Motor freight transportation terminal and garage
Motor vehicle car wash (Special Requirements Sec. 6.3)
Motor vehicle limited repair and service (31) (Approval of location by ZBA) (Special Requirements Sec. 6.4)
Motor vehicle general repair and service (29) (Approval of location by ZBA) (Special Requirements, Sec. 6.4)
Office, general or professional
Professional services, except convalescent, nursing or rest homes or sanitarium
Recreation uses, non-profit
Skating rink, ice and/or roller, indoor
Tennis court, indoor
Transmitting exchange or receiving station
Utility – electric, gas and water
Vocational or Trade Schools (EFFECTIVE APRIL 2, 1985)
Warehousing
Wholesale Trade

NOTES: As to single and two-family dwellings existing on (the effective date of these Regulations) the area, frontage, yard, coverage and height requirements shall be those of the A Residence Zone.

4.15.2 Permitted Accessory Uses

Customary accessory uses are permitted and those permitted in accordance with the list below and with the PC column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and in the PC column of said Table.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Customary accessory uses (2)
Garage, parking (18)
Parking area, private (35)

In addition, all accessory uses and structures shall conform to the provisions set forth in Section 7 of these Regulations.

4.15.3 Plan Of Development

For the purpose of assuring orderly and integrated development in a Planned Commerce Zone, PC, no building, structure, use or other form of development shall be established or constructed and no existing building, structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a Plan of Development shall have been approved as part of the special permit with design review approval by the Town Plan and Zoning Commission and shall have been filed with the Town Clerk. Such plan shall be in accordance and consistent with the provisions of Section 12 of these Regulations. Existing buildings, structures or uses that have never received a Special Permit with Design Review that are proposed to be altered or enlarged may be considered by the commission as a minor change in accordance with the criteria in Section 12.9.

4.15.4 Required Lot Area

Every parcel to be used for a use or uses permitted in the PC Zone shall have a minimum lot area of forty thousand (40,000) square feet, except that smaller legal lots of record under separate ownership may be developed and used for a permitted use provided by Town Plan and Zoning Commission finds that the Plan of Development for such lots has been formulated and integrated in a proper manner, taking into consideration the criteria set forth in Section 12 of these Regulations. Nothing herein is intended to limit the number of smaller lots that may be combined and developed under a single Plan of Development.

4.15.5 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred fifty (150) feet, except that the provisions set forth in 4.8.4 above for smaller lots shall also apply herein to lot frontage.

4.15.6 Lot Coverage

All principal structures, with their accessory structures, shall cover not more than twenty percent (20%) of the area of the lot for buildings designed for office, general and/or professional use. All principal and accessory structures designed for uses other than office may cover thirty percent (30%) of the area of the lot. In addition to compliance with all other sections of the Glastonbury Building-Zone Regulations, all buildings expanding their coverage or changing their use shall be subject to a Special Permit with Design Review in accordance with Section 12 of these Regulations.

4.15.7 Front Yard

There shall be a minimum front yard of fifty (50) feet for every principal building, provided, however, that if the required parking spaces are located to the rear or side of the building, the Commission may permit a front yard of not less than twenty-five (25) feet.

4.15.8 Side Yards

There shall be a minimum of two (2) side yards for every principal building with each side yard having a minimum width of twenty-five (25) feet, except that where, in the judgment of the Town Plan and Zoning Commission, the integration of development of adjoining lots may best be accomplished by consolidated development of such lots, the Commission may modify or waive the side yard requirements, provided that:

a. a Plan of Development for the consolidated parcel shall have the minimum side yards at each side lot line of the consolidated parcel; and

b. where required, rights of access shall be mutually granted; and

c. satisfactory agreements from the owners of such lots, in recordable form, are provided to insure the continued compliance of the consolidated parcel with these Regulations.

4.15.9 Rear Yard

There shall be a minimum rear yard of twenty-five (25) feet for every principal building.

4.15.10 Maximum Height Limit

No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, except if a building is designed for office, general, and/or professional use excluding manufacturing, in which case no building shall exceed four (4) stories and a height of fifty-seven (57) feet. For the purpose of this section, the first story shall be the lowermost story entirely above grade plane.

4.15.11 Required Open Space

Open space shall be provided and set aside as follows:

> On lots with buildings designed for office, general and/or professional uses; a MINIMUM of 35% OF THE LOT AREA. On lots with buildings designed for uses other than office; a MINIMUM OF 30% of the lot area.

All open space areas shall be landscaped and planted and shall be adequately protected and separated from paved areas. Parking areas, loading areas, and access driveways shall not be counted in the determination of required open space.

4.15.12 Minimum Distance And Screening From A Residential Zone Or Use

All business and industrial buildings, structures and uses shall be located a minimum distance of at least one hundred (100) feet from the boundary line of any residential zone, and all parking areas shall be located a minimum distance of at least fifty (50) feet from the boundary line of any residential zone. Screening and landscaping of the open space adjoining any residential zone or residential use may be required by the Commission.

4.16 South Glastonbury Village Commercial (VC) Zone and South Glastonbury Village Residential (VR) Zone **effective December 29, 2004**

4.16.1 Purpose and Intent:

In accordance with CGS § 8-2, the Zoning Authority declares that the purpose and intent of the South Glastonbury Village Commercial and Village Residential Zones is to encourage a diversity of compatible uses that will perpetuate and reinforce the historic and mixed use characteristics of the Village of South Glastonbury. Land uses which are oriented to and consistent with existing village development and are inviting to visitors to the area are encouraged. Such land uses are vital to the continuation of the village's unique character and place in Glastonbury history and will foster its growth and viability as a neighborhood commercial and residential village.

Future development and expansion of existing development and uses shall emphasize the pedestrian scale, historic quality and natural and human resources of the village. The village shall have an infrastructure of sufficient capacity to support efficient use of land for mixed uses, and a variety of commercial and residential uses. Due to the unique characteristics of the village and the desire to create and perpetuate an attractive environment, these regulations are intended to be flexible in order to encourage development and redevelopment of appropriate scale, safe and convenient pedestrian and vehicular access, attractive building scale and massing, appropriate architectural detailing, proportional signage, shared parking and common entrances, reduced number of curb openings, landscape elements and maintenance of the historic streetscape.

4.16.2 Village Zones

The village area shall be divided into two zoning districts, VC and VR.

Development or redevelopment within the VC Zone shall be in accordance with the requirements of Section 4.16.3 and development or redevelopment within the VR zone shall be in accordance with the requirements of Section 4.16.4. All existing land uses in both zones as of the effective date of this regulation shall be deemed to be conforming.

4.16.3 Village Commercial Zone (VC Zone)

4.16.3.a Uses Permitted by Special Permit in accordance with Section 12 within the VC Zone

Athletic or health club
Broadcasting or recording studio
Business services, except warehousing or storage
Community center

Day care center, only if existing on the date of these regulations (any expansion, extension or enlargement shall require a Special Permit in accordance with Section 12).
Dwelling(s) located on the 2nd floor of a building with retail, personal service or business service use(s) on the 1st floor. The maximum size of any single dwelling unit shall be 950 sq. ft. of floor area. Purpose – to allow for convenient owner occupied or rental units of modest size that foster the goal of village workers living proximate to their place of business.
Finance, insurance or real estate services
Government services
Library
Motor vehicle gasoline or service station, only if existing on the effective date of these Regulations (Any expansion, extension or enlargement shall require a Special Permit in accordance with Section 12)
Office, general or medical
Personal services
Place of worship
Professional services
Religious quarters
Retail trade – apparel and accessories
Retail trade – eating and drinking without curbside or drive through service (Special requirements of Section 6.1 and 6.6)
Retail trade – food (Special requirements of Section 6.1)
Retail trade – furniture, home furnishings
Retail trade – general merchandise
Retail trade – hardware
Schools
Temporary bazaars, festivals - nonprofit
Tourist home (inns, bed & breakfast)

In addition to compliance with all requirements of Section 12, a Plan of Development shall demonstrate conformity to and compliance with the purposes herein stated by way of appropriate exterior architectural treatments, landscaping, streetscape preservation, buffering, building orientation and massing, parking capacity, location and convenience designed to preserve and enhance the character and viability of the village. Due to the unique characteristics of the village and the desire to create and perpetuate an attractive environment, these regulations are intended to be flexible in order to encourage development and redevelopment of appropriate scale, safe and convenient pedestrian and vehicular access, attractive building scale and massing, appropriate architectural detailing, proportional signage, shared parking and common entrances, reduced number of curb openings, landscape elements and maintenance of the historic streetscape.

4.16.3.b Land Use Criteria for Development, Redevelopment Projects

4.16.3.b-1 Lot Standards

There shall be no minimum lot area, lot frontage, building setback, side yard, rear yard or lot coverage (green space) requirements, provided however that after the date of adoption of this Regulation no parcel may be divided or subdivided to create parcels less than 20,000 square feet or with less than 100 feet of frontage after division. Nothing herein is intended to limit the number of smaller lots that may be combined and developed under a single Plan of Development. No variance may be granted to reduce the minimum area or frontage requirements as provided herein.

4.16.3.b-2 Building Coverage

No single building shall exceed 20,000 square feet in land coverage. No variance may be granted to permit any building to exceed said limitation.

4.16.3.b-3 Building Height

2 ½ stories or 35 feet maximum

4.16.3.b-4 Streetscape Preservation

The layout and site design of development shall include the use/reuse and restoration of existing buildings. Accordingly, demolition or relocation of existing buildings shall not be permitted unless a new development or redevelopment project is deemed by the Commission as one that provides enhanced or improved village amenities. Demolition approved by the Commission shall also be subject to the demolition delay ordinance. It is the intention of the above criteria to provide development opportunities that will enhance and improve the village setting.

4.16.3.b-5 Parking

Parking shall meet building use requirements established by Section 9 – parking may be located on adjoining parcels subject to a formal agreement between property owners. As part of a Section 12 Special Permit with Design Review, minimum parking requirements may be reduced not more than 30% to account for pedestrian consumer traffic.

4.16.3.b-6 Changes to Plans

Changes to existing uses and structures shall be approved in accordance with Section 12.9 or Section 12.10 of the Regulations.

4.16.4 Village Residential Zone (VR Zone)

4.16.4.a Uses Permitted by Special Permit in accordance with Section 12 within the VR Zone

Community center
Day care center (family, group)
Government services
Library
Museum EFFECTIVE OCTOBER 13, 2009
Place of Worship
Religious quarters
Schools
Supervised group quarters
Temporary bazaars, festivals – nonprofit
Tourist home (inns, bed & breakfast)

4.16.4.b Uses permitted as a matter of right subject to the conditions and provisions of this Regulation

Dwelling, single family (12)
Dwelling, two family (13) – on any piece or parcel of land which satisfies the standards of a Residence A Zone lot, provided all bulk requirements of the Residence A Zone are satisfied. No variances from said standards shall be permitted to establish a new two family residential use on a lot that does not meet the Residence A Zone standards. (See Section 4.14.4.d) for additional requirements.
Farm (17)
Parks (37)

4.16.4.c Single family residential use lot requirements within the VR Zone

Lot area: Every parcel used for a single family dwelling in the sector shall have a minimum lot area of 10,000 square feet. No variances may be granted to permit the creation of any new lot of an area less than the minimum of 10,000 square feet.

Lot frontage: Every lot shall have a minimum lot frontage of not less than 75 feet. No variance may be granted to create a new lot with less than the minimum of 75 feet of frontage.

Lot coverage: All principal structures shall cover not more than 20% of the area of the lot.

Front yard: There shall be a minimum front yard of not less than 20 feet for every principal building.

Side yards: There shall be a minimum of two side yards for every principal building, with each side yard having a minimum width of 10 feet.

Rear yard: There shall be a minimum rear yard of not less than 30 feet for every principal building.

Building height: No single family residential building shall exceed 2 ½ stories or 35 feet in height.

4.16.4.d Two family residential uses within the VR Zone

New two family residential uses shall be permitted only on lots that meet all requirements of the Residence A Zone and shall require a Special Exception from the Zoning Board of Appeals in
accordance with Section 13 of the Regulations. No variances to the requirements of the Residence A Zone requirements shall be permitted.
Additions are permitted on existing structures provided the above minimum requirements for existing setbacks are met.

4.16.4.e Permitted Accessory Uses

Customary accessory uses
Customary home occupations
Garage, parking
Guest house
Parking area, private

All accessory uses and structures shall conform to the provisions set forth in Section 7 of the Regulations.

All projects requiring a Special Permit with Design Review, in both village zones, with the exception of building additions less than 10% of the existing floor area, shall be designed by a registered architect.

4.17 ADAPTIVE REDEVELOPMENT ZONE (ARZ) effective September 11, 2012

4.17.1 Purpose

To facilitate the reuse and redevelopment of property containing underutilized or distressed historic buildings that require renovation/redevelopment and/or environmental remediation. This zone change/site development plan approval regulation shall apply only to properties that present unique development and redevelopment opportunities but include particularly challenging building and site conditions requiring a flexible regulation that can permit innovative development while protecting the general health, safety and welfare. Successful projects will create a rejuvenated property that contains land and/or building uses consistent with the adopted Plan of Conservation and Development. Expected benefits would include appropriate environmental remediation, environmental enhancement and natural resource protection, new economic development and/or housing opportunities and the adaptive reuse of historic buildings and the preservation of historic property features. Mixed use projects shall be designed in a manner that ensures consideration of the character of the surrounding and underlying district and its suitability for the proposed uses and adequate availability of infrastructure and services.

4.17.2 Standards

4.17.2 (a) Permitted Land/Building Uses

Residential: Single family, two-family and multiple-family dwellings in detached or attached format
Commercial: Office - general or professional, personal services, restaurants, recreation uses, day care facilities, health and fitness uses.
A mix of residential and commercial land uses listed above shall be permitted only within underlying non-residential zoning districts. Only residential uses and day care facilities shall be permitted within underlying residential zones.

4.17.2 (b) Existing Property, Building(s)

To be eligible for a Change of Zone to ARZ and concurrent approval of a Site Development Plan the subject property shall meet the following standards:

- Shall contain a building(s) with a substantial portion at least 75 years old with a minimum floor area of **7**,500 square feet of usable floor area (excluding unfinished basements and attics and incomplete full-sized floors such as garrets, eaves and any garages, barns, storage buildings or other accessory structure(s)).
- Shall provide for the substantial reuse of a building in a manner that preserves historically relevant and significant building components and facades and/or significant site features including, but not limited to such features as stone and brick facades, cornices, lintels, unique architectural features of the historic period or historic use of the property, stacks, chimneys, mill ponds, dams, waterfalls, hydropower waterways, environmental and natural features and assets, historical signage, and architectural embellishments.
- Shall enhance the overall economic sustainability of the property.
- Shall be served by public water and sanitary sewer.

4.17.2 (c) Development Intensity/Parking Calculation

The Floor Area Ratio (FAR = total building floor area between exterior walls/total lot area) in the ARZ shall not exceed 0.5 unless the FAR of existing structure(s) exceeds 0.5 in which case the total new redevelopment FAR shall not exceed the existing FAR. For example, a 20,000 square foot site containing an existing building with a floor area of 7,000 square feet would have a FAR (7,000/20,000) of 0.35. In this scenario, redevelopment would allow for an increase to a total of 10,000 square feet for a FAR (10,000/20,000) of 0.5. A 20,000 square foot site containing an existing building with a floor area of 12,000 square feet would have a FAR (12,000/20,000) of 0.6. Under this scenario, redevelopment could not allow for an increase in floor area above the existing FAR.

The total lot area calculation shall not include the area of any of the following natural features: Inland wetlands and/or watercourses, slopes with an incline of 25% or greater or 100 year flood hazard area (Zone A/AE). This is the buildable area calculation.

The Development Intensity Calculation shall be further limited by the ability of the site to provide adequate off-street parking that shall be not less than 1.5 parking spaces per residential unit and parking spaces meeting the requirements of Section 9 of the Building-Zone Regulations for all non-residential uses. Provided however the zoning authority may reduce the number of non-residential parking spaces required by waiver upon a finding of appropriateness.

Notwithstanding the above specified Development Intensity Calculation, the maximum number of dwellings allowed on that portion of an ARZ property in excess of 5 buildable acres shall not exceed the number allowed by an FAR of 0.25 or 15 dwelling units/acre, whichever is less.

4.17.2 (d) Building Height

Buildings shall not exceed a height of forty feet (40') as measured in accordance with the Building-Zone Regulations and shall not exceed three stories of living space, except that any existing building that exceeds that height may remain and utilize existing stories, even if greater than the new construction limitation of three stories.

4.17.2 (e) Open Space

Open space set aside or established as part of the Site Development Plan shall be made available for public use if deemed to be a public benefit and if required by the Town Council as part of the Site Development Plan. If not so dedicated, adequate provisions shall be made for the maintenance and upkeep of such open space, including any recreational facilities provided therein, by an organization established by the developer with the power to obtain assessments through enforceable covenants against privately owned land within the development. Nothing set forth above shall be construed either as a requirement or obligation on the part of the Town of Glastonbury to make any repairs or improvements to any property subject to these covenants and restrictions or to enforce any covenant or restriction contained herein.

4.17.3 Procedure and Application

An application for Change of Zone to ARZ shall be made in accordance with the provisions of Section 16 of the Building-Zone Regulations and shall include Site Development Plans containing the following data/information:

1. Location and zone of property and nature of owner's interest, including a boundary map certified to State of Connecticut A-2 map survey standards, which map is to be adopted as description of the zone boundaries.

2. Present and proposed land and building uses, categorized as residential, non-residential, or both; wetland and watercourses, topography and grading plan.

3. Development intensity pursuant to Section 4.17.2 (c) above, including use, dimensions and locations of proposed structures and structures to remain.

4. Proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives.

5. Location of proposed off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, parking barriers and walkways.

6. Proposed pedestrian walks, malls and other paths, public and private.

7. Proposed open space such as parks, lawn areas, and recreational facilities, and such proposed covenants, easements and other provisions relating to dimensions, location and density of such building units and public facilities as are necessary for the welfare and maintenance of the development and are not inconsistent with the best interests of the Town.

8. Landscaping, present and proposed, including major tree and shrub area, present and proposed water elements, and related treatment of open space, screening, present and proposed topography.

9. Proposed utilities, including water supply, sanitary sewers, electrical, gas, exterior lighting and stormwater management infrastructure.

10. Building plans, including floor plans and exterior elevations with exterior material specifications.

11. Relation to existing and future land uses in the surrounding area.

12. Priority schedule of construction of the various units, buildings, landscaping, and other elements of the plan.

13. Future division of property among landowners either by building or other reasonable separations.

14. Any other information which the Commission may reasonably require or the applicant may wish to submit.

15. A traffic survey of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be done by a professional engineer licensed to practice in the State of Connecticut. In addition, a report on these items and other security-related items shall be submitted from the Chief of Police (Legal Traffic Authority).

16. A statement from the Fire Marshal concerning the adequacy of layout and design as it pertains to fire prevention and protection.

17. A statement from the Health Director concerning any public health matters

18. A statement from the Town Engineer in reference to adequacy of drainage, public street design, the design of elements to be maintained by the Town, and the engineering validity, as the design relates to the roads and utilities of the Town.

19. A statement from the Water Pollution Control Authority on the adequacy of the sanitary sewer service.

20. A statement from the Community Beautification Committee on the adequacy and design of proposed planting and landscaping plans and implementations program thereof.

21. A statement from the Conservation Commission on the environmental impact of the proposed development. The Conservation Commission shall be authorized to require the submittal of an Environmental Impact Report completed by the applicant.

22. A statement from any other advisory committee whose opinion is deemed appropriate by the Town Plan and Zoning Commission and Town Council.

Review and recommendation following a public hearing by the Town Plan and Zoning Commission prior to final action by the Town Council shall include a finding that a complete Site Development Plan has been submitted.

The Town Council (Zoning Authority) may require additional documents to be submitted and explanatory statements or descriptive material to be appended. The Zoning Authority shall approve or disapprove the Zone Change and Site Development Plan after a public hearing in the manner as required by law for a change of zone. Approval of the Site Development Plan may include such changes, limitations, restrictions or conditions, as the Zoning Authority shall consider necessary to protect the public health, safety, convenience and property values. Adherence to applicable standards and requirements of Section 12.4 of the Building-Zone Regulations shall be required.

A certified mylar of the approved Site Development Plan, shall be filed in the Office of the Town Clerk by the owner at his expense within one hundred and eighty (180) days following approval by the Zoning Authority and any Development Plan not so filed within this time frame shall be void.

4.17.4 Findings Required

Because the intent of this ordinance is to approve a Zone Change to ARZ only when a Site Development Plan is approved concurrently, the zone change to ARZ and the Site Development Plan will be approved or denied as one motion. The Town Plan and Zoning Commission may recommend and the Zoning Authority may approve a creation of an ARZ provided that finding is made that the facts submitted with the application establish that:

a. All standards and requirements of this regulation (Section 4.17) as well as all applicable standards and requirements of Section 12.4 have been met.

b. The developer has provided, as necessary and appropriate, for the sustained maintenance of the development in general, and also for any open space created in accordance with Section 4.17.2 (f) above.

c. Utilities, drainage and other infrastructure have been designed in a manner that ensures satisfactory operation for the life of the project, and components that have a shorter useful life have been designed in accordance with sound engineering practice, state and local requirements and guidance documents to ensure satisfactory operation.

d. The streets and drives will be suitable to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.

e. The development is consistent with the adopted Plan of Conservation and Development and is in accordance with the comprehensive plan (Building-Zone Regulations).

f. The development protects public health, safety, welfare, commerce and property values.

g. The development preserves and substantially reuses historic buildings located on the site, and retains their historic structural elements, exterior appearance and visual setting as seen from surrounding public viewpoints.

4.17.5 Project Phasing

The Zoning Authority may establish phasing time limits with such time limits controlling the completion of the development or phases within. Each phase shall contain an approximately proportional amount of new construction and preservation of the historic buildings on site. Such time limits may be revised by resolution of the Zoning Authority following a review and a finding that said revision will provide for the successful completion of the project.

4.17.6 Approved Site Development Plan Changes

Minor changes to an approved Site Development Plan may, with the written approval of the Town Manager, be made, provided such changes shall not substantially affect the overall architectural and site design of the Adaptive Redevelopment Zone. Such changes shall in no way affect overall density, impact or nature of the development. Such minor changes may include but are not limited to, the locations of catch basins, manholes and other technical aspects of drainage, slight alteration of the location of roads, sidewalks, structures or buildings due to unforeseen topographic or geologic features, slight alteration of finished contours, minor re-arrangement of lighting standards, benches and other incidental street furniture. If the Town Manager shall have any questions to whether such a proposed change is minor or not, such change shall require the review and written approval of the Town Council, after receiving a report of its recommendation from the Town Plan and Zoning Commission.

4.17.7 Financial Guarantee

Prior to the issuance of a building permit, the developer shall submit acceptable financial guarantees to ensure the installation of any incomplete public improvements. The financial guarantee shall be in an amount approved by the Town Engineer and in a form authorized by Connecticut General Statutes and approved by the Town Plan and Zoning Commission. Upon completion of public improvements, the financial guarantee shall be released by the Town Plan and Zoning Commission as recommended by the Town Engineer. The Town Plan and Zoning Commission may require that up to 5% of the financial guarantee be retained for a period of 1 year to ensure against any defects.

4.18 Town Center Mixed Use Zone (TCMU)

4.18.1 Purpose and Intent

To authorize and encourage continued residential and modest commercial uses by maintaining the existing building scale and residential neighborhood characteristics, and preserving historic structures in the Curtisville National Historic District. A primary objective of this zone is to utilize/reuse existing structures for residential, commercial use(s), or a mix of residential and commercial use(s) while maintaining the overall existing appearance of the area. Further, maintenance of the existing streetscape by orienting parking to the side and/or rear of structures is an important standard. When combining parcels for development purposes, the scale of new structures will be an important design detail. Pedestrian and bicycle circulation improvements, including safer access to the Town Center, are also encouraged.

14.18.2 Permitted Uses

Land areas shall be used and buildings or structures shall be erected, altered, enlarged, or used only for the uses or use categories listed below and indicated in Section 5: Table of Permitted Uses of these Regulations, subject to such standards as may be referred herein.

Permitted Use (Prmt) and Special Permit with Design Review Use (SP) Categories

Prmt Uses and use categories permitted as a matter of right subject to the conditions of the TCMU Zone and any other applicable provisions of these regulations.

Dwelling, single-family
*Dwelling, two-family – if existing on the effective date of these regulations
Parks

SP Uses and use categories permitted following approval of Special Permit with Design Review by the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

Bed and breakfasts/Inns
Business services; except for warehousing and motor vehicle rental services
Day care centers
Dwellings, multiple (3 or more units, not to exceed 6 dwelling units/acre)
Dwellings, two-family
Governmental services
Office, general, medical and professional
Personal services
Places of worship/religious quarters

Additions to existing two-family residential only dwellings that result in no increase in dwelling units, and meet all applicable development standards shall be a permitted use. Section 14.17.4(i) shall not apply.

Mixed use development
Veterinary services

Any special permit use legally existing within the TCMU Zone on the date of adoption of the TCMU Zone is deemed to have been granted a Special Permit for such use.

Permitted Accessory Uses

Accessory uses are permitted in accordance with the list below and as indicated in Section 5: Table of Permitted Uses of these Regulations, subject to such standards as may be referred herein.

Permitted Accessory Uses and Use Categories

(0) Numbers in parenthesis indicate the subsection of Section 2 defining the use or use category.

Acc Uses and use categories permitted as an accessory use.

Accessory uses (2)
Garage, Parking (18)
Parking area, private (35)

In addition, all accessory uses shall conform to the provisions set forth in Section 7 of these regulations.

(0) Numbers in parenthesis indicate the subsection of Section 2 which defines the use or use category.

4.18.3 Development Plan

For the purpose of assuring orderly and integrated development in the TCMU, no building, structure, use or other form of development shall be established or constructed and no existing building, structure or use, other than existing single and two-family dwellings, shall be enlarged or altered until a special permit with design review approval by the Town Plan and Zoning Commission has been filed with the Town Clerk. Such plan shall be in accordance and consistent with the provisions of Section 12 of these regulations. The Section 12 Special Permit requirement shall not apply to buildings or uses that are permitted as a matter of right (Prmt) as listed above.

4.18.4 Development Standards

a) Lot Area

The minimum lot area for all SP uses and for two family dwellings shall be 10,000 square feet. Smaller legal lots of record may be developed with a single family dwelling.

The maximum area of any new lot created by the merger of smaller lots shall be 40,000 square feet in order to maintain the existing building scale and character of district.

b) Lot Frontage

Every lot shall have a minimum lot frontage of seventy-five (75) feet on a public highway, except that legal lots of record with reduced frontage on a public highway may be developed with a permitted (Prmt) or Special Permit (SP) use or uses in accordance with the standards set forth in of these regulations.

c) Building Coverage

All principal and accessory structures shall cover not more than twenty percent (20%) of the area of the lot, except in accordance with Section 14.17.4. (i)

d) Yard Setbacks

1. Front Yard

There shall be a minimum front yard of twenty (20) feet for every new building. Parking for commercial uses and multiple dwellings is not permitted within the front yard and must be located to the side or rear of any principal building with frontage on a public highway.

2. Side Yards

There shall be two (2) side yards for every principal building. The combined width of the two side yard setbacks shall be at least twenty (20) feet, with a minimum setback of eight (8) feet on one side, except in accordance with Section 14.17.4.(i).

3. Rear Yard

There shall be a minimum rear yard of thirty (30) feet for every principal building, except in accordance with Section 14.17.4.(i).

e) Maximum Height Limit

No building shall exceed 2 ½ stories or a height of thirty five (35) feet.

f) Required Open Space

Open space for Special Permit (SP) use properties shall be at least equal to the area of the principal building's footprint.

g) Required Parking

Parking for all uses shall be provided in accordance with the provisions of Section 9 of the Building Zone Regulations.

h) Floor Area Maximum

The maximum floor area of any new building shall not exceed 4,000 square feet. For the purposes of this section, floor area is defined as the total square foot area of all floors (excluding unfinished basements) as measured from exterior wall to exterior wall.

i) Mixed Use

A unified development consisting of commercial use(s) combined with a residential use (with up to two dwelling units) shall be permitted in accordance with the provisions of Section 12 of these regulations. Modified standards/incentives in connection with the adaptive reuse of existing buildings are permitted in accordance with Section 12 of these regulations and the following:

1. Special Provisions for Adaptive Reuse of Existing Buildings

a.) Side Yards

The combined width of the two side yards shall be at least ten (10) feet, with a minimum yard of four (4) feet on one side.

b.) Rear Yard

There shall be a minimum rear yard of twenty (20) feet.

c.) Floor Area Maximum

Existing buildings may be expanded to a maximum of 5,000 square feet in order to comply with current building codes (such as new stair wells, emergency access, handicapped access); and where the architectural style and scale of additions are consistent with the architectural style and scale of the building and the neighborhood.

d.) Building Coverage

All principal and accessory structures shall not cover more than twenty-five percent (25%) of the area of the lot.

The above modified development standards shall only be permitted where a minimum of fifty percent (50%) of the floor area (as defined in Section 4.17.4.h) of the existing building is being preserved, and the development is consistent with the Purpose and Intent (Section 4.17.1) of this regulation.

SECTION 5
TABLE OF PERMITTED USES

5.1 Uses Or Use Categories

Land and water areas shall be used for and buildings and structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the following Table of Permitted Uses and only within these zones specified in said Table of Permitted Uses, except that any use or use category listed in the following Table of Permitted Uses, together with its customary accessory use(s), may be permitted in a Planned Area Development Zone PAD subject to and in accordance with the conditions and requirements set forth in Section 4.12 of these Regulations, and except that any use or use category listed in the Table of Permitted Uses, together with its customary accessory Use(s), may be permitted in a Central District Zone CD subject to and in accordance with the conditions, limitations and requirements set forth in Section 4.13 of these Regulations.

Unless otherwise indicated, the Table of Permitted Uses designates only the principal or primary uses permitted, and all accessory uses customarily incidental to the actual principal use are permitted on the same lot with such principal use.

5.2 Standard Land Use Code

The categories set forth in the Table of Permitted Uses are based, in large part, upon the Standard Land Use Code, A Standard System for Identifying and Coding Land Use Activities (SLUC), Department of Housing and Urban Development, Washington, D.C. The first level use category is fully capitalized on the Table. The third level use category is in lower case lettering on the Table. The Town Building Official and Zoning Board of Appeals shall use the SLUC Manual to resolve questions regarding substantial similarity.

5.3 Interpretation

In the interpretation of the following Table of Permitted Uses, where a use is not specifically listed in the Table and on the basis of the SLUC Manual is not included within a second level use category listed in the Table, its status under this section shall, upon application, be determined by the Zoning Board of Appeals by reference to that listed use or second level use category, if any, which is so like the use in question in purpose, function, character, and effect as to be substantially similar to said listed use.

If the Zoning Board of Appeals determines that the use in question is substantially similar to a use or second level use category specifically listed in the Table, such use shall be permitted in the zones in the same manner as the substantially similar listed use or second level use category and subject to the same conditions and requirements controlling said substantially similar listed use or second level use category.

If the Zoning Board of Appeals determines that the use in question is not substantially similar to a use or second level use category specifically listed in the Table, such use may be permitted and added to the Table only by amending these Regulations as provided for in Section 16.

In determining the status of the use in question, the Zoning Board of Appeals shall also consider all other codes, ordinances, laws and statutes.

5.4 Table Of Permitted Uses

Prmt – Means that the use or use category is permitted as a matter of right in the designated zones, subject to the requirements of the zones in which the use is located.

Sp - Means that the use or use category is permitted as a special permit in the designated zones with design review approval by the Town Plan and Zoning Commission in accordance with the provision set forth in the section or sections referred to in the Required Conditions (RC) column of the Table.

Sx - Means that the use or use category is permitted as a special exception in the designated zones, with approval by the Zoning Board of Appeals in accordance with the provisions set forth in the section or sections referred to in the Required Conditions (RC) column of the Table.

Acc – Means that the use or use category is permitted as an accessory use in the designated zones but is subject to the conditions set forth in the section referred to in the Required Conditions (RC) column of the Table.

NOTES

1. RC Column. The sections set forth in this column designate the additional required conditions for the particular use or use category over and above the regular zoning provisions for the particular use or use category for the zone or zones in which the particular use or use category for the zone or zones in which the particular use or use category is or is to be located.

2. PKG Column. Letters in this column designate the parking requirements, if any, for the particular use or use category as set forth in Section 9 of these Regulations.

3. For definitions and explanations of uses or use categories followed by numbers in parenthesis, see Section 2.

While the Table of Permitted Uses is divided into first, second and third level use categories, the following first and second level use categories are listed for the reader's information (the first level categories are capitalized).

RESOURCE AND PRODUCTION AND EXTRACTION USES	SHEET NO.
Agriculture	1,4
Farm	1,4
Earth products, excavation and filling or removal of	1,4
Forestry production, commercial	1
Greenhouses, commercial	1
Nurseries, commercial	1
RESIDENTIAL USES	
Accessory Residential Uses	1
Household Units	1,4
Group Quarters	1,4
Transient lodgings	2,4
OFFICES, GENERAL AND PROFESSIONAL USES	2,4
SERVICES USES	
Business Services	2,4
Cemeteries	5
Contract Construction Services	5
Educational Services	5
Finance, Insurance and Real Estate Services	5
Governmental Services	2,5
Personal Services	5
	SHEET NO.
Professional Services	5
Repair Services	5
Miscellaneous Services	2,5

TRADE USES	
Retail Trade – Apparel and Accessories	5
Retail Trade – Automotive, Marine Craft, Aircraft and Accessories	5
Retail Trade – Building Materials and Farm Equipment	5
Retail Trade – Eating and Drinking	5
Retail Trade – Food	5
Retail Trade – Furniture, Home Furnishing and Equipment	5
Retail Trade – General Merchandise	5
Retail Trade – Hardware	5
Retail Trade – Other	6
Wholesale Trade and Warehousing	6
MANUFACTURING USES	
Apparel and other Finished Products, Mfg.	6
Food and Kindred Products, Mfg.	6
Furniture and Fixtures, Mfg.	6
Lumber and Wood Products, Mfg.	6
Printing, Publishing and Allied Industries, Mfg.	6
Professional, Scientific and Controlling Instruments, Mfg.	6
Photographic and Optical Goods, Mfg.	6
Watches and Clocks, Mfg.	6
Stone, Clay and Glass Products, Mfg.	6
Textile Mill Products, Mfg.	6
Miscellaneous Manufacturing	6
CULTURE, ENTERTAINMENT AND RECREATIONAL USES	
Amusements	2,7
Cultural Activities	2,7
Parks	2,7
Public Assembly	7
Recreational Activities	2,3,7
TRANSPORTATION, COMMUNICATION AND UTILITY USES	
Aircraft Landing Field	8
Automotive Parking	3,8
Communications	3,8
Motor Vehicle Transportation	3,8
Utilities	3,8

RESIDENTIAL ZONES PERMITTED USES

Sheet #1

PERMITTED USES	*ZONE CATEGORIES*								
	CR	**RR**	**AAA**	**AA**	**A**	**VR**	**TC MU**		
RESOURCE PRODUCTION & EXTRACTION USES									
Agriculture (3)	Acc	Acc	Acc	Acc	Acc				
Farm (17)	Prmt	Prmt	Prmt	Prmt	Prmt	Prmt			
Earth Products, Excavation And Filling Or Removal Of	Sp	Sp	Sp	Sp	Sp				
Forestry Production, Commercial, Including On-Premises Saw Mills	Sp	Sp							
Greenhouses, Commercial	Sp	Sp		Sp*	Sp*				
Nursery, Commercial	Sp	Sp		Sp*	Sp*				
RESIDENTIAL USES									
Accessory Residential Uses									
Customary Accessory Uses (2)	Acc	Acc	Acc	Acc	Acc	Acc			
Customary Home Occupation	Acc	Acc	Acc	Acc	Acc	Acc			
Guest House (19)	Acc/Sx	Acc/Sx	Acc/Sx	Acc/Sx	Acc/Sx	Acc/Sx			
HOUSEHOLD UNITS									
DWELLINGS									
Single-Family (12)	Prmt	Prmt	Prmt	Prmt	Prmt	Prmt	Prmt		
Two-family (13)	Prmt*	Prmt*	Prmt*	Prmt*	Prmt*Sx	Prmt	Prmt *Sx		
Multiple (14)	PAD	PAD	PAD	PAD	PAD		Sp		
GROUP QUARTERS									
Boarding, rooming or lodging houses (4)									
1-2 persons	Acc	Acc		Acc	Acc				
3-6 persons	Sp	Sp		Sp	Sp				
Convalescent, nursing or rest home or sanitarium (9)	Sp	Sp	Sp	Sp	Sp				
Religious quarters	Sp	Sp	Sp	Sp	Sp	Sp			
Supervised group quarters (41) Agricultural Group quarters, Seasonal	Sp Sp	Sp Sp	Sp	Sp	Sp	Sp			
TRANSIENT LODGINGS									
Tourist home (42)	Sp	Sp	Sp	Sp	Sp	Sp	Sp		

*If existing on the effective date of these Regulations. Extensions or enlargements of existing greenhouses or nurseries require special permits

PRMT – Permitted Use or Use Category
Acc – accessory use or use/category
Sp – special permit use/category
Sx – special exception use/category

RESIDENTIAL ZONES PERMITTED USES

Sheet #2

PERMITTED USES	***ZONE CATEGORIES***						
	CR	RR	AAA	AA	A	VR	TCMU
CEMETERY	Sp	Sp	Sp	Sp	Sp		
EDUCATIONAL SERVICES							
Day care center	Sp	Sp	Sp	Sp	Sp	Sp	Sp
Schools - public, private & parochial, university, college, jr. college & professional Education	Sp	Sp	Sp	Sp	Sp	Sp	
GOVERNMENTAL SERVICES	Sp	Sp	Sp	Sp	Sp	Sp	
MISCELLANEOUS SERVICES							
Clubs, non-profit	Sp	Sp					
Dog Kennel, commercial	Sp	Sp					
Places of Worship	Sp	Sp	Sp	Sp	Sp	Sp	Sp
Veterinarian service	Sp	Sp					Sp
TRADE USES							
CULTURAL, ENTERTAINMENT AND RECREATIONAL USES							
AMUSEMENTS							
Bazaars, festivals, carnivals and circuses sponsored by a non-profit corporation or organization	Sp	Sp	Sp	Sp	Sp	Sp	
CULTURAL ACTIVITIES							
Historic and monument sites (20)	Prmt	Prmt	Prmt	Prmt	Prmt		
Library	Sp	Sp	Sp	Sp	Sp	Sp	
Museum or Planetarium	Sp	Sp	Sp	Sp	Sp		
Parks	Prmt	Prmt	Prmt	Prmt	Prmt	Prmt	
PUBLIC ASSEMBLY							
Community Center	Sp	Sp	Sp	Sp	Sp	Sp	
RECREATIONAL ACTIVITIES							
Golf course	Sp	Sp	Sp	Sp	Sp		
Recreational Uses, non-profit	Sp	Sp	Sp	Sp	Sp		

*(if existing on the effective date of these Regulations - extensions or enlargement to existing stations require special permit)

PRMT – Permitted Use or Use Category
Acc – accessory use or use/category

Sp – special permit use/category
Sx – special exception use/category

RESIDENTIAL ZONES PERMITTED USES

Sheet #3

PERMITTED USES	***ZONE CATEGORIES***						
	CR	RR	AAA	AA	A	VR	TCMU
*Platform tennis, indoor and outdoor Riding Stable	Sp	Sp					
TRANSPORTATION, COMMUNICATION AND UTILITY USES							
AIRPORT LANDING FIELD	Sp	Sp					
AUTOMOBILE PARKING							
Garage, parking (18)	Acc	Acc	Acc	Acc	Acc	Acc	Acc
Private area (35)	Acc	Acc	Acc	Acc	Acc	Acc	Acc
COMMUNICATIONS							
Transmitting exchange or receiving station	Sp	Sp					
Towers, transmitting and relay	Sp	Sp					
MOTOR VEHICLE TRANSPORTATION							
UTILITIES							
Sewage and solid waste disposal	Sp	Sp					
Utility- Electric, Gas and Water	Sp	Sp	Sp	Sp	Sp		

PRMT – Permitted Use or Use Category
Acc – accessory use or use/category

Sp – special permit use/category
Sx – special exception use/category

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES

Sheet #4

PERMITTED USES	***ZONE CATEGORIES***									
	TC	PBD	PE	PC	PT	PI	RL	F	VC	T C M U
RESOURCE PRODUCTION & EXTRACTION USES										
Agriculture (3)		Acc			Acc	Acc	Acc	Prmt*		
Farm (17)		Prmt*	Prmt*	Prmt*	Prmt*	Prmt*	Prmt*	Prmt*		
Earth Products, Excavation And Filling Or Removal Of		Sp	Sp	Sp	Sp	Sp	Sp	Sp		
RESIDENTIAL USES										
HOUSEHOLD UNITS										
DWELLINGS										
Single-Family (12)	Prmt*	Prmt*	Prmt*	Prmt*	Prmt*	Prmt*			Sp*	Prmt
Two-family (13)	Prmt*	Prmt*	Prmt*	Prmt*						Prmt*
Multiple (14)	Sp	PAD	PAD							Sp
GROUP QUARTERS										
Boarding, rooming or lodging houses (4)										
1-2 persons		Sp	Sp							
3-6 persons		Sp	Sp							
Convalescent, nursing or rest home or sanitarium (9)	Prmt*	Sp								
Religious quarters		Sp							Sp	
Supervised group quarters (41) Agricultural Group quarters, Seasonal										
TRANSIENT LODGINGS										
Hotel/Motel/Inn (22)					Sp					
Tourist home (42)	Sp								Sp	Sp
NON-RESIDENTIAL USES										
OFFICE, GENERAL AND/OR PROFESSIONAL USES	Sp	Sp	Sp	Sp	Sp				Sp	Sp
SERVICE USES										
BUSINESS SERVICES, except warehousing and storage and motor vehicle rental services	Sp	Sp	Sp	Sp	Sp				Sp	Sp

*(if existing on the effective date of these Regulations – VC Zone 2nd fl dwelling requires special permit, see regulations)

Prmt – Permitted Use or Use Category
Acc – accessory use or use/category
Sp – special permit use/category
Sx – special exception use/category

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES

Sheet #5

PERMITTED USES	***ZONE CATEGORIES***										
	TC	PBD	PE	PC	PT	PI	RL	F	VC	TCMU	
CEMETERY							Sp				
CONTRACT CONSTRUCTION SERVICE, indoor and outdoor, except salvage and wrecking services				Sp		Sp					
EDUCATIONAL SERVICES											
Day care center	Sp	Sp	Sp	Sp	Sp	Sp			Sp*	Sp	
Schools - public, private & parochial, university, college, jr. college & professional Education									Sp		
Schools - vocational or trade (4-2-85)			Sp	Sp		Sp					
FINANCE, INSURANCE & REAL ESTATE SERVICES	Sp	Sp	Sp	Sp	Sp	Sp			Sp		
GOVERNMENTAL SERVICES	Sp	Sp	Sp	Sp	Sp	Sp	Sp	Sp	Sp	Sp	
PERSONAL SERVICES	Sp	Sp			Sp				Sp	Sp	
PROFESSIONAL SERVICES, except convalescent, nursing or rest home or sanitarium (in PT/PI)	Sp	Sp	Sp	Sp	Sp	Sp			Sp	Sp	
REPAIR SERVICES											
MOTOR VEHICLE REPAIR AND SERVICES											
Carwash		Sp		Sp	Sp						
General repair and service (29)				Sp		Sp					
Limited repair and service (30)		Sp		Sp	Sp						
Gasoline and/or service station		Sp*			Sp				Sp*		
MISCELLANEOUS SERVICES											
Ambulance Service		Sp			Sp						
Places of Worship	Sp	Sp							Sp	Sp	
Veterinarian service										Sp	
TRADE USES											
RETAIL TRADE- apparel and accessories	Sp	Sp			Sp				Sp		
RETAIL TRADE – automotive, marine craft, aircraft, and accessories	Sp	Sp			Sp						
RETAIL TRADE – building materials and farm equipment	Sp	Sp				Sp					
RETAIL TRADE –eating and drinking without drive-in or curb service	Sp	Sp			Sp				Sp		
RETAIL TRADE – food	Sp	Sp			Sp				Sp		
RETAIL TRADE – furniture, home furnishing and equipment	Sp	Sp			Sp				Sp		
RETAIL TRADE – general merchandise	Sp	Sp			Sp				Sp		
RETAIL TRADE - hardware	Sp	Sp			Sp				Sp		

* (if existing on the effective date of these Regulations – Extension or enlargement may require special permit)

Prmt – Permitted Use or Use Category Sp – special permit use/category

Acc – accessory use or use/category Sx – special exception use/category

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES Sheet #6

PERMITTED USES	***ZONE CATEGORIES***								
	TC	PBD	PE	PC	PT	PI	RL	F	VC
RETAIL TRADE – other	Sp	Sp			Sp				
WHOLESALE TRADE AND WAREHOUSING			Sp	Sp		Sp			
APPAREL AND OTHER FINISHED PRODUCTS – MANUFACTURING excepting corrosive, poisonous or malodorous acids and chemicals and excepting glue, size, gelatin, fertilizer, fat rendering, explosives (other than firearms, or small arms or ammunition) printing ink and carbon black mfg.				Sp		Sp			
FOOD AND KINDRED PRODUCTS – MANUFACTURING except abattoir and slaughter houses				Sp		Sp			
FURNITURE AND FIXTURES – MANUFACTURING						Sp			
LUMBAR AND WOOD PRODUCTS - MANUFACTURING				Sp		Sp			
PRINTING, PUBLISHING AND ALLIED INDUSTRIES - MANUFACTURING			Sp	Sp		Sp			
PROFESSIONAL, SCIENTIFIC AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC & OPTICAL GOODS: Watches and clocks – Manufacturing			Sp	Sp		Sp			
STONE, CLAY AND GLASS PRODUCTS – MANUFACTURING except abrasive, asbestos and miscellaneous non metallic mineral products – manufacturing and concrete gypsum and plaster products manufacturing and structural clay products.				Sp		Sp			
TEXTILE MILL PRODUCTS – MANUFACTURING				Sp	Sp	Sp			
MISCELLANEOUS MANUFACTURING excepting that which is dangerous by reason of fire, radiation or explosion, or injurious or detrimental to the surrounding neighborhood by reason of the possible emission of excessive dust, odor, fumes, gas, smoke wastes, refuse matter, noise, vibration or because of any other objectionable feature, or is presently or in the future is likely to be a hazard or nuisance to adjacent property or the community at large, as determined by the Building Official, Fire Marshal or Director of Health			Sp	Sp	Sp	Sp			

Prmt – Permitted Use or Use Category
Acc – accessory use or use/category
Sp – special permit use/category
Sx – special exception use/category

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES Sheet #7

PERMITTED USES	***ZONE CATEGORIES***								
	TC	PBD	PE	PC	PT	PI	RL	F	VC
CULTURAL, ENTERTAINMENT AND RECREATIONAL USES									
AMUSEMENTS									
Bazaars, festivals, carnivals and circuses sponsored by a non-profit corporation or organization		Sp	Sp	Sp	Sp	Sp		Sp	Sp
Billiard and pool hall		Sp			Sp				
Golf driving range								Sp	
Golf, miniature		Sp			Sp				
CULTURAL ACTIVITIES									
Historic and monument sites (20)	Sp	Sp	Sp	Sp	Sp	Sp	Prmt	Prmt	
Library	Sp	Sp							Sp
Museum or Planetarium	Sp	Sp							
Parks	Prmt	Prmt	Prmt	Prmt	Prmt	Prmt	Prmt	Prmt	
PUBLIC ASSEMBLY									
Auditorium or coliseum		Sp	Sp	Sp	Sp	Sp			
Community Center		Sp							Sp
Theater, legitimate and/or motion picture	Sp	Sp			Sp				
RECREATIONAL ACTIVITIES									
Archery range, indoor	Sp	Sp			Sp				
Athletic Clubs	Sp	Sp			Sp				
Bowling	Sp	Sp			Sp				
Firing range indoor	Sp	Sp			Sp				
Golf course							Sp	Sp	
Marina								Sp	
Recreational Uses, non-profit	Sp	Sp	Sp	Sp	Sp	Sp	Sp	Sp	
Health, Fitness and Recreational Uses indoor Effective January 30, 1995	Sp		Sp	Sp		Sp			Sp

Prmt –

Permitted Use or Use Category
Acc – accessory use or use/category
Sp – special permit use/category
Sx – special exception use/category

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES Sheet #8

PERMITTED USES	***ZONE CATEGORIES***									
	TC	PBD	PE	PC	PT	PI	RL	F	VC	TCMU
*Platform tennis, indoor and outdoor Riding Stable					Sp					
Skating rink, ice and/or roller, indoor	Sp	Sp	Sp	Sp	Sp	Sp				
Tennis courts, indoor	Sp	Sp	Sp	Sp	Sp	Sp				
TRANSPORTATION, COMMUNICATION AND UTILITY USES										
Airport Landing Field								Sp		
AUTOMOBILE PARKING										
Garage, parking (18)	Acc	Acc	Acc	Acc	Acc	Acc				Acc
Private (36)	Acc	Acc	Acc	Acc	Acc	Acc	Acc	Acc		Acc
Public (37)	Sp	Sp			Sp					
COMMUNICATIONS										
Radio, television, telegraph, telephone or other communications										
Broadcasting studio, message center or office		Sp	Sp	Sp	Sp	Sp			Sp	
Transmitting exchange or receiving station		Sp	Sp	Sp	Sp	Sp				
Towers, transmitting and relay										
MOTOR VEHICLE TRANSPORTATION										
Bus transportation										
Garaging and equipment maintenance				Sp		Sp				
Passenger terminal		Sp			Sp					
Motor freight transportation terminal and garage			Sp			Sp				
Transportation center		Sp			Sp					
UTILITIES										
Sewage and solid waste disposal							Sp	Sp	Sp	
Utility- Electric, Gas and Water	Sp	Sp	Sp	Sp	Sp	Sp	Sp	Sp	Sp	

Prmt – Permitted Use or Use Category
Acc – accessory use or use/category
Sp – special permit use/category
Sx – special exception use/category

SECTION 6
SPECIAL REGULATIONS FOR PERMITTED USES

6.0 General Provisions And Existing Uses

Every use listed in this section shall comply with the regulations of the zone in which it is or is to be located and, in addition, with the conditions and requirements specified herein for such use.

6.1 Alcoholic liquors, sale of
6.2 Earth products, excavation, filling or removal of (Special Regulations)
6.3 Motor vehicle car wash
6.4 Motor vehicle limited and general repair
6.5 Motor vehicle gasoline or service station
6.6 Retail trade – eating or drinking without drive-in or curb service
6.7 Open space subdivision
6.8 Rear lots
6.9 Supervised group quarters
6.10 Trailers (Special Regulations)
6.11 Parental Dwelling Unit, Single Family Dwelling (EFFECTIVE 10-14-83)

SECTION 6
SPECIAL REGULATIONS FOR PERMITTED USES

The sale of alcoholic liquors is a permitted use in the Central District CD Zone and shall not be controlled by the provisions of this Section within said zone. The sale of alcoholic liquors is also a permitted special permit use in the Planned Business and Development PBD Zone and the Planned Travel PT Zone, and a permitted accessory use to a club in the Country Residence CR Zone and Rural Residence RR Zone, and a permitted accessory use to a full-sized golf course of nine (9) holes or larger in the Country Residence CR, Rural Residence RR, Residence AAA, AA, A, Reserved Land RL, and Flood F Zones, subject to the requirements of those zones, the requirements of Section 12 of these Regulations, and any other review and approval which the particular uses may require by these Regulations, and in addition, the following conditions:

6.1 Alcoholic Liquors, Sale Of

a. In the Planned Business and Development PBD Zone and the Planned Travel PT Zone, no building or premises shall be used and no building shall be erected or altered which is used or is arranged, intended or designed to be used as a place where alcoholic liquors are or are to be sold for consumption on the premises if that portion of said building or premises actually used or arranged, intended or designed to be used for the sale and/or consumption of alcoholic liquor is located.

1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, Zoning Board of Appeals or Building Official, whichever the case may be, from that portion of any other building or premises constituting a use of the same use category wherein the sale and/or consumption of alcoholic liquor on the premises is carried on;

2. Within five hundred (500) feet, measured by a straight line as established by the Town Plan and Zoning Commission, zoning Board of Appeals or Building or Building Official, whichever the case may be, from any part of any building or premises used for a college, place of worship, hospital, library, park or playground;

3. Within five hundred (500) feet, measured along the street line or lines, from any zone boundary line of any residential zone (CR, RR, AAA, AA, A).

The foregoing distance limitations set forth in this subsection 6.1a may be decreased by the Town Plan and Zoning Commission in the case of a permitted hotel, motel or full-service restaurant where alcoholic liquors are sold for consumption on the premises under a hotel permit or a restaurant permit (as defined in the State Liquor Control Act) in the Planned Business and Development PBD Zone and in the Planned Travel PT Zone, provided that said Commission, after a public hearing and having taken into consideration the provisions of Section 12 of these Regulations and the proximity of said hotel, motel or restaurant to other buildings or premises used for the sale of alcoholic liquors for consumption on the premises or as a college, school, place of worship, hospital, library, park or playground, and to the zone boundary line of any residential zone, shall find that such sale of alcoholic liquors.

a.) Shall be subordinate and incidental to the principal use of the premises as a restaurant where the patrons are primarily persons seated at tables where hot meals are served or as a hotel or as a motel;

b.) Shall not conflict with the general purpose of these Regulations as it relates to the area;

c.) Shall not adversely affect the health, safety or morals of persons attending any nearby college, school, place of worship, hospital, library, park or playground or residing in any nearby residential zone; and

d.) Shall not hinder the appropriate development and use of adjacent land and buildings or cause traffic hazards.

b. In the Planned Business and Development PBD zone and the Planned Travel PT Zone, no building or premises shall be used and no building shall be erected or altered which is used or is arranged, intended or designated to be used a s a place where alcoholic liquors are or are to be sold for consumption off the premises if that portion of said building or premises actually used or arranged, intended, designed to be used for the sale of alcoholic liquors is located.

1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, Zoning Board of Appeals or Building Official, whichever the case may be, from that portion of any other such building or premises used for the sale of alcoholic liquors for consumption off the premises;

2. Within five hundred (500) feet, measured by a straight line as established by the Town Plan and Zoning Board of Appeals or Building Official, whichever the case may be, from any part of any building or premises used for a college, school, place of worship, hospital, library, park or playground.

3. Within five hundred (500) feet, measured along street lines, from any zone boundary line of any residential zone (CR, RR, AA, AA or A).

The sale of ale, beer and lager when a part of and incidental to a bona fide grocery store for consumption off the premises under a grocery store beer permit (as defined in the State Liquor Control Act) is a permitted accessory use in the Planned Business and Development PBD Zone and Planned Travel PT Zone and shall not be subject to the foregoing distance limitations set forth in this subsection 6.1.b.

c. The foregoing distance limitations set forth in this Section 6.1 shall not be deemed to be retroactive, except that any location actually being used for the sale of alcoholic liquors on (the effective date of these Regulations), whether or not conforming to the provisions of these Regulations, and at which location the selling of alcoholic liquors is discontinued for a period of six (6) consecutive months, shall not be permitted to be used again for the sale of alcoholic liquors except in conformity with the provisions of this Section 6.1.

6.2 Excavation And Filling Or Removal of Earth Products

6.2.0 The excavation and filling or removal of earth products is a permitted special permit use in all zones, subject to the requirements of the specific zone or zones in which the excavation operations are located, the provisions of Section 12 of these Regulations, and any other review and approval which may be required by these Regulations, including the conditions, standards and requirements set forth in this Section 6.2.

6.2.1 Authorization For Special Permit For Excavation And Filling Or Removal Of Earth Products

Pursuant to Section 7-148 of the Connecticut General Statues, the Town Plan and Zoning Commission is authorized to grant a special permit for the excavation and filling or removal of earth products in the Town of Glastonbury, and

the Town Building Official is authorized to enforce these Regulations and any conditions connected with any such special permit.

6.2.2 Purpose

The purpose of these Regulations is to:

a. Regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss and any other earth products;

b. Prevent conditions detrimental to the public health, safety and general welfare, including but not limited to, erosion, creation of dangerous open pits, stagnant water bodies, nuisances, or permanent damage to the landscape;

c. Conserve and preserve wetlands, watercourses and water storage areas, the value of adjoining and surrounding properties, and the land itself for future useful purposes;

d. Assure continuity of operations at a given location until a deposit is fully utilized in conformance with these Regulations; and

e. Minimize or eliminate any deleterious effects on adjacent or nearby land uses and prevent the emergence of any blighting influences.

6.2.3 Definition

For the purpose of these Regulations:

ACCESS ROAD. The phrase "access road" shall mean a road conforming to the criteria of Section 6.2 of these regulations that provides a means of ingress and egress from a public road or right of way to the permitted area on a premises where there are excavation operations taking place.

b. EXCAVATION OPERATIONS. The phrase "excavation operations" shall

include the following:

(i). Any operations involving excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products, including the storage of those earth products, in a permitted area located in the Town of Glastonbury,;

and (ii). The transportation on land or roads, public or private, in the Town of Glastonbury of any such products from such an operation, if it is (A) located within the Town of Glastonbury or (B) located in a town contiguous or

adjacent to Glastonbury, and has, as its sole means of direct ingress and egress, private land or public or private roads in the Town of Glastonbury.

PERMITTED AREA. The phrase "permitted area" shall mean the limits of the area within the premises for which a permit or permits exist or are requested for excavation operations as defined in Section 6.2.3.b.i of these Regulations, storage area, and processing of earth materials.

PREMISES. "premises" shall mean the entire parcel of land within which the permitted area is proposed.

WATERCOURSES. "Watercourses" shall mean rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon the Town of Glastonbury, or any portion thereof, not regulated pursuant to Sections 22a-28 to 22a-35 of the Connecticut General Statutes .

WETLANDS. "Wetlands" shall mean land, including submerged land, not regulated pursuant to Sections 22a-28 to 22a-35 of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

6.2.4 Requirements For Special Permit For Excavation Operations

Excavation operations shall begin or continue only after the owner of the premises has received a special permit in accordance with the provisions of these Regulations. A special permit for excavation operations shall be required except in the case of the following operations:

a. Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Glastonbury or the State of Connecticut or within the streets or roads as shown on a subdivision map or a plan of development map approved by the Town Plan and Zoning Commission.

b. Excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.

c. Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural, or construction operation for which operation no building permit is required from the Town of Glastonbury, as directed

and approved by the Town Building Official, provided that no such excavation operation shall result in removal or filling in of more than six hundred (600) cubic yards of earth products for each individual premises.

d. Excavation operations conducted in accordance with and pursuant to a special permit granted by the Town Plan and Zoning Commission prior to (the effective date of these Regulations).

The permittee or owner of any premises or rights-of-way falling within the provisions of Sections 6.2.4 a, b, c,or d above, from or into which any earth products have been removed or filled, shall, within thirty (30) days after the completion of such excavation operations or any substantial portion thereof, grade and cover any exposed areas where removal or filling takes place with not less than four (4) inches of topsoil or loam removed from such premises or rights-of-way and seed with a suitable cover crop or cultivation acceptable to the Town Building Official. Any such seeding shall be sowed at a rate not less than three (3) pounds of seed for every one thousand (1000) square feet of area covered. This requirement may be held in abeyance during the months of November, December, January and February.

Notwithstanding Sections 6.2.4a, 6.2.4b, and 6.2.4c above, a special permit in accordance with the provisions of these Regulations shall be required for any excavation operations (except those described in Section 6.2.4d above) within one hundred (100) feet of the high water level (line) of any watercourses or wetlands. HOWEVER, EXCAVATION OPERATIONS CONDUCTED IN ACCORDANCE WITH SECTIONS 6.2.4A, 6.2.4B OR 6.2.4C,WHICH HAVE RECEIVED A WETLANDS PERMIT FROM THE GLASTONBURY INLAND WETLANDS AND WATERCOURSE AGENCY, SHALL NOT ALSO REQUIRE A SECTION 6.2 SPECIAL PERMIT. In addition, excavation operations as such phrase is used in Sections 6.2.4a, 6.2.4b, and 6.2.4c above shall not include the operation of disposing of said earth products after removal or the operation of obtaining said earth products prior to filling in. Said disposition and/or obtaining of earth products shall require a special permit in accordance with the provisions of these Regulations. EFFECTIVE JANUARY 29, 1996.

6.2.5 Permitted Stipulations With Special Permit For Excavation

The Town Plan and Zoning Commission may, after applying these Regulations in harmony with their purposes, stipulate such restrictions as appear to the Commission to be reasonable to protect the rights of individuals, property values in the area as a whole, and the public health, safety and welfare and which promote sound land use and resource excavation practices.

6.2.6 Criteria For Evaluating A Special Permit For Excavation.

The Town Plan and Zoning Commission shall evaluate each and every application for a special permit for excavation operations and shall consider the provisions of this Section 6.2 in light of the following criteria (at a minimum):

a. APPROPRIATENESS OF LOCATION. The compatibility of the proposed excavation operations with the adopted Town Plan of Conservation and Development, and the specific zone and neighborhood, including but not

limited to property values, noise levels, traffic, odor, dust, general appearance and surrounding development, both existing and proposed.

b. CONFORMANCE. Conformance with the Glastonbury Building- Zone Regulations, other applicable Town Codes or ordinances, and the purposes of these Regulations as set forth in Section 6.2.2.

c. SAFETY. Accessibility for emergency vehicles and equipment; potential for increased fire or traffic hazards; potential for damage to Town roads, bridges or other public facilities.

d. HISTORIC AND SCENIC. Potential for destroying or defacing historic areas or scenic landmarks or otherwise being detrimental to a neighborhood or altering a neighborhood's essential characteristics.

e. TRAFFIC. Impact of anticipated additional vehiclar traffic generated by the excavation operation on local access, town and state roads. This impact will be evaluated in conjunction with the impact of truck traffic generated by all of the excavation operations at the time of application for the permit.

6.2.7 Required Standards For A Special Permit For Excavation Operations

Prior to approving any application for a special permit for excavation operations, the Town Plan and Zoning Commission shall consider each such operation in terms of the criteria set forth in the preceding Section 6.2.6 and shall determine whether such operations conform to the following standards. Failure of the operations to properly satisfy the criteria set forth in Section 6.2.6 or to conform to any of the following standards shall be sufficient reason for the Commission to deny or withhold the special permit.

The following standards are minimum requirements for excavation operations and the Town Plan and Zoning Commission may require additional or stricter provisions for particular excavation operations based on the criteria set forth in Section 6.2.6.

a. Excavation Operation Standards

1. OPERATION SIZE. There shall be no minimum or maximum permitted area size for excavation operations, except that the Commission may fix a maximum and/or minimum permitted area size based on the criteria in Section 6.2.7 of these Regulations. Prior to the issuance of any special permit for excavation operations, boundaries of the permitted area and premises shall be clearly surveyed and marked with permanent monuments by a Connecticut Registered Land Surveyor. AMENDED EFFECTIVE APRIL 23, 1974.

2. MINIMUM SETBACKS. The permitted area shall be located at least fifty (50) feet from any property line, public street, road or highway right-of-way, and shall be arranged and aligned to minimize traffic dangers and nuisance to surrounding properites and the general public. In evaluating minimum setback distances for an excavation operation, the Commission shall consider the criteria in Section 6.2.6 of these Regulations.

The Town Plan and Zoning Commission will require a landscape plan to provide adequate screening of a permitted area that is located up to one-hundred (100) feet from any property line, public street, road or highway right-of-way to ensure minimal impact on surrounding property owners. In evaluating the landscape plan and screening options, the Commission shall consider the criteria in Section 6.2.6 of these Regulations.

3. ACCESS ROADS. All vehicular access to any permitted area shall be arranged and aligned to minimize traffic dangers and nuisance to surrounding properties and the general neighborhood. All access roads shall be a minimum of 50 feet in length and shall have a minimum setback of 50 feet from any abutting property line, except that the Town Plan and Zoning Commission based on the criteria established in Section 6.2.6 may increase the minimum

setback of these Regulations. All access roads shall be finished with a properly bound material so as to provide a durable and anti-tracking surface to the public street from the work area and shall be so designated on the site plan map required by Section 6.2.8.b of these Regulations.

Any authorized access road to an excavation operation with a valid special permit approved by the Town Plan and Zoning Commission as of December 1, 2018 shall be exempt from the minimum setback requirement for access roads established by Section 6.2.7.a provided there are no changes to such access roads. All new special permit applications seeking approval for excavation operations that did not have a valid permit on December 1, 2018, shall be subject to the minimum setback requirement for access roads in Section 6.2.7.a and all other criteria of Section 6.2.

The Town Plan and Zoning Commission will require a landscape plan to provide adequate screening of access roads located up to one-hundred (100) feet from any property line, public street, road or highway right-of-way to ensure minimal impact on surrounding property owners. In evaluating such other locations and the landscape plan and screening options, the Commission shall consider the criteria in Section 6.2.6 of these Regulations.

4. FENCES. All access points to any excavation operation shall be barred by an appropriate fence and/or gate.

5. BUILDINGS AND STRUCTURES. No buildings or structures related to excavation operations shall be permitted or erected on the premises during the excavation operation unless approved by the Town Plan and Zoning Commission after consideration of the criteria in Section 6.2.6 of these Regulations and subject to any conditions set forth by the Commission.

All such buildings and structures shall be located a minimum distance of one hundred (100) feet from any residential zone or any residential property in any zone.

Any permitted buildings and structures shall be properly maintained and shall conform to all applicable codes and ordinances of the Town of Glastonbury. Any such building or structure that has not been used for a period of one continuous year shall be removed from the premises by the permittee, and all buildings and structures related to the excavation operations shall be dismantled and removed from the premises by the permittee not later than sixty (60) days after termination of the excavation operations or expiration of the special permit.

6. 6. MACHINERY AND EQUIPMENT. No fixed machinery or equipment shall be permitted, erected or maintained on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted on the premises, except as may be permitted by the Town Plan and Zoning Commission after

consideration of the criteria in Section 6.2.6 of these Regulations and subject to any conditions set forth by the Commission.

All fixed equipment and machinery shall be located a minimum distance of three hundred (300) feet from any residential zone or any residential property in any zone, except as may otherwise be permitted by the Commission.

All equipment and machinery, whether fixed or not, shall be properly maintained and stored and shall be dismantled and removed from the premises by the owner or permittee not later than sixty (60) days after the termination of the excavation operations or expiration of the special permit.

b. Operating Standards

1. HOURS OF OPERATION. Operating hours for excavation operations shall be restricted to weekdays (Monday through Friday), between the hours of 7 a.m. and 4 p.m., except that shorter hours may be required by the Town Plan and Zoning Commission after considering the criteria in Section 6.2.6 of these Regulations. Excavation operations shall not be allowed on legal State holidays with the exception of Columbus Day and Veterans Day. Equipment startup and/or engine idling on or adjacent to the premises shall not be permitted prior to the approved hours of operation.

2. EQUIPMENT AND MACHINERY. All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke dust, unsightly conditions and any other nuisance.

3. DUST AND WIND EROSION. All storage areas, yards, access roads, service roads or other untreated open areas within the premises shall be improved with proper landscaping, paving or other appropriate materials to minimize dust, other windblown air pollutants and wind erosion.

4. SPILLAGE/VEHICLE AND EQUIPMENT IDENTIFICATION. To prevent spillage from vehicles or equipment and windblown air pollution, any truckload of earth material which is to travel on a public street shall be covered with tarpaulin or other suitable material. All commercial haulers shall utilize vehicles clearly marked with the hauler's name and an identification number. Vehicles or equipment with a hauling capacity of less than 8 cubic yards shall be exempt from the above marking/identification requirements.

5. DRAINAGE AND WATER EROSION. The permittee shall provide proper drainage, as approved by the Town Plan and Zoning Commission, at all stages during and after completion of the excavation operations to prevent the collection and stagnation of water, interference with or disturbance of the flow, banks or bed of any watercourse, the erosion of the premises or adjoining properties or any other harmful effects to adjoining properties or the future use of the premises.

6. NATURAL WATER OR DRAINAGE AREAS. No watercourse, wetland or drainage area shall be altered in any way until and except as approved by the Glastonbury Inland Wetlands and Watercourses Agency and the Town Plan and Zoning Commission, subject to any conditions set forth by the Agency and Commission. No waste products or process residues from any excavation operations shall be disposed of in any watercourse, wetland or drainage area. Particular concern and precaution shall be taken in the case of watercourses, wetlands and drainage areas regarding filtration, sedimentation, stabilization and grading.

7. LATERAL SUPPORT. Adequate provisions, as approved by the Town Plan and Zoning Commission, shall be provided for the lateral support and stabilization of all banks and slopes. No bank, both during the operation (except during the time of actual active excavation or filling in a particular location) and upon completion of the operation, shall exceed a slope of one (1) foot of vertical rise in three (3) feet or horizontal distance (i.e., 3:1), except that in

any case the acceptable slope shall be determined by the Commission after consideration of the criteria in Section 6.2.6 of these Regulations.

In appropriate instances, as determined by the Commission, terracing of banks to achieve a proper slope and insure adequate support and stabilization of such banks, may be permitted subject to any conditions or limitations set forth by the Commission.

8. STOCKPILING AND OVERBURDEN. All overburden shall be stockpiled in windows or concentrated piles and stabilized (and appropriately covered, if necessary) in a manner acceptable to the Town Plan and Zoning Commission so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other windblown air pollutants.

There shall be no stockpiling of materials within one hundred (100) feet of any property line.

9. TOPSOIL PRESERVATION. At a minimum the top four (4) inches of soil shall be set aside on the premises for re-spreading over the excavated area in accordance with these Regulations. Such topsoil stockpiles shall not be sold or removed from the premises and shall be treated to prevent the effects of erosion by wind or water, which treatment shall be approved by the Town Plan and Zoning Commission.

10. LOAMING AND SEEDING. No later than sixty (60) days after expiration of the special permit or completion of the excavation operations or any substantial portion thereof, any exposed area where filling or removal has taken place shall be covered to a depth of not less than four (4) inches with topsoil or loam and seeded with a suitable cover crop acceptable to the Town Plan and Zoning Commission and the Town Building Official. This requirement may be held in abeyance during the months of November, December, January and February.

11. SCREENING AND LANDSCAPING. The Town Plan and Zoning Commission may require excavation premises and/or operations to be properly screened from adjoining properties or public streets because of the location, size, extent or intensity of the operations, particularly in the case of any permitted structures, buildings or fixed equipment and machinery.

12. CURBS AND SIDEWALKS. It shall be the responsibility of the operator of the excavation operations to repair, immediately, any damage to any sidewalks, curbs, surface drains or other improvements or utilities that may be caused as a result of the excavation operations.

13. SAFETY. Proper safety measures for within the premises and for the surrounding area shall be clearly set forth and strictly adhered to at all times to protect the health, welfare and safety of all individuals and property.

All operations shall be conducted in a safe manner to prevent hazards to persons, physical damage to adjacent land or improvements, and damage to any road, street, highway or property because of slides, sinking or collapse.

6.2.8 APPLICATION FOR SPECIAL PERMIT FOR EXCAVATION OPERATIONS. Every application for a special permit for excavation operations shall be made in a form and in accordance with procedures established by the Town Plan and Zoning Commission. If the applicant is not the owner of the premises, the owner's written

consent shall be required at the time the application is filed. At a minimum, the application shall also include the following supporting documentation:

a. A properly certified key map of the general area at a scale of 1” = 200” showing:

1. boundary and owner of record of the premises in question;

2. boundaries and owners of record of all adjacent properties;

3. topography and contours of the premises and all land within five hundred (500) feet of the boundaries of the premises, with the contour interval being two (2) feet if the ground slope is three (3) percent or less and five (5) feet if the ground slope is more than three (3) percent;

4. existing land use(s) on the premises and within five hundred (500) feet of the boundaries of the premises;

5. all natural watercourses, wetlands and drainage areas on the premises and within five hundred (500) feet of the boundaries of the premises;

6. all public and private roads which provide access to the premises; and

7. all existing utilities and easements on the premises.

b. A properly certified site plan map, in triplicate, at a scale not smaller than 1” = 100’ conforming, at a minimum, to the requirements of Class A-2 Transit Surveys as set forth in the Code of Recommended Practice for Standards of Accuracy in Maps, and showing:

1. the entire boundary and acreage of the premises, and permitted area boundary;

2. the number of cubic yards of earth products to be involved in the excavation operations, differentiating between fill and removal;

3. all information shown on the key map as it relates to the premises;

4. proposed contours and finished grades of the permitted area at the completion of the excavation operations, and for any interim stages, contour intervals to be the same as for the key map;

5. acres of active operation and stockpiling, differentiating between removed topsoil stockpiling and stockpiling of other materials;

6. means of vehicular access to the permitted area on the premises, including but not limited to all access roads;

7. average thickness of overburden in the area proposed for any excavation operations;

8. any staging of active areas of excavating operations;

9. location of any proposed buildings and structures and fixed equipment and machinery; and

10. such additional information so as to clearly indicate complete compliance with the required standards for a special permit for excavation operations set forth in Section 6.2.7.

c. Performance bond, with adequate surety, in accordance with the provisions set forth in Section 6.2.10.

The Town Plan and Zoning Commission may require the applicant to provide additional information in sufficient detail to enable the Commission to clearly evaluate the proposed excavation operations in terms of the criteria set forth in Section 6.2.6 and in order to determine compliance with the standards set forth in Section 6.2.7.

In addition, the Commission shall require the review and advisory report of the Glastonbury Conservation Commission as to the environmental impact of the proposed operations and may require the review and advisory report of other agencies and officials, including but not limited to the Soil and Water Conservation District, particularly when natural water areas or drainage basins may be involved in the excavation operations.

The applicant may, at his discretion, unless otherwise required by the Commission, submit additional appropriate and accurate information such as vertical aerial photographs at a scale 1" = 200" to support his documentation.

6.2.9 Public Hearing

After receipt of the application and accompanying maps and supporting documents, the Town Plan and Zoning Commission shall hold a public hearing after notice has been published at least once, not less than five (5) days nor more than fourteen (14) days prior to the date of the hearing, in a newspaper having a substantial circulation in the Town of Glastonbury. The Commission shall require the applicant to provide written notice to all adjacent property owners on the same schedule as the published notice. The notice shall state, at a minimum, the time and place of the hearing; the name of the applicant and owner of the premises, if different; the premises for which the excavation operations are proposed; and the number of cubic yards of earth products which the applicant proposes to fill and/or remove. The applicant shall provide the Commission with certificates of mailing prior to the start of the public hearing.

6.2.10 Performance Bond

Prior to the issuance of any special permit for excavation operations, the owner of the premises or the applicant, shall post a performance bond with and in favor of the Town of Glastonbury, in an amount and with surety approved by the Town Engineer and Director of Planning and Land Use Services, sufficient to guarantee complete conformity with the provisions and standards of these Regulations or any supplemental agreement called for by the Town Plan and Zoning Commission, with the approved finish grades as shown on the site plan map submitted with the application, and with any approved interim stage grade requirements shown on the site plan map or required by the Commission. The agreement filed with the bond shall, among other things, grant the Town the right of access to perform all necessary rehabilitation of bonded property in the event of forfeiture of the performance bond. No such performance bond shall be released by the Town Plan and Zoning Commission until and after all provisions, conditions and requirements set forth herein have been completely met and fulfilled.

6.2.11 Special Permit Requirements

After the public hearing and after the necessary performance bond(s) required by Section 6.2.10 of these Regulations is properly secured and provided the Town Plan and Zoning Commission is satisfied that the proposed

excavation operations completely conforms to the purposes, criteria and standards of these Regulations, the Commission may issue a special permit for the excavation operations, subject to conditions including the following:

a. Time Period. The Commission may grant a special permit for excavation operations for a limited period of time, but in no case shall a special permit be issued for a period longer than 24 months.

In fixing the period of time for the special permit, the Commission shall consider the size and location of the area proposed for excavation operations, the overall magnitude of the operations, and the character and development of the surrounding neighborhood, both existing and proposed.

b. Monthly Reports. All excavators shall submit monthly reports to the Town Plan and Zoning Commission which specify the number of vehicle trips completed during that month. Additionally, the Commission may require that an updated site plan map be completed during the term of an excavation if it is deemed necessary to determine the operation's compliance with these Regulations.

c. Expiration Of Permit. Any special permit for excavation operations shall expire and become null and void at the time the excavation operations are completed to the limits shown on the approved application and site plan map.

d. Change Or Extension Of Permit. Nothing herein shall prevent the applicant from filing a revised site plan map, modifying, expanding or reducing the scope and area of the excavation operations originally approved by the Town Plan and Zoning Commission, except that any such expansion of the operations beyond the limits approved by the Commission shall be considered a new application and shall require complete conformance with all the requirements of these Regulations.

e. Compliance With Special Permit. All excavation operations shall comply with all the standards and conditions set forth in its special permit as approved by the Town Plan and Zoning Commission. Failure to comply with all such standards and conditions shall make the special permit null and void in accordance with Section 11 of these Regulations and a new application shall be required in conformance with the provisions of these Regulations for any continued operation of the excavation operations.

The Town Building Official may, at his discretion and after inspection of the premises, permit minor deviations from the approved application and site plan map during the operation of the excavation operations which may be necessary to allow normal operation of field equipment and machinery, provided such minor deviations shall not affect in any way the final results, grading, contours, and the like of the premises as shown on the approved application and site plan map.

6.2.12 Earth Product Processing

No gravel stone, sand or other earth products may be processed on the premises, such processing requiring stone crushers or other machinery not needed for actual excavation operations, except as approved by the Town Plan and Zoning Commission after consideration of the criteria in Section 6.2.6 of these Regulations, or except for the continuation of pre-existing processing operations carried on as permitted nonconforming uses.

6.2.13 Penalties For Violation

Whosoever violates these Regulations by operating without the special permit required by these Regulations is subject to a fine of $100 a day for every day during which excavation operations are carried on without the required special permit. In addition to the foregoing, any failure and refusal by a permittee to grade, recover with topsoil, and seed as required by these Regulations shall be grounds for suspending any and all special permits for excavation operations held by the permittee. In the event the permittee is not reachable, the Town reserves the right to treat the

owner of the premises as the permittee for purposes of assessing fines under these Regulations. EFFECTIVE FEBRUARY 18,2019

6.3 Motor Vehicle Car Wash

Motor vehicle car washes of the self-service, automatic or semi-automatic type, as distinguished from a car washing service consisting primarily of hand washing by service station personnel utilizing hoses and rages or sponges, are a permitted special permit use in the Planned Business and Development (PBD) Zone, the Planned Travel (PT) Zone, **and the Planned Commerce (PC) Zone EFFECTIVE 04-14-04** subject to the requirements of those zones, and any other review and approval which may be required by these Regulations and, in addition, the following conditions:

a. There shall be a minimum of one thousand (1,000) square feet of lot area, excluding exit drives, for each bay of a single car bay type car wash for storage area for waiting motor vehicles; and a minimum of three thousand (3,000) feet of lot area, excluding exit drives, for each by of a tunnel type car wash for storage area for waiting motor vehicles.

b. The entrance and exit of the premises shall be from and to a public street.

c. Entrances and exit driveways shall have a minimum width at the curb cut of ten (10) feet.

d. Functions shall be limited to the washing of motor vehicles and customary accessory uses thereto.

e. Vacuum equipment and cashier's booth may be located outside the principal structure, but no less than twenty-five (25) feet from any property lines, except as provided in f. below.

f. All portions of buildings used for the washing of cars must be located not less than seventy-five (75) feet from the zone boundary line of any residential zone (CR, RR, AAA, AA, A) or the property line of any residential property in any zone, and not less than one hundred and twenty-five (125) feet from the street line of the street upon which the premises fronts.

g. All areas for the washing, drying, vacuuming and parking of motor vehicles or any other use of the premises, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.

h. Every motor vehicle car wash and its premises shall be properly lighted, such lighting to be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential zone or any premises used for residential purposes in any zone.

i. Every motor vehicle car wash shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year round screening.

j. All washing facilities shall be enclosed in a permanent building constructed of masonry, porcelainized steel or other material equal in durability and appearance.

k. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.

l. In no case shall a car wash facility of the self-service, automatic or semi-automatic type be considered part or accessory to a motor vehicle or gasoline service station or otherwise permitted without complying with the provisions of this section. When a motor vehicle car wash is part of or accessory to a motor vehicle or gasoline service station, it shall be located within the principal service station building and shall abide by the conditions set forth for service stations in Section 6.5 of these Regulations.

m. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or any other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

6.4 Motor Vehicle Limited And General Repair

Motor vehicle limited repair is a permitted special permit use in the Planned Business and Development (PBD) Zone, the Planned Travel (PT) Zone, **and the Planned Commerce (PC) Zone EFFECTIVE 04-14-04** and motor vehicle general repair is a permitted special permit use in the Planned Industrial (PI) Zone **and the Planned Commerce (PC) Zone EFFECTIVE 04-14-04** subject to the requirements of those zones, and any other review and approval which the particular uses may require by these Regulation and, in addition, the following conditions:

a. There shall be no building on a lot or premises used for motor vehicle limited and/or general repair located within fifty (50) feet of another building.

b. There shall be no products displayed for sale in the front yard or side street, if any.

c. There shall be no more than one free-standing identification sign per frontage.

d. There shall be no streamers, banners or pennants on the lot or structures.

e. All signs shall abide by the sign regulations of the Glastonbury Building Zone Regulations.

f. Every premises used for motor vehicle limited and/or general repair shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year-round screening.

g. All areas for the parking and storage of operable motor vehicles, including customer and employee vehicles, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked on the pavement surface.

h. There shall be no storage of motor vehicles in the front yard or side street yard, if any.

i. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.

j. Any lighting used to illuminate any sign or any area of the premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential zone or any premises used for residential purposes in any zone.

k. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.

l. All repair work shall be conducted within the principal building on the lot.

m. When a motor vehicle limited repair is part of or accessory to a motor vehicle or gasoline service station, it shall be located within the principal service station building and shall abide by the conditions set froth for service stations in Section 6.5 of these Regulations.

n. Approval of location for premises to be used for motor vehicle limited and/or general repair is required by the Zoning Board of Appeals as set forth in Section 13 of these Regulations.

o. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

6.5 Motor Vehicle Or Gasoline Service Station

Motor vehicle and/or gasoline service stations, if existing on (the effective date of these Regulations), are a permitted special permit use in the Planned Travel (PT) Zone and in the Planned Business and Development (PBD) Zone, and extensions or enlargements of such existing stations in the PT or PBD Zones shall be subject to the requirements of the Zone in which they are situated, any other review and approval which may be required by these Regulations, and in addition, to subsections a.1 and a.2 and subsections b through r of this Section 6.5; motor vehicle and/or gasoline service stations constructed after (the effective date of these Regulations) are a permitted special permit use in the Planned Travel (PT) Zone, subject to the requirements of the PT Zone, any other review and approval which may be required by these Regulations, and, in addition, the following conditions:

a. All motor vehicles and/or gasoline service stations shall be located on a lot which shall:

1. have a minimum lot area of fifteen thousand (15,000) square feet for a station with a single pump island, with an additional three thousand (3,000) square feet of lot area being required for each additional pump island; and

2. have a minimum lot frontage of one hundred fifty (150) feet, which frontage, in the case of a new station, unless such station is within a permitted shopping center, shall be on a street which intersects with an entrance and/or exit ramp of a limited access highway; and

3. have its minimum lot frontage, unless such station is within a permitted shopping center, located within two hundred twenty-five (225) feet from the intersection of the street on which said lot fronts and the nearest such entrance and/or exit ramp to such lot, as measured along said street line; and

4. have no portion of such located within five hundred (500) feet, measured in a straight line as established by the Town Plan and Zoning Commission, from ay part of any lot, building or premises used for a college, school, place of worship, hospital, library, theater, park, playground or other similar place of public gathering.

b. There shall be a minimum distance of forty (40) feet between any two curb cuts used for entrances and/or exits to the station.

c. There shall be a minimum distance of fifteen (15) feet between any two curb cuts used for an entrance and/or exit to the station and the nearest side line of the lot on which the station is located.

d. There shall be no products displayed in the front yard or side street yard, if any, except that automobile products such as lubrication oil customarily sold for retail as part of the operation of the service station may be displayed on the pump islands, and coin operated dispensing machines for soft drinks, milk, ice and the like may be located in the front yard or side street yard, if any, if such machines are situated immediately adjacent to the principal building on the lot, and provided further that there shall be a maximum of two (2) such machines per lot.

e. A landscaped area at least fifteen (15) feet in width shall be provided between the pump island area(s) and the front lot line and side street line, if any, for the full length of the frontage(s), excluding the area required for the station entrances and/or exits curb cuts.

f. There shall be no more than one free-standing identification sign per lot.

g. There shall be no streamers, banners or pennants on the lot or structures.

h. All signs shall abide by the sign regulations of these Glastonbury Building Zone Regulations.

i. Every motor vehicle or gasoline service station shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year round screening.

j. All areas of the parking and storage of vehicles, including customer and employee vehicles, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked out on the pavement surface.

k. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.

l. There shall be no storage or parking of vehicles in the front yard or side street yard, if any.

m. Any lighting used to illuminate any sign or any area of the gasoline services station and its premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises.

n. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.

o. All repair work shall be conducted within the principal building on the lit.

p. The Town Plan and Zoning Commission may required, if it deems such action appropriate to reduce the potential noise and visual impact of the station on surrounding development, that the entrances to the stations' service bays be located on a particular side of the station's service building.

q. Approval of location for motor vehicle or gasoline service stations is required by the zoning Board of Appeals as set forth in Section 13 of these Regulations.

r. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

6.6 Retail Trade

Eating And Drinking Without Drive-In Or Curb Service

Retail Trade – eating and drinking without drive-in or curb service is a permitted special permit use in the Planned Business and Development (PBD) Zone and the Planned Travel (PT) Zone, subject to the requirements of those zones, and other review and approval which may be required by these Regulations and, in addition, the following conditions:

a. No building shall be erected or altered which is used or is arranged, intended or designed to be used for retail trade - eating and drinking without drive-in or curb service if that service, if that portion of said building or premises actually used or arranged, designed or intended to be used for retail trade - eating and drinking without drive-in or curb service is located

   1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, from that portion of any other building or premises actually used or arranged, designed or intended to be used for the same or similar purpose; except that the Town Plan and Zoning Commission may, in its discretion and for good cause in the case of a comprehensive Plan of Development with due consideration to vehicular traffic movement, pedestrian safety and overall site layout, waive this particular distance requirement.

b. Food service shall be primarily to customers seated at tables or at counters within a closed building.

c. There shall be no window counter service, outdoor seating or eating at or on the premises, except that the Town Plan and Zoning Commission may in its discretion and for good cause in the case of a comprehensive Plan f Development with due consideration for litter, public health, insect pests and overall site considerations, permit an outdoor café with service to customers seated at table only as an accessory use to a retail trade - eating and drinking facility.

d. Take-out service or food to be consumed off the premises shall be permitted as an accessory use.

6.7 Open Space Subdivisions

The Town Plan and Zoning Commission may permit the establishment of Open Space Subdivisions subject to the provisions of Section 14 of these Regulations and any other review and approval which may be required by these Regulations, and in addition, the conditions, standards and requirements set forth in this Section 6.7.

6.7.1 Purpose

The Commission, whether upon application of a subdivider or otherwise, may require or permit dedication of land as open space in a subdivision when it deems that such land will conserve natural or scenic resources; protect open space, and recreational areas; meet recreational needs of present and projected population in the area; save historic

sites, wildlife sanctuaries, and outstanding forests; preserve ridges, ravines, ledge outcroppings, and other unusual physical features; or promote orderly community development. It is the purpose of this Section 6.7 to provide for controlled flexibility of lot sizes so that the number of dwelling units contemplated by the minimum lot requirements in each zone is maintained on an overall basis and desirable open space, recreation areas, tree cover, greenbelts, scenic vistas, and other natural features are preserved.

6.7.2 Area

In addition to any other open space which may be required in a subdivision under appropriate provisions of the Glastonbury Subdivision and Re-subdivision Regulations, the area of the open space which may be required or permitted to be dedicated in return for the reduction of lot sizes under this Section 6.7, some or all of which shall be buildable land, shall be at least equal to the difference between the area of lots as permitted in the zone in which the proposed subdivision is located and the area of reduced lots as permitted herein, provided that the number of lots as reduced shall not exceed the number of unreduced lots which would have been permitted in the zone for the subdivision.

6.7.3 Within Master Sewer Plan Area

In open space subdivision approved hereunder and located within the limits shown on the last master sanitary sewer plan accepted by the Glastonbury Sewer Commission, lot area, yard and frontage requirements may be reduced to not less than the minimum lot area, yard and frontage requirements of the next higher density residential zone, except that lot area and frontage requirements in an A residence zone may be reduced to not less than 12,000 square feet and 80 feet respectively, and the front yard, side yard and rear yard requirements in an A residence zone may be reduced to not less than forty (40) feet, fifteen (15) feet and forty (40) feet, respectively. The sequence of zones from lowest to highest density shall be: I-CR, II-RR and AAA, III-AA, IV-A.

6.7.4 Beyond Master Sewer Plan Area

In open space subdivision approved hereunder and located beyond the limits of said master sanitary sewer plan, lot area, yard and frontage may be reduced as hereinabove limited in 6.7.3 only if the Town Sanitarian has determined that each lot has sufficient area for replacing the septic field twice soils have a percolation rate of five (5) minutes or less per inch, and the conditions of ledge and water tables are suitable, or if the subdivider has provided for a suitable package treatment plant for the entire subdivision, the location, construction and agreement for the operation and maintenance of which must be approved by the Town Sanitarian and Sewer Commission.

6.7.5 Procedure

The subdivider shall submit, in addition to the subdivision plan and other documentation as required in the Subdivision and Re-subdivision Regulations a plan showing the layout of lots and streets in conformance with the zone in which the proposed subdivision is located. In such plan, land not suitable for development purposes, such as power line easements and existing bodies of water, shall be excluded.

6.7.6 Other Lands of Subdivider

In determining the total open space to be dedicated, the Commission may consider not only the tract or tracts to be subdivided immediately but also any other adjacent tract owned, controlled, or under agreement to buy or optioned by the subdivider or corporation controlled or owned by the subdivider.

6.7.7 Referrals

The Commission shall refer the subdivision plan and proposal for dedication of open space to the Conservation Commission, the Sewer Commission, and the Soil Conservation Service or any other agency or organization which the Commission deems may have an interest in said plan and proposal for review and comment.

6.7.8 Public Open Space

The Commission may accept or require, in a form and manner prescribed by it, open space to be dedicated perpetually to the Town, provided that is determines the public interest would be served by such dedication. In making such determination, it shall consider, among other things the relationship of the open space to the Town Plan of Development, access to and use of the open space by the general public, and restrictions of and purposes of the open space.

6.7.9 Common Open Space

If the Commission determines that the dedication of open space to the Town would not be in the public interest, it may cause the open space to be transferred either to an association of homeowners or the owners of the lots in the subdivision as tenants in common, or to another entity where in the owner of each lot in the subdivision shall own an undivided interest in the open space or in the association or other entity proportionate to the total number of lots in the subdivision. Such transfer shall be in accordance with the standards established by the Commission which may include the following:

a. Creation of the homeowners association before any lots are sold;

b. Mandatory membership by the original homeowner and any subsequent buyer;

c. Powers to assess and collect from each homeowner a fair share of associated costs;

d. Restrictions on the use and development of such open space;

e. Responsibility for providing adequate maintenance, including insurance;

f. Possible maintenance by Town, including ability to use homeowners' assessment for such purposes, in the event of default by those primarily responsible for maintenance;

g. Recordable declaration of restrictions of covenant and/or deed restrictions, enforceable by Town;

h. Approval of articles of incorporation, declaration of restrictions and covenants, and/or deed restrictions by the Town Attorney.

6.7.10 Dissolution of Association

The articles of incorporation of the homeowners association may provide for dissolution of the association by a majority of all its members, but not without the consent of the Town of Glastonbury, acting by the Town Manager. Upon dissolution of the association, the open space may revert to the Town if so directed by the Town, which may take action, through its Town Council, to retain or dispose of said open space, provided, however, that such open space shall be subject to a conservation easement and shall be used only for purposes consistent with the provision of such easement.

6.7.11 House Size Reduction

The subdivider or subsequent owner, with the permission of the Town Plan and Zoning Commission, may reduce the size of any dwelling unit built within an open space subdivision approved hereunder by up to fifteen (15) percent of the minimum house size established for the zone in which the proposed subdivision is located.

6.7.12 Condition of Open Space

Any land to be dedicated as public open space shall be left in its natural state by the subdivider, except for improvements which may be required and approved by the Commission, and except for public utilities, and shall not be graded, cleared or used as a repository for stumps, brush, earth, building materials or debris.

6.7.13 Final Approval

The Commission may give final approval to the subdivision if it finds that the purposes, procedure, standards and conditions set froth herein have been met. Nothing herein shall be deemed to waive other requirements of final plans for subdivision.

6.8 Rear Lots

AMENDED EFFECTIVE AUGUST 9, 1996

6.8.1 Authorization

In accordance with the provisions of this section, the Town Plan and Zoning Commission may grant special permits to allow the construction of dwellings with permitted accessory buildings on rear lots in residential zones.

6.8.2 Definition of Rear Lot

A lot which does not meet the frontage requirements of these regulations for the underlying zones.

6.8.3 Re-subdivision Limitation

A Section 6.8 Special Permit shall not be granted for any rear lot that is created by the re-subdivision of any numbered and approved lot in any subdivision approved after the effective date of this ordinance (3/9/87).

Furthermore, any driveway that has the potential to, or is anticipated to access "other land of", as defined under Section 6.8(c) of the Glastonbury Subdivision and Re-subdivision Regulations, shall be labeled "possible future access rive to undeveloped land" on final development plans. No rear lot shall be approved without compliance with this paragraph.

6.8.4 Requirements for Rear Lots

A special permit authorizing single-family dwelling construction on rear lot(s) may only be granted following satisfactory demonstration to the Town Plan and Zoning Commission that the following criteria have been met:

a. Construction of dwelling(s) will not impair the health, safety, general welfare of future occupants, abutting landowners; and will not impair future land use, and road layouts anticipated by the Plan of Conservation and Development.

b. A rear lot shall have a minimum area of 80,000 square feet. The Commission may issue a special permit for smaller rear lots of record existing as of October 22, 1973.

c. A principal dwelling on a rear lot shall not be located further than 1,000 feet from the street line of the Town street to which access is provided; measured along the centerline of the rear lot access driveway. The Commission may waive the 1,000 foot driveway limit to allow a rear lot driveway up to 1,500 feet in length measured along the centerline.

d. There shall be a maximum a one single-family dwelling with permitted accessory buildings or uses on a rear lot. The Commission may grant special permits allowing the construction of single-family dwellings on up to two adjacent or contiguous rear lots serviced by a single common access drive. Notwithstanding the foregoing, the Commission may permit a maximum of three lots to be served by a single common access drive provided that an acceptable standard of safety of persons and property is demonstrated by the applicant and confirmed by the reports described in Section 6.8.5, and provided that the applicant demonstrates that:

1. No public road is capable of being extended beyond the subject property due to one or more of the following:

   a.) ownership of adjacent properties by a government agency or a public utility, whose property is being used for a public or utility purpose;

   b.) the presence of existing residential development which cannot legally or physically interconnect with such a road; or

   c.) the potential for significant environmental degradation due to the existence of wetlands and watercourses and/or the presence of severe topography (slopes greater than 15%), and

2. prudent or feasible access alternatives to adjacent properties exist elsewhere, and

3. all applicable standards and criteria, found under Section 12.4.a, 12.4.b., and 12.4.c. of the Glastonbury Building-Zone Regulations are met.

The final plans shall contain a notation stating: "rear lot served by a private driveway must be maintained and repaired by the lot owners. The Town of Glastonbury will provide no maintenance or repair services to private driveways."

Adjacent rear lot driveways shall be separated by an 8 foot minimum vegetative buffer or a 4 foot minimum landscaped island.

e. EXCEPT AS PROVIDED IN SECTION 6.8.4.i, the owner(s) of each rear lot or lots shall own a PERPETUAL INDEFEASIBLE INTEREST in a right-of-way at least 20 feet wide; provided, however, that the Commission may, in its discretion, waive the FOREGOING requirements, as long as property over which said right-of-way passes shall have frontage on a Town road in excess of 20 feet over the minimum frontage required in the underlying zone or shall be property to which frontage requirements are not applicable. AMENDMENT EFFECTIVE JANUARY 2, 1992.

f. All access driveways serving one or two rear lots shall have a minimum unobstructed width of 16 feet. All access driveways serving three rear lots shall have a minimum unobstructed width of 20 feet, for that portion of the common driveway serving three lots. All access driveways with an average grade in excess of 8% shall be paved with 2 inches of compacted bituminous concrete and constructed with appropriate storm water control to minimize washouts. All access drives shall have a surface base of 10 inches of compacted bank run gravel or stone. No rear lot access drive shall contain any grade in excess of 15%. The Commission may require additional driveway standards based upon actual field conditions.

g. All rear lots shall be provided with a vehicular turnaround at the dwelling in order to accommodate emergency vehicles. The Town street entrance to the rear lot access driveway shall be posted with a house number identification sign with numbers at least 6" high.

h. Each rear lot shall comply in all respects with the requirements of the underlying zone as established in Section 3 and 4 of the Building Zone Regulations, except for frontage requirements. For purposes of determining compliance with this subsection, the lot line from which the access driveway leads shall be considered the front line of any proposed rear lot.

i. In the case of any existing or proposed lot(s) that is served or to be served by a private road approved for Town maintenance, as described in the Glastonbury Town Code 17-32, the Commission may waive any of the foregoing requirements of Section 6.8.4 (with the exception of subsections a. and b.) with which such lot(s) cannot reasonably comply if the Commission determines that such private road can serve such lot(s) without impairing the health, safety, or general welfare of existing or proposed residents on such private road. In reaching its determination, the Commission shall consider, among other factors, the width, length, condition or storm water drainage, and other characteristics of such private road; the number of residences currently served and to be served by such private road; and the environmental impact, if any, of extending or improving any such private road. The applicant shall present evidence that it has the legal right of record to access the affected lot(s) via such private road. Access shall be restricted to property(ies) having such right of access. AMENDED EFFECTIVE JANUARY 2, 1992.

j. A standardized perpetual maintenance agreement in accordance with Appendix A of the Building-Zone Regulations shall be provided and recorded on the Glastonbury Land Records for all common driveways (serving more than one lot).

6.8.5 The following written reports shall be provided to the Commission and made available to the Office of Community Development prior to the Public Hearing:

Reports from the Police and Fire Marshal as to:

a. The feasibility of ready access by emergency vehicles to each dwelling, and

b. The demonstration by the applicant of an acceptable standard of overall design regarding the safety of persons and property. Such standards may include but not be limited to: fire prevention and suppression, crime prevention and detection, occupancy and visitor access and interior vehicular movement.

6.8.6 Permitted Stipulations with Special Permit for Rear Lot Approval

The Commission, in approving a rear lot special permit after applying these Regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the areas as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening and dwelling location.

6.9 Supervised Group Quarters

Supervised Group Quarters are a permitted special exception us in the Country Residence CR, Rural Residence RR, Residence AAA, Residence AA, and Residence A Zones, subject to the requirements of those zones, the provisions of Section 13, of these Regulations, any other review and approval which may be required by these Regulations and, in addition, the following conditions:

a. Character of Neighborhood, Supervision and Number of Residents: No supervised group quarters shall be permitted in any neighborhood unless the Zoning Board of Appeals shall first take into consideration the existence of any other use of like kind or character in the area and the effect thereof on the neighborhood; the suitability of the subject lot; the suitability of the building or structure in view of the intensity of the use to be made of it, especially with regard to consideration of health and safety; and the recommendations of a Board composed of the Social Service Division, the Director of Youth and Family and the Chief of Police regarding such matters as the number and qualifications of necessary supervisory personnel and the number of persons who may reside in said quarters. Any special exception for a supervised group quarters shall be subject, in addition to such other conditions or restrictions as the Zoning Board of Appeals may stipulate, to a limitation on the number of appropriately trained supervisory personnel who must reside therein.

b. Occupancy Permit: No building or structure may be used as supervised group quarters until an occupancy permit for that purpose is obtained from the Town Building Official.

c. Operation: Any supervised group quarters which has been granted a special exception under this special regulation shall operate at all times in compliance with the terms, conditions and restrictions of said special exception and with all applicable Federal and State laws and regulations, and shall be satisfactorily staffed and properly equipped so that the operation of said quarters, and all functions necessary to be performed therein, are carried on at all times in a manner which will insure the preservation of the character of the neighborhood and the preservation and protection of the health, safety and morals of all persons within said quarters and surrounding neighborhood.

d. Non-Compliance Revocation: Said Board composed of the Social Service Division, the Director of Youth and Family and the Chief of Police shall review each such supervised group quarters on a continuing basis and shall determine the compliance thereof with the provisions of paragraph c. of this special regulation. In the event it is determined by said Board that any of the provisions of this special regulation are being or have been violated by any such supervised group quarters, when the Board shall notify the Town Building Official of such violation whereupon the Town Building Official shall issue a written order to remedy such violation within such reasonable time as he shall determine and state in such order, and if such violation is not remedied as ordered, the Town Building Official shall revoke the occupancy permit for such supervised group quarters. Such revocation shall not become effective until fifteen (15) days after notice thereof has been sent by certified mail to the holder of the occupancy permit, during which time the holder may appeal from the action of the Town Building Official to the Zoning Board of Appeals. If such appeal is made, revocation shall be stayed until such time as the Zoning Board of Appeals, after public hearing, shall affirm, or overrule or overrule with conditions, the action of the Town Building Official. Any person aggrieved by any action of the Zoning Board of Appeals shall have the right to appeal such action under appropriate General Statutes.

6.10 Trailers – Special Regulations

6.10.1 Permitted Trailers or Mobile Homes

a. Residential Trailers or Mobile Homes, Occupied: A trailer or mobile home used, occupied or intended to be used or occupied for single-family residential or living purposes on the premises on which such trailer or mobile home is parked may be permitted in the Country Residence CR Zone and in the Rural Residence RR Zone, subject to the requirements of that zone, and any other review and approval which may be required by these Regulations and, in addition, the provisions of this Section 6.10. Such trailer or mobile home occupied for residential or living purposes shall be considered to be a principal use of the property. Trailers occupied in accordance with Section 6.10.3.d.1.c shall not be considered a principal use of the property. EFFECTIVE JULY 1, 1983.

b. Residential Trailer or mobile Home, Unoccupied: A trailer or mobile home parked or stored on premises and used, occupied or intended to be used of occupied for residential, living or recreational purposes off such premises shall be considered to be an accessory use and shall be subject to the requirements of Section 7 of these Regulations.

c. Construction Trailers: Trailers or semi-trailers used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job may be permitted on such premises of such construction job in any zone, subject to the conditions of the particular zone in which the trailer is parked, and any other review and approval which may be required and, in addition, the provisions of this Section 6.10.

d. No trailer or mobile home camp shall be established, maintained or conducted in the Town of Glastonbury.

6.10.2 Occupancy of Trailers or Mobile Homes

No trailer, mobile home or semi-trailer used or intended to be used or occupied for residential or living purposes in any instance or for field office or storage purposes on a construction site shall be so used and occupied unless and until a property temporary or regular occupancy permit has been issued by the Town Building Official.

6.10.3 Occupancy Permits

a. The Town Building Official may issue a temporary or regular occupancy permit to allow a trailer or mobile home to be used or occupied for residential or living purposes in the Rural Residence or Country Residence Zones or for a trailer or semi-trailer to be used of occupied for field office or storage purposes on the premises of a bona fide and active construction job in any zone. The Building Official shall determine whether to issue a temporary or regular occupancy permit on the basis of the purpose for which the trailer or mobile home is to be used or occupied, the period of time it is to be used or occupied and the location at which it is to be parked.

b. An individual occupancy permit shall be required for each individual trailer, mobile home or semi-trailer on each lot.

c. All occupancy permits shall state the location at which the trailer, mobile home or semi-trailer is to be parked, the purpose for which it is to be used and the number of occupants, if any.

d. In the case of a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes:

1. A temporary occupancy permit:

a.) Shall be valid for a period of only thirty (30) days from its date of issuance and may be renewed for one additional period of thirty (30) days, after which it may not again be renewed for a period of six (6) months; and

b.) May be issued only to an applicant who does or is going to occupy the trailer or mobile home for which the permit is sought and who shall own or lease such trailer or mobile home or own the land upon which such trailer or mobile home is to be parked.

c.) May be issued to an applicant who has received a Special Permit with Design Review from the Town Plan and Zoning Commission to locate one trailer or mobile home on a farm in the Rural Residence or Country Residence Zone; specifically for the purpose of housing seasonal agricultural workers. The temporary occupancy permit shall be for a period not to exceed 240 days* in any one year; and shall be strictly limited to the growing and harvest period of the primary agricultural product. Seasonal agricultural group quarters shall be permitted only on farms where agricultural production is the principal means of livelihood as defined by Section 12-91 of the Connecticut General Statutes and recorded with the Town Assessor. Also, prior to the issuance of a temporary occupancy permit, the applicant shall provide evidence satisfactory to the Building Official that verifies participation in a bona fide migrant farm worker program.
EFFECTIVE JULY 1, 1983 * AMENDED EFFECTIVE APRIL 6, 1987.

2. A Regular Occupancy Permit:

a.) Shall be valid for a period of one (1) year from its date of issuance and may be renewed for two (2) additional and consecutive one (1) year periods subject to the provisions of Section 6.10.3.d.3, State Statues, and local ordinances; and

b.) May be issued only to an applicant who does or is going to occupy the trailer or mobile home for which the permit is sought and who owns or leases such trailer or mobile home or the land upon which such trailer or mobile home is to be parked.

3. A regular occupancy permit for a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes may be granted only if and after a bona fide application has been filed with the Town Building official for a construction permit covering the construction of a permanent residence on the same premises on which such trailer or mobile home is parked.

4. Prior to issuance by the Town Building Official, each and every occupancy permit, including renewals, for a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes shall have the written approval of the Town health Official certifying compliance with the sanitary regulations of the State of Connecticut and the Town of Glastonbury.

e. In the case of a trailer or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job:

1. A temporary occupancy permit shall be valid for a period of not in excess of thirty (30) days from its date of issuance and may be renewed for one additional period of thirty (30) days after which it may not again be renewed for a period of six (6) months.

2. A regular occupancy permit shall be valid for a period of one (1) year from its date of issuance or the duration of construction activity, whichever is shorter. If construction activity on such premises continues for a period exceeding one (1) year, such permit may be renewed for a maximum of two (2) consecutive one-year periods following the first year, provided that any such renewal shall automatically cease upon the cessation of construction activity. If such permit is not renewed for an additional one (1) year period, the trailer or semi-trailer shall promptly be removed by the owner from the premises.

3. Any such temporary or regular occupancy permit may be issued to either the prime contractor of such construction job or the owner of the premises of such construction job, or both, provided that no such permit shall be issued until and after a valid binding permit has been issued covering such construction, or a portion thereof, on such premises.

6.10.4 Location

a. Any trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes in the Rural Residence or Country Residence Zones shall be located in the rear yard, or the rear half of the lot, and shall be a minimum of one hundred (100) feet from any street line, fifty (50) feet from any dwelling on the same lot, twenty-five (25) feet from any side lot line fifty (50) feet from the rear lot line, five hundred (500) feet from any public building, and two hundred (200) feet from any dwelling on any other lot, except as may otherwise be required or permitted by the Town Building Official because of the topography or location of the premises, adjacent properties and surrounding development, existing or proposed.

b. Any trailer, mobile home or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a construction job in any zone shall be located only as approved by the Building Official, who shall consider the location of the premises, adjacent properties, surrounding development, both existing and proposed, and the purpose for which such trailer, mobile home or semi-trailer is or is to be used or occupied.

6.10.5 Fees

a. For a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes, the fee for each temporary occupancy permit, or any renewal thereof, shall be $10 and the fee for each regular occupancy permit, or any renewal thereof, shall be $50. Such annual renewal fee of $50 shall be waived for occupants over sixty-five (65) years of age. AMENDED EFFECTIVE JULY 8, 1975.

The fee for a temporary occupancy permit or any renewal thereof, issued for the purposes of housing seasonal agricultural workers shall be $50 for 180 days and $75 for 240 days. AMENDED EFFECTIVE APRIL 6, 1987.

b. For a trailer, mobile home or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a construction job; the fee for each temporary occupancy permit, or any renewal thereof, shall be $25, and the fee for each regular occupancy permit, or renewal thereof, shall be $75.

6.10.6 Changes or Additions

No person shall make structural changes or erect additions to a trailer, mobile home or semi-trailer for the purposes of converting it into a tenement or permanent dwelling, nor shall any occupied trailer, mobile home or semi-trailer be dismounted.

6.10.7 Compliance

Any occupancy permit shall be voided upon the failure of the permittee to conform to these Regulations, any conditions of the permit or to the State or Town sanitary regulations. A voided occupancy permit shall not be reinstated. AMENDED EFFECTIVE JULY 1, 1983.

6.11 Special Permit For An Accessory Apartment Within A Single Family Dwelling

6.11.1 Statement of Purpose

The Town of Glastonbury recognizes the public need for the provision of a variety of housing types including efficient and affordable housing for singles, couples, single parents with one child, elderly and new households. Throughout the Town, opportunities exist within underutilized and or large single family dwellings to create small accessory apartments to meet these needs. To accomplish this purpose and to protect the health, safety and welfare of existing neighborhoods, the following regulation is enacted.

6.11.2 The Town Plan and Zoning Commission may grant a Special Permit to allow the construction of, addition to, renovation of, and use and occupancy of a single family dwelling in any zone, in order to create one subordinate accessory apartment unit as an integrated part of said single family dwelling, in accordance with the following performance standards.

6.11.3 Performance Standards

a. Each accessory apartment unit shall have a maximum floor area of 800 sq. ft. and shall contain at a minimum, a cooking area to include a kitchen sink, one full bathroom and not more than one bedroom. Enlargements of existing apartments, to a maximum of 800 sq. ft., that only involve interior modifications, shall be subject to Section 12.10 of the Building Zone Regulations. Those enlargements involving exterior modifications/enlargements shall be subject to Section 12.9 of the Building Zone Regulations. AMENDED EFFECTIVE AUGUST 1, 2008

b. Each accessory unit shall be limited to a maximum occupancy of three persons, not more than two of whom may be adults.

c. The resultant two dwelling units may have common utilities and may have separate metering devices.

d. One additional off-street parking space shall be provided for use by the occupant(s) of said accessory apartment.

e. The accessory apartment unit shall be externally and internally constructed and maintained in such a manner as to retain the appearance and character of the structure as a single family dwelling.

f. The principal dwelling unit, without including the area of the accessory apartment unit, shall meet the minimum floor area requirement for the zone in which it is located.

g. The property owner shall reside on the premises.

h. An approval notice from the Health Department on the adequacy of onsite sewage disposal and well water supply if utilized.

6.11.4 The Town Plan and Zoning Commission shall consider and apply the criteria set forth in Section 12 of these Regulations in the consideration and granting of a Special Permit. Additionally, notice shall be provided to all abutters within 100' of the premises by regular mail no less than 10 days prior to the public hearing.

6.11.5 The owner and occupant of said single family dwelling shall, initially and every two years thereafter and when the dwelling is sold, execute and file an affidavit with the Zoning Enforcement Officer stating that the owner continues to occupy the main dwelling or accessory apartment.

ADOPTED: 2-26-91
EFFECTIVE: 3-19-91

SECTION 7
ACCESSORY USES AND STRUCTURES

7.1 Accessory Uses And Structures

Accessory uses and structures associated with residential uses located in the residence zones or on lots in non-residence zones on which permitted or non-conforming residential uses are situated shall be subject to the condition that no such use or structure shall involved the conduct of a business or sale of a project, or a service, except a home occupation, a boarding, rooming or lodging house or a roadside stand, all as hereinafter limited, and to the following conditions:

a. Customary Accessory Uses and Structures

1. Permitted customary accessory uses and structures. Customary accessory uses and structures are permitted in the residence zones and on lots on non-residential zones on which permitted or non-conforming residential uses are situated, and may include but are not limited to: dog house, greenhouse, tool shed or storage building, children's playhouse, tennis court, laundry room, hobby room or mechanical room, playground or recreation area, and garden.

2. Height and location of customary accessory structures. AMENDED EFFECTIVE JULY 27, 1976.

   a.) Except as provided in the following two paragraphs, any customary accessory structure shall conform to the same front, rear and side yard requirements as apply to a principal building for the zone in which the accessory structure is located.

   b.) Any customary accessory structure fifteen (15) feet or less in height and located seventy-five (75) feet or more back from the street line may be located a minimum distance of five (5) feet from any rear lot line and minimum distance of five (5) feet from any side lot line.

   c.) On corner lots, all customary accessory structures shall be located a minimum of fifty (50) feet from any street line. AMENDED EFFECTIVE AUGUST 14, 1981.

3. Maximum floor area of customary accessory structures. AMENDED EFFECTIVE JUNE 13, 1975.

   a.) Maximum floor area. Customary accessory structures, except pools and private automobile parking garages, shall have a combined maximum floor area not greater than twenty-five (25) percent of the floor area of the principal building on the same lot as such accessory structures. In determining the floor area of the principal building for the purpose of this section, basement and attic floor area shall not be included. AMENDED JUNE 13, 1975*. All accessory structures existing as of the date of this amendment and used specifically for the storage of farm products and/or farm equipment shall be allowed on lots with at least 80,000 square feet. The use of these structures shall be limited to those person(s) engaged in agricultural operations as defined by Section 12-91 of the Conn. General Statutes and recorded with the Town Assessor. * EFFECTIVE AUGUST 1, 1987.

b. Special Accessory Uses and Structures

1. Permitted special accessory uses and structures. Special accessory uses and structures are permitted in the residence zones and on lots in non-residence zones on which permitted on non-conforming residential uses are situated as set forth in Section 4 of these Regulations and shall be subject to such additional conditions as are set forth herein. Special accessory uses and structures shall include: customary home occupation, garage or carport and the parking of a commercial vehicle, the parking or storage of a boat, trailer or mobile home, guest house, bathing or swimming pool and bath house, roadside stand, the stabling of horses (and) the keeping and housing of livestock or poultry for domestic purposes on, and traditional professional medical/dental care facility. EFFECTIVE OCTOBER 11, 1992.

2. Conditions for special accessory uses and structures. In addition, the requirements for height, location and maximum land area for customary accessory uses and structures, special accessory uses and structures shall be subject to the following conditions:

a.) Customary home occupation. A customary home occupation shall be subject to the following provisions:

1. A customary home occupation shall be carried on entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.

2. A customary home occupation shall be carried on by the inhabitants of such dwelling unit and shall involve the employment on the premises of only any member of the immediate family residing in such dwelling unit plus one person, full or part time, not residing in such dwelling unit.

3. A customary home occupation shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes.

4. A customary home occupation shall not change the residential character of such dwelling unit and lot.

5. A customary home occupation, whether contained in a dwelling unit or in an accessory building, shall occupy and area not to exceed twenty-five percent (25%) of the gross floor area of such dwelling unit.

6. A customary home occupation shall not offer, display or advertise any commodity or service for sale or rental on the premises.

7. A customary home occupation shall not store any materials or products on the premises outside of the dwelling unit or the permitted accessory building in which it is located.

8. A customary home occupation shall not create any objectionable noise, odor, vibrations or unsightly conditions.

9. A customary home occupation shall not create a health or safety hazard.

10. A customary home occupation shall not create interference with radio and television reception in the vicinity.

11. Signs associated with customary home occupation shall be limited to one identification sign per dwelling unit, such sign not to exceed for than two (2) square feet in area.

12. The Building Official may, at his discretion, for good cause such as a non-customary use, potential excessive noise, storage of materials or parking, refers any question concerning a customary home occupation to the Town Plan and Zoning Commission for its review and recommendations. The Town Plan and Zoning Commission shall have thirty (30) days from its receipt of the application from the Building Official within which to forward its report of findings and recommendations to the Building Official. Said report of the Town Plan and Zoning Commission shall be advisory only, and the failure of the Town Plan and Zoning Commission to submit its report within the prescribed thirty (30) day period shall not prevent the Building Official from reaching a decision on the application for the customary home occupation after the prescribed thirty (30) day time period has expired.

b.) Attached or detached garages and/or carports shall be a permitted use in accordance with the following standards:

1. Dwellings containing less than 4,500 sq. ft. of gross finished floor area (excluding basements) may have a maximum of 3 garages and/or carport bays, except that the Zoning Board of Appeals may, as a special exception, grant approval for 1 additional garage and/or carport.

2. Dwellings containing more than 4,500 sq. ft. of gross finished floor area (excluding basements) may have a maximum of 4 garage and/or carport bays. AMENDED EFFECTIVE 6/12/2002

3. A maximum of one commercial vehicle may be parked on the lot, provided such commercial vehicle shall have a maximum capacity of one and one-half (1 1/2) tons, shall be owned by the owner or permanent resident of the property which it is to be parked and shall be parked in the garage, barn or the rear yard of the property.

c.) Parking or storage of a boat, trailer or mobile home. A maximum of one (1) such vehicle may be parked or stored outside on the lot, provided such vehicle is parked in the rear yard and is owned or leased by the owner or permanent resident of the property on which such vehicle is parked. No such boat, trailer or mobile home shall be occupied for living, sleeping or cooking purposes or for carrying on business except as provided in Section 6.10 of these Regulations.

d.) Guest House. A guest house shall require a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations.

e.) Boarding, rooming or lodging house. There shall be a combined total maximum of two (2) boarders, roomers or lodgers, whichever the case may be, except that more than two (2) such boarders, roomers or lodgers or any combination thereof may be permitted as a special permit from the Town Plan and Zoning Commission in accordance with the provisions of Section 12 of these Regulations.

f.) Bathing or swimming pool and bath house. The pool and bath house, if any, shall be located in the rear yard, a minimum of fifteen (15) feet from any side or rear property line. In the case of a corner lot, the side yard abutting the street shall require a minimum yard depth of fifty (50) feet in CR Zone and forty (40) feet in RR, AAA, AA, and A

zones. A bathing or swimming pool may be installed and maintained only after the issuance of a proper permit by the Building Official subject to, any and all applicable codes or ordinances regarding safety, sanitation, drainage, and the like. AMENDED EFFECTIVE AUGUST 14, 1981.

Town Plan and Zoning Commission Proposed Amendments to Section 7.1.b.2.i.)

g.) Roadside stand. A temporary seasonal road side stand shall be used for the sale of produce or products grown or produced completely on the premises. Such stand shall have a maximum area of one hundred (100) square feet, shall be located a minimum distance of twenty (20) feet from any street and one hundred (100) feet from any street or road intersection. Such roadside stand shall not be a structure and shall also abide by the side yard requirements for a principal building for the zone in which it is located and shall be removed within ten (10) days after its use is discontinued for that particular year.

h.) Non-Commercial stabling of horses. The non-commercial stabling of horses shall require a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations. In addition, such stabling of horses shall meet the following conditions:

1. The portion of the lot or parcel upon which any horse or horses are stabled, pastured or exercised shall have a minimum area of two (2) acres in addition to the minimum lot area required for the dwelling on the lot or parcel.

2. Such portion of the lot or parcel shall contain one (1) additional acre for each horse being stabled, pastured or exercised after the first two (2) horses.

3. If any horse or horses are kept on the premises, an appropriate building shall be provided for the stabling of such horse or horses. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all stable cleanings shall be confined.

4. All buildings and structures for the stabling and exercising of horses shall be located at a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line and, In addition, one hundred (100) feet from any dwelling located on an adjacent property. AMENDED EFFECTIVE APRIL 23, 1974.

i.) Keeping of livestock or poultry for domestic purposes only (less than five acres). ROOSTERS SHALL NOT BE PERMITTED. If any livestock or poultry are kept on the premises, the following conditions shall be met:

1. The portion of the lot or parcel upon which livestock are kept or pastured shall have a minimum area of two (2) acres in addition to the minimum lot area required for the dwelling on the lot or parcel. There shall be no minimum lot size for the keeping of poultry provided Sections 3. and 4. below are met. For lots less than one (1) acre, a maximum of ten (10) poultry shall be permitted. For lots between one (1) and five (5) acres, a maximum of fifteen (15) poultry shall be permitted.

2. Such portion of the lot or parcel shall contain one (1) additional acre for each livestock kept or pastured after the first two (2) livestock.

3. If any livestock or poultry are kept on the premises, an appropriate building shall be provided for the keeping of such livestock or poultry. Such building shall

include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all clearing shall be confined. Free-range poultry shall be confined to the lot with appropriate fencing.

4. All areas, buildings and structures for the keeping, housing and pasturing of livestock or poultry shall be located a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line and, in addition, one hundred (100) feet from any dwelling located on an adjacent property.

j.) Traditional professional medical/dental care facility. A traditional professional medical/dental care facility shall be subject to the following provisions:

Said facility shall be operated in accordance with 7.1.b.2 (a) by the inhabitant of such dwelling who shall be a properly licensed medical/dental practitioner. In the event that the facility shall employ a greater number of non-residents than permitted under 7.1.b.2.(a)(2), then such increased personnel shall be permitted only after the issuance of a Special Permit in accordance with Section 12 of the Building-Zone Regulations.

In addition to the standards of Section 12.4, the applicant shall satisfy all of the applicable standards of 7.1…2.(a) in order to secure said Special Permit. EFFECTIVE OCTOBER 11, 1992.

k.) Storage Containers EFFECTIVE MARCH 15, 2003

The use or installation of storage containers shall not be permitted within the Town of Glastonbury except those storage containers that meet one of the following standards:

- are duly registered and being actively used for the transit of goods on public highways and are located only on a commercial or industrial property
- are being used for solid waste disposal or recycling and are located only on a commercial or industrial property
- are located on properties in the Planned Industrial Zone that provide contract construction services
- are located on properties in Planned Industrial Zone that retail or wholesale farm products that are harvested (straw, hay, or like products, etc.)
- are located on properties that have an active construction or reconstruction project and only during the term of such construction
- are located on bona fide farms that are regulated by Sections 7.2.a and 7.2.b of these regulations
- are located adjacent to Town-owned athletic fields and are utilized for the storage of athletic equipment

Any storage containers that do not meet one of the above-listed standards shall be permanently removed from the subject property not later than 7 years following adoption of this regulation. In order to maintain a storage container as a legal nonconforming use during this phase-out period, a registration form shall be completed at the Town Building Official's Office no later than 90 days following adoption of this regulation. Any storage containers not registered within this time frame shall be deemed in violation of this regulation and shall be subject to enforcement action by the Town.

For the purposes of this regulation, a storage container is defined as a portable enclosure that is mounted, or can be mounted on wheels or can be transported over a public highway that is utilized for the storage of goods only.

7.2 Accessory Uses & Structures Associated With Principal Farming Uses In Any Zone.

a. Permitted Accessory Uses and Structures. Farm markets, buildings or structures used for the storing, processing and manufacturing of agriculture and forestry products produced on the farm, necessary motor vehicles and equipment used on the farm, and the buildings or structures used for the storage of such vehicles and equipment, and buildings used for the housing of farm animals and poultry.

b. Location. All buildings and structures containing livestock of poultry shall be located a minimum distance of one hundred (100) feet from any street line or the property line of any property under separate ownership. All other accessory buildings and structures associated with the principal farming uses shall conform to the required side, rear and front yards for that zone. AMENDED EFFECTIVE JUNE 13, 1975.

c. Farm Market. The intent of this section shall be to continue and promote the orderly growth of farming in Glastonbury in accordance with Section 12 of these Regulations. Farm markets shall be located on the premises of a farm. They shall be located a minimum distance of twenty-five (25) feet from any street line and one hundred (100) feet from any street or road intersection. Such farm market shall also meet the side yard requirements for a principal building for the zone in which it is located. Any enlargement or alteration of an existing farm market shall be deemed a minor change as defined in Section 12.9. New farm markets shall be subject to Section 12 of this Regulation and shall sell only perishable items (such as fruits and vegetables) some of which must be grown on the premises of the farm. The addition of non-perishables to a new farm market shall be subject to Special Permit in accordance with Section 12.9 of these Regulations.

Farm markets registered with the Office of Community Development (as of June 30, 1981) shall be considered conforming uses as shown and defined in the application form approved by the Town Plan and Zoning Commission as a Special Permit. AMENDED EFFECTIVE MAY 30, 1981.

7.3 Accessory Uses And Structures Associated With Excavation Operation In Any Zone

Any accessory use or structure associated with excavation operation in any zone shall abide by the conditions set forth in Section 6.2 of these Regulations.

7.4 Principal Non-Residential Uses, Except Excavation Operations, In Residence Zone

Any accessory use or structure associated with any principal non-residential uses in the residence zone (excepting excavation operations) shall abide at a minimum by the requirements set forth in this Section 7 for residential accessory uses and structures and, in addition, to any other conditions which may be required in their review of the principal use by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be, because of the nature of such accessory use or structure and the principal use with which it is associated.

7.5 Non-Residence Zones

Any accessory use or structure associated with any principal use in the non-residence zones shall be subject to such conditions as may be required in their review of the principal use by the Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, because of the nature of such accessory use or structure and the principal use with which it is associated.

7.6 Attached Accessory Building Or Structure

Any accessory building or structure attached or connected to the principal building by walls or roofs shall be considered a part of such principal building and shall abide by the provisions for principal buildings for the zone in which it is located.

7.7 Height Of Accessory Building Or Structure

Any accessory building or structure, except as provided in Section 3.5 of these Regulations, exceeding a height of fifteen (15) feet shall be considered as a principal building or structure and shall abide by the provisions for principal buildings for the zone in which it is located.

7.8 Accessory Fences And Walls

Accessory fences and walls used as fences with a maximum height of four (4) feet or less, shall be exempt from the provisions of this Section 7 except as may be otherwise required by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be.

7.9 Review And Approval

Whenever a principal use or structure is subject to the review and approval of the Town Council, the Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, any accessory use or structure associated with such principal use or structure shall be subject to the same review and approval.

7.10 Use

No accessory building or structure shall be used for residential, living or cooking purpose except as provided in these Regulations.

7.11 Agribusiness – Special Permit

a. Purpose:

The Town of Glastonbury recognizes that the preservation and support of the limited amount of agricultural lands and business is important to the Town, the State and the Nation, and is also necessary for the provision of adequate, healthful and nutritious foods for present and future citizens. It is also recognized that the survival and process of development of agricultural operations usually requires that several farms be operated or managed as one, and thus the farming activities on one property may be directed from a central office located on another. Therefore, it is the purpose of this regulation to permit the Town Plan and Zoning Commission to grant a Special Permit with Design Review for the construction of, addition to and/or renovation of non-farm buildings on properties where a farm operation is a permitted use under these Regulations.

b. Standards:

The construction of, addition to and/or renovation of non-farm buildings shall be subject to a Special Permit with Design Review in accordance with the criteria established by Section 12 of these Regulations. Non-farm buildings shall include all customary accessory buildings for hatching, breeding, rearing and keeping of poultry/animals; research and development activities related thereto; office and similar uses related to the farm operation; and storage and maintenance of equipment.

Buildings shall meet the yard requirements for a principal building for the zone it is located within and lots shall contain a minimum of fifty (50) acres. Buildings shall not cover more than twenty-five percent (25%) of the property.

c. Duration:

A special permit granted under this Section 7.11 shall be valid only for so long as the use permitted thereby remains related and accessory to an existing farm operation being conducted on the same parcel.

d. Separability:

This regulation shall not supersede or replace the farm-related portions of the existing regulations; and the expansion of farming as presently controlled shall continue under the existing regulations. All farm expansion purely limited to farm operations occurring on said farm shall continue to be a permitted use under existing regulations. EFFECTIVE DATE MAY 8, 1989.

SECTION 8
NONCONFORMING USES, BUILDINGS OR STRUCTURES

8.1 Nonconforming Uses

a. Any nonconforming use lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these Regulations or any amendment hereof.

b. Change: A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a use, which does not conform to these Regulations.

c. Extension or Enlargement: No nonconforming use shall be extended or enlarged inside or outside a building or structure unless as otherwise provided herein. AMENDED EFFECTIVE JUNE 13, 1975.

d. Moving: No nonconforming use of a building or structure may be moved to any part of the parcel of land upon which the use was conducted.

e. Alterations and Repairs: A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by wear and tear or deterioration.

f. Restoration: Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months of such damage or destruction.

g. Discontinuance or Abandonment: Any nonconforming use of land, building to structure which has ceased by voluntary discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of these Regulations. Voluntary discontinuance or abandonment shall be determined on the basis of objective evidence rather than subjective evidence.

8.2 Nonconforming Buildings Or Structures

a. Any nonconforming building or structure lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provisions of these Regulations or any amendment hereof.

b. Extension of Enlargement: No extension or enlargement of any nonconforming building or structure which increases the nonconformity of such building or structure shall be made, except that a nonconforming building or structure containing a permitted use may be extended or enlarged within the applicable yard requirements or, with the approval of the Zoning Board of Appeals after considering the criteria of Section 13.9 of these Regulations within as line which is not nearer to the lot lines than the existing building, provided such extension or enlargement provides for a permitted use containing no more dwelling units than the existing building.

c. Restoration: Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area, cubic volume, density, bulk and site location existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months after such damage or destruction.

8.3 Illegal Use

Nothing in these Regulations, including the provisions of this Section 8 shall be interpreted as authorization for or approval of the continuation of the use of land, buildings, structures or premises in violation of the zoning regulations in effect up to the effective date of these Regulations or any amendment hereof.

8.4 Safety

Nothing in these Regulations, including the provisions of this Section 8, shall prevent the strengthening or restoring to a safe condition of nay portion of a building or structure declared unsafe by a proper authority.

8.5 Construction Begun And/Or Permits, Special Exceptions Or Variances Issues Prior To Adoption Or Amendment Or Regulations Or Zone Change

Nothing in these Regulations or any amendment hereof or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure, or premises for which a building permit has been issued on the effective date of these Regulations or such amendment or change in zoning classification and the substantial construction of which shall have been commenced and which entire building or structure shall have been completed within two (2) years from such effective date.

Nothing in these Regulations shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a special permit, special exception or variance has been issued by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be, prior to the effective date of these Regulations or any amendment hereto or subsequent change in zoning classification, provided a building permit shall be obtained from the Building Official within one (1) year from such effective date and substantial construction of which shall have been commenced within one (1) year of the date of issuance of such building permit, and which entire building or structure shall be completed according to the approved plans within two (2) years from the date of issuance of said building permit; if any of said provisions are not complied with, such special permit, special exception or variance shall become null and void.

SECTION 9
OFF-STREET PARKING AND OFF-STREET LOADING

REVISED JULY 27, 2010

9.1 General provisions for off-street parking and off-street loading
9.2 Location of off-street parking spaces
9.3 Development and maintenance of off-street parking areas or facilities
9.4 Collective provisions
9.5 Mixed occupancies and uses
9.6 Joint use of off-street parking spaces
9.7 Continuing character of obligation
9.8 Deferral of parking spaces
9.9 Floor area defined
9.10 Application of off-street parking standards
9.11 Off-street parking standards
9.12 Off-street loading requirements

SECTION 9
OFF-STREET PARKING AND OFF-STREET LOADING

9.1 General Provisions For Off-Street Parking And Off-Street Loading

The off-street parking and off-street loading requirements set forth in this section shall be required for all uses established and all buildings and/or structures erected after October 22, 1973 and for all uses, buildings, or structures existing on October 22, 1973 which uses, building or structures are enlarged or altered in accordance with a Special Permit with Design Review.

Every parcel used in whole or in part for off-street parking and/or off-street loading purposes, whether or not required by these Regulations shall, for that portion used for off-street parking and/or off-street loading purposes, be developed, maintained and used in accordance with the provisions set forth in this section.

a. For the purposes of this Section, an off-street parking space shall have a properly paved area of not less than nine (9) feet by eighteen (18) feet (the width to be measured from the center of the dividing line between adjacent spaces).

b. Each maneuvering lane shall be provided adequate ingress and egress by means of an access lane or lanes, each access lane to have a paved width of **twenty–four (24)** feet for two-way traffic movement and **twelve (12)** feet for one-way traffic movement, **unless otherwise permitted or required by the Town Plan and Zoning Commission**.

c. Adequate ingress and egress to an off-street parking area or facility by means of clearly limited and defined drives shall be provided for all vehicles.

d. Separate pedestrian walkways and/or means of pedestrian ingress and egress to the parking area or facility may be required by the Town Plan and Zoning Commission in appropriate instances because of the size, layout or location of the parking area or facility.

e. Appropriate landscaping may be required by the Town Plan and Zoning Commission because of the size, layout or location of the parking area or facility.

f. Unless otherwise specifically permitted by the Town Plan and Zoning Commission, off-street parking spaces shall not occupy any part of any required front yard, but off-street parking spaces may occupy the rear yard or a side yard, provided such parking spaces do not occupy any part of any required usable open space as set forth in these Regulations. On corner or through lots, off-street parking spaces shall not be included as part of the required yards located adjacent to either street, unless specifically permitted by the Town Plan and Zoning Commission. There shall be no parking of any vehicles on a lot between any established building line and the street line in any zone, unless specifically permitted by the Town Plan and Zoning Commission.

g. Off-Street loading space, as required in Section 9.12 of these Regulations, shall not be construed as supplying any required off-street parking space.

h. The Town Plan and Zoning Commission may approve smaller parking spaces designated specifically for compact vehicles as part of a Special Permit with Design Review.

9.2 Location Of Off-Street Parking Spaces

All off-street parking spaces required by these Regulations shall be located on the same lot as the use with which such parking spaces are associated, except as may otherwise be permitted by the Town Plan and Zoning Commission as part of an approved Development Plan.

9.3 Development And Maintenance Of Off-Street Parking Areas Or Facilities

Every parcel used in whole or in part for off-street parking or loading purposes, whether or not required by these Regulations, shall, for that portion used for off-street parking or loading purposes, be developed and maintained by the owner of said premises in accordance with the following requirements:

a. Screening and Landscaping: Any landscaping required herein shall be integrated with any other landscaping required or provided for other portions of the parking area or facility. All landscaping, whether required or not by these Regulations, shall be properly installed and maintained on a year-round basis.

b. Surfacing and Drainage of Off-Street Parking Area or Facility: Any off-street parking or loading area of facility for more than three (3) vehicles, whether or not required by these Regulations, shall be surfaced, exclusive of landscaped areas but including any pedestrian walkways which may be required or provided, with an asphaltic, bituminous, cement, pervious pavement**,** or other properly bound pavement so as to provide a durable and dustless surface, and shall also be graded and drained as to dispose of all surface water accumulation within the area of facility. **Site development shall insure that** no surface water from any off-street parking or loading area or facility shall **adversely impact** adjoining **properties.** The above surfacing standard may be waived with a showing of sufficient cause by action of the Town Plan and Zoning Commission.

c. Lighting of Off-Street Parking or Loading Areas or Facilities: The Town Plan and Zoning Commission may require that an off-street parking or loading area or facility be properly lighted because of its size, layout, location or the particular use served by the off-street parking or loading area or facility. Any lighting used to illuminate any off-street parking or loading area or facility shall be so arranged as to reflect the light away from any adjoining premises. Any lighting required or provided shall be compatible with the rest of the development and landscaping of the off-street parking area or facility.

9.4 Collective Provision

Nothing in these Regulations shall be construed to prevent the collective provision of off-street parking areas or facilities for two or more structures or uses, provided the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various structures or uses computed separately, except as may otherwise be permitted in Section 9.6 of these Regulations concerning the joint use of off-street parking spaces.

9.5 Mixed Occupancies And Uses

In the case of structures or developments containing a mix of uses (e.g., multi-purpose buildings, shopping centers, colleges, etc.) the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. Off-street parking spaces for one use shall not be considered as providing the required off-street parking spaces for any other use except as may be permitted in Section 9.6 below concerning the joint use of off-street parking spaces. If a change of use occurs within an existing structure or tenant space, with no additions or enlargements, no additional parking for the new use shall be required **except for a change of use involving medical offices/clinics, hair/body salons, or restaurants, for which the parking standards shall be in accordance with Section 9.11.**

9.6 Joint Use Of Off-Street Parking Spaces

Specific and appropriate joint use off-street parking spaces may be permitted by the Town Plan and Zoning Commission in response to a particular development situation. The Commission may grant such approval only after it has received a written agreement between the use parties that clearly stipulating the terms of the joint use of the parking spaces and that such spaces are committed and available to the respective users on a non-conflicting basis.

A maximum of 30% of the minimum required parking spaces may be waived by the Town Plan and Zoning Commission on sites where **customer use of multiple businesses and/or** pedestrian customer traffic is anticipated.

9.7 Continuing Character Of Obligation

The requirement for the provisions of off-street parking spaces and off-street loading spaces shall be the continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and its requirement for off-street parking and/or off-street loading spaces continues. It shall be unlawful for an owner of any structure or use affected by these parking regulations to discontinue, change or dispense with, or to cause the discontinuance or change of the required off-street parking and/or loading spaces apart from the provision of alternative off-street parking and/or loading spaces which meet the requirements of and are in compliance with these Regulations.

9.8 Deferral Of Parking Spaces

The Town Plan and Zoning Commission, as part of a Special Permit with Design Review, may defer the installation of a portion of the off-street parking spaces required by these regulations in conjunction with **commercial** projects parking space deferral shall be in accordance with the following standards:

a. The total number of parking spaces required shall first be determined in accordance with Section 9.11 of these regulations.

b. The total number of deferred parking spaces shall not exceed **30%** of the number of spaces determined by Section 9.8(a).

c. All deferred parking spaces shall be labeled on the site plan as “deferred parking spaces.” The parking spaces shall be fully designed and permitted by any other necessary authority in order for said spaces to be immediately constructed if determined necessary by the Commission. The areas designated for possible future parking shall be left in their natural state or landscaped as directed by the Town Plan and Zoning Commission.

d. Deferred parking spaces may be constructed upon approval by the Town Plan and Zoning Commission as a Section 12.9 minor change. Documentation supporting the need for the additional spaces shall be submitted to the Commission as part of the Section 12.9 application.

9.9 Floor Area Defined

For the purpose of the off-street parking and loading requirements and standards, "floor area" shall mean the gross floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise. "Floor area" shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities, or for required stairways or elevators.

9.10 Application Of Off-Street Parking Standards

The off-street parking requirement for structures and/or uses shall be determined by applying one or more of the appropriate standards to each structure and/or use as set forth in Section 9.11 below. For convenience, the letters found in the parking column PKG of the Table of Permitted Uses (Section 5) across from the listed uses indicate which of the parking standards apply to said listed uses.

9.11 Off-Street Parking Standards

The following off-street parking standards are minimum requirements for off-street parking and the Town Plan and Zoning Commission may require additional off-street parking for a particular development based on the nature of

the development, its location, access and relation to surrounding development, and any unique parking demand which may be associated with such a development.

NOTE: letters in parenthesis ( ) key to letters in the parking column PKG of the Table of Permitted Uses.

a. Customary home occupation: One (1) parking space for each employee plus two (2) parking spaces, such parking spaces to be in addition to any required off-street parking for residential purposes.

b. Dwellings, guest house, boarding, rooming or lodging house: One (1) parking space for each dwelling unit guest unit, boarding unit, rooming unit or lodging unit.

c. **Assisted living facility, c**onvalescent, nursing or rest home or sanitarium, or religious quarters: One (1) parking space for each two (2) beds.

d. Hotel, motel, inn, tourist home: One (1) parking space for each guest room or residence unit, plus required parking for any restaurant, assembly space or other non-residential use located within the development.

e. Office, general and/or professional (except medical offices, medical clinics and hospitals), business services, finance, insurance and real estate services, government services, personal services (except hair and body salons), broadcasting studios, message center: One (1) parking space for each two hundred (200) square feet of gross building floor area.

Medical offices and medical clinics and hair/body salons: One (1) parking space for each one hundred and fifty (150) square feet of gross building floor area.

Hospitals: One (1) parking space for each bed.

f. Educational Services*:

Day care center: One (1) parking space for each three hundred (300) square feet of gross building floor area.

Schools – public, private parochial:

Elementary: Two (2) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

Middle: Three (3) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

Secondary: Six (6) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

University, college, junior college and professional education: Ten (10) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space located within the development.

*The Town Plan and Zoning Commission may approve modifications to the parking requirements for all educational services on a site specific basis following submittal of supportive documentation and determination of just cause.

g. Repair/gasoline services – Motor vehicle general and limited repair, motor vehicle gasoline with repair service component: Five (5) parking spaces plus two (2) parking spaces for each service stall pus two (2)

parking spaces for each gas pump. For gasoline stations without a repair component, two (2) parking spaces for each gas pump and one (1) parking space for each 150 square feet of gross building floor area used for retail trade. In addition, if any motor vehicles are offered for sale or for rent on the premises and individual parking space shall be provided for each such motor vehicle offered for sale or for rent.

Ambulance services, motor vehicle car wash, bus garaging and equipment maintenance: One (1) parking space for each parking, washing or service stall, whichever the case may be.

h. Clubs, athletic club: One (1) parking space for each one hundred (100) square feet of gross building floor area.

i. Place of worship: One (1) parking space for each four (4) seats.

j. Retail trade uses:

Retail trade, except eating and drinking: One (1) parking space for each one hundred fifty (150) square feet of gross building floor area.

Retail trade, eating and drinking: One (1) parking space for every three (3) seats table seating and one (1) space for every two (2) seats counter seating.

k. Wholesale trade and warehousing: One (1) parking space for each twenty-five hundred (2,500) square feet of gross building floor area used for wholesaling and/or storage purposes, plus one (1) parking space for each two hundred fifty (250) square feet of gross finished office space.

l. Manufacturing uses: One (1) parking space for each five hundred (500) square feet of gross building floor area used for manufacturing purposes; one (1) parking space for each twenty-five hundred (2,500) square feet for storage purposes, plus one (1) parking space for each two hundred fifty (250) square feet of gross finished office space.

m. Billiard and pool hall, golf course, golf driving range, golf miniature, archery range, bowling, firing range, marina, riding stable, tennis courts, bus passenger terminal, motor freight transportation terminal and garage: Two (2) parking spaces for each pool table, driving tee, golf hole, alley, lane, port, berthing and/or mooring space, stable, court, dock or other unit of activity, whichever the case may be.

n. Library, museum or planetarium: One (1) parking space for each six hundred (600) square feet of gross building floor area.

o. Auditorium or coliseum, legitimate and/or motion picture theater: One (1) parking space for each three (3) seats.

p. Agriculture, farm, earth products, forestry production, customary accessory uses, supervised group quarters, cemetery, community center, ice skating and/or roller skating rink, contract construction services, dog kennel, veterinarian service, bazaars, festivals, carnivals and circus, historic and monument sites, parks, "public buildings/facilities (excluding schools)", nonprofit recreation uses, aircraft landing field, transmitting exchange, receiving or relay tower and/or stations, transportation center, utilities: The Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, shall determine which, if any, of the foregoing parking requirements or which combination of the foregoing parking requirements, if any, shall apply.

9.12 Off-Street Loading Requirements

On the same premises with every building structure or part thereof erected or occupied for a use or uses to involve the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use streets and alleys (if any) and without encroachment on any off-street parking area.

Such off-street loading and unloading space, unless otherwise adequately provided for, as determined by the Town Plan and Zoning Commission, shall be an area not less than ten (10) feet by fifty (50) feet with fifteen (15) foot height clearance.

A minimum of one (1) off-street loading and unloading space shall be required for each ten thousand (10,000) square feet of gross building floor area **or as determined by the Town Plan and Zoning Commission**. Additional off-street loading and unloading spaces may be required by the Town Plan and Zoning Commission because of building volume, location or particular use nature of the development under consideration.

Off-street loading and unloading spaces, together with appropriate access drives, shall be developed and maintained in accordance with the provisions of Section 9.3 of these Regulations.

SECTION 10

UNIFIED SIGN REGULATIONS

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SECTION 10
UNIFIED SIGN REGULATIONS

10.1 Purpose

To provide a system for the management of signage by establishing regulations to control the size, location, height, number and illumination of signs.

10.2 Sign Installation And General Location Standards

All signs shall be categorized and regulated in accordance with the following:

- No Sign Permit Required
- Temporary Sign Permit Required
- Permanent Sign Permit Required

and signage shall be permitted in the zoning districts set forth below and subject to specific standards established by these Regulations.

1. Business signs are permitted only in the PBD, PT, PI, TC, Flood, **PE and PC Zones EFFECTIVE 04-14-04**, except bona fide home occupation signs which are permitted in each and every zone.

2. Directional signs are permitted in each and every zone.

3. Identification signs are permitted in each and every zone.

4. No trespassing signs and/or signs indicating the private nature of a driveway and/or premises are permitted in each and every zone.

5. Temporary signs are permitted in each and every zone.

6. Overhanging signs are permitted in each and every zone.

7. Ground signs are permitted in each and every zone.

8. Wall signs larger than 2 square feet or permitted only in the PBD, PT, PI, TC, Flood, **PE and PC Zones EFFECTIVE 04-14-04**.

9. Non-illuminated signs are permitted in each and every zone.

10. Direct illumination signs are permitted only in the PBD, PT, PI, TC, Flood, **PE and PC Zones EFFECTIVE 04-14-04**.

11. Indirect illumination signs are permitted in each and every zone.

12. Flashing signs shall not be permitted in any zone, except signs indicating time and/or temperature by means of intermittent lighting are permitted in the PBD, PT, PI, TC, Flood, **PE and PC Zones EFFECTIVE 04-14-04**.

13. Any sign located in a designated Historic District shall, in addition to the provisions of Section 10, obtain any necessary approvals from the Historic District Commission.

10.3 Sign Permit

a. No Sign Permit Required

The following signs are permitted to be installed and maintained without a permit, subject to compliance with the following specified standards.

	Sign Type/Illumination	Max. Signage Size	Maximum Height (above grade)	Location	Max. #
1.	Real Estate "FOR SALE" or "FOR RENT" for residential properties Non-illuminated	9 sq. ft.	6'	On premises, within 15' of the front property line	1
2.	Real Estate "FOR SALE" or "FOR RENT" for commercial/industrial properties Non-illuminated	16 sq. ft.	7'	On premises within 15' of the front property line	1
3.	Identification/customary home occupation (in residential zones) name and profession only Non-illuminated or indirect illumination	2 sq. ft.	6'	On premises	1
4.	Identification/resident name(s) and for dwelling dwelling unit numbers Non-illuminated or indirect illumination	2 sq. ft.	6'	On premises	1
5.	On-site directional signs within commercial/industrial/multi-family attached housing developments. Non-illuminated	3 sq. ft.	4'	On premises	As required
6.	Agricultural, seasonal farm products grown and sold on farm Non-illuminated	16 sq. ft.	6'	On premises, all multiple products to be posted on the same sign face or uniform "ladder" configuration	1
7.	Off-site directional signs containing the name of an agricultural or other permitted business in a residential zone (excluding home occupations) Non-illuminated	2 sq. ft.	6'	Street intersection and/or premises entrance	3
8.	Off-site directional signs containing the name of a public religious, or service organization in any zone	2 sq. ft.	6'	Street intersection and/or premises entrance	2

	Non-illuminated				
9.	Interior glass mounted sign within retail, business service, restaurant uses only. Direct illumination or non-illuminated	Not more than 25% of the glass area of any window in the front of the building, nor more than 50 sq. ft. per tenant space, whichever is less. No single non-illuminated sign shall exceed 12 sq. ft., and the total area of direct illumination signs shall not exceed 8 sq. ft.			N/A
10.	No trespassing/private drive signs Non-Illuminated	2 sq. ft.	N/A	As required	1/200' of lineal feet of property boundary 1/premise
11.	Historical Markers - historical organization or government agency Non-illuminated	8 sq. ft.	N/A	As required	
12.	Residential tag sales 48 hours maximum time Non-illuminated	6 sq. ft.	6'	On premises	2
13.	Non-profit special event (public, political, charitable, religious) (21 days prior to the event - with removal 7 days following Non-illuminated	20 sq. ft.	6'	On premises, within 15' of the front property line	1
14.	Overhanging identification sign Indirect or non-illuminated	2 sq. ft.	8'	As required	1 for each use/property

15. Replacement signage of the same type, shape, illumination, size, height and location as the sign to be replaced/removed shall not be considered a new sign and, therefore, shall not require a permit from the Town Plan and Zoning Commission.

All "No Sign Permit Required" signs shall not be included in the calculation of "Permanent Sign Permit Required" signs.

b. Temporary Sign Permit Required

The following signs are permitted to be installed and maintained following the issuance of a temporary sign permit by the Community Development Department, Building Division, subject to compliance with the following specified standards.

	Sign Type/Illumination	Max. Signage Size	Maximum Height (above grade)	Location	Max. #
1.	Commercial Construction Project (limited to construction period) Non-illuminated	20 sq. ft.	6'	On premises, within 15' of the front property line	1

2.	Residential Construction Project (1 year with add'l extensions) Non-illuminated	20 sq. ft.	7'	On premises within 15' of the front property line	1

c. Permanent Sign Permit Required

The following signs are permitted to be installed and maintained following the issuance of a permanent sign permit from the Community Development Department, subject to compliance with specified standards.

Single Building Parcels - Single Business Use

Business signs on parcels within the PBD, TC, PT, PI, Flood, **PE and PC Zones EFFECTIVE 04-14-04**, containing one building with one business use shall be regulated as follows:

Wall and/or ground signs are permitted in accordance with the following standards:

- The maximum area (sq. ft.) of wall and/or ground signs shall be determined by converting the length (ft.) of the building wall containing the main entry to the equivalent area (sq. ft.). (For example, a building wall length of 30 ft. converts to a maximum total sign area of 30 sq. ft.). However, regardless of the building wall length, the maximum total area of signage regulated by this section shall not exceed 55 sq. ft.; with no single wall sign larger than 25 sq. ft. and no ground sign larger than 30 sq. ft. Lettering on window or door awnings shall also be considered wall signs if utilized in accordance with the above standards.

- Additionally, fuel service station canopies may also contain wall signage on the canopy fascia in accordance with the following. A maximum of two canopy signs may be located on the fascia with a total sign area not to exceed 10% of the area of the longest side of the canopy fascia. No one canopy sign may be larger than 20 sq. ft.

- Not more than two types of permitted signs and a total maximum of three signs regulated by this section shall be allowed on a parcel, with the exception of fuel service stations which may have not more than three wall signs and one ground sign.

Installation Protocol

Sign Type	Location	Height	Illumination
Wall includes awning letters	Front or side wall	Not higher than the lower sill of any 2nd story window or 15' from the ground to the top of sign, whichever is less	Direct, indirect, or none - wall indirect or none - awning
Ground	Front yard	Not higher than 10' from the ground to the top of sign	Direct, indirect, or none

The Town Plan and Zoning Commission, as part of the approval of a Section 12 Special Permit with Design Review, may require modifications to the permitted size, location, height and number related to a sign or group of signs.

Single or Multiple Building Parcels - Multiple Business Uses

Business signs on parcels within the PBD, TC, PT, PI, Flood, **PE and PC Zones EFFECTIVE 04-14-04**, containing one or more building (s) and/or with multiple business uses shall be regulated as follows:

Wall and/or ground signs are permitted in accordance with the following standards:

- Each business use located on the first floor shall be permitted to locate one wall sign on the building wall that contains the main entry to the business use. Businesses located on the building corners may also locate a wall sign on the side wall. The maximum area (sq. ft.) of wall signs shall proportionately relate to the wall length associated with the main entry side of the individual business by a factor of .8. (for example, a business use with an entrance wall length of 30 ft. converts to a maximum wall sign area of 24 sq. ft. - 30 ft. x .8 = 24 sq. ft. sign area). Wall signs for each business use in a multi-business building shall be designed to reflect a coordinated theme for the entire building. Accordingly, each wall sign shall be uniform in type, height, wall placement and illumination. (The total length of signs may vary). The maximum sign area of any wall sign regulated by this Section shall be 25 sq. ft. Lettering on window or door awnings shall also be considered wall signs if utilized in accordance with the above standards.

- One ground sign shall also be permitted on properties containing one or more buildings and/or with multiple business uses. The maximum area of said ground sign shall be a function of the number of business uses located on the property as follows: up to 3 businesses shall convert to 24 sq. Ft. and 4 or more businesses shall convert to 32 sq. ft. The property owner shall be responsible for the submission of plans the equitably distribute the available space on any ground sign.

Multiple business buildings that contain uses that share entries or utilize upper floor business spaces are strongly encouraged to utilize ground signs.

Installation Protocol

Sign Type	Location	Height	Illumination
Wall includes awning letters	Front or side wall	Not higher than the lower sill of any 2nd story window or 15' from the ground to the top of sign, whichever is less	Direct, indirect, or none - wall Indirect or none - awning
Ground	Front yard, or within 25 feet of a driveway if the sign is a tenant directory sign	Not higher than 10' from the ground to the top of sign	Direct, indirect, or none

The Town Plan and Zoning Commission, as part of the approval of a Section 12 Special Permit with Design Review, may require modifications to the permitted size, location, height and number related to a sign or group of signs.

Identification Signs Larger than two sq. ft. in all zones

Ground signs are permitted in accordance with the following standards:

Sign Type/Illumination	Max. Signage Size	Maximum Height (above grade)	Location	Max. #
Farm Indirect illumination or non-illuminated	16 sq. ft.	6'	On premises	1
Charitable, religious, government or educational Indirect illumination or non-illuminated	16 sq. ft.	6'	On premises	2 (if site has multiple driveways)
Residential development project (i.e., subdivision or apartment - entrance sign) Indirect illumination or non-illuminated	20 sq. ft.	6'	On premises	

10.4 General Specifications

a. No sign shall display intermittent lights resembling flashing lights customarily used in traffic signals or those used by police, fire, ambulance, or other emergency vehicles nor shall any sign use the word "stop," "danger," or any other word, phrase, symbol or character that might be misconstrued to be a public safety warning or official traffic control sign, not shall any beam or beacon of light resembling any emergency vehicle or facility be permitted to be erected as part of any sign or sign display.

b. Illuminated signs shall be so shielded as not to case direct light into or onto any adjoining property or building or into or onto any public right-of-way.

c. No streamers or banners or other such sign devices shall be permitted with the exception of municipally sanctioned seasonal banners which may be installed within road rights-of-way following approval by the Town Plan and Zoning Commission.

d. No sign shall be erected within or overhang public rights-of-way, except that the Building Official may permit exceptions if the sign is installed behind the sidewalk or area where sidewalks would normally be built, and the sign does not overhang the traveled portion of the right-of-way.

e. No sign shall be installed at an intersection so as to interfere with safe sight lines, within the area of a triangle measured 25' along the street line, outward from the intersection of the street line.

f. Signs painted on a building shall be repainted when required to be kept in good condition and shall be removed or painted out by order of the Town Building Official if not so maintained.

g. No signs shall be permitted to obstruct any door, fire exit, stairway, or opening intended to provide ingress or egress for any building structure.

h. Signs which may become unsafe, or no longer functional shall, upon notice from the Building Official, be repaired or removed by the owner or lessee of the property on which such signs stand.

i. In cases where a use spans more than one zone, signs shall conform to the regulations for the zone in which is located the majority portion of the use to which the sign relates and shall be located in that zone.

j. Off-premises outdoor advertising signs and sky signs shall not be permitted in any zone.

k. Roof mounted, moving or portable signs shall not be permitted in any zone.

l. Portable or mobile signs shall be prohibited, being any sign, which is mounted on wheels, is collapsible, or mounted or painted on a vehicle, which is generally in the same location for purposes of identification. "Portable signs" shall include, but not be limited to, "A" frame signs and signs on balloons, kites or other objects suspended in the air.

10.5 Existing Signage

All signage installed pursuant to a sign permit issued prior to the effective date of this regulation shall be permitted to remain as approved and maintained, repaired or replaced in kind.

10.6 Definitions

a. Sign:

Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors of effects, or building roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art only if designed or intended to attract the attention of the general public to commercial or industrial premises.

For the purpose of this definition and these Regulations, the word "sign" shall include window signs, but shall not include the flag, pennant, or insignia of any nation, state, city or other political unit, official traffic signs, or notices required by law.

b. Sign, Awning:

Letters or text located on the portion of any awning that is perpendicular to the ground and attached directly to a building.

c. Sign, Business:

A sign identifying the name or other information relating to a retail, personal service, office, industrial or other uses permitted in PBD, TC, PT, PI, Flood, **PE and PC Zones EFFECTIVE 04-14-04**.

d. Sign, Directory

A sign listing only the business occupants/tenants located within building(s) on a lot.

e. Sign Face:

The sign face is a plane defined by one contiguous perimeter of that rectangle, triangle, circle or other area having the smallest area which encompasses all lettering, working, design or symbols together with any background which is different from the wall on which it is located and which is defined as an integral part of the sign.

f. Sign, Farm:

A sign identifying a farm or farm market, as those terms are defined and permitted in these Regulations.

g. Sign, Flashing:

Any illuminated sign on which artificial light is not maintained, stationary and consistent in intensity and color.

h. Sign, Gross Area of:

The "Gross Area" of a sign shall be defined and measured as follows:

Sign, Single-faced:

The gross area shall be the area of the single face.

Sign, Double-faced:

The gross area shall be the area of largest face or the area of one face if both faces have equal area.

Sign, Multiple-faced:

The gross area shall be the combined area of all faces.

i. Sign, Ground:

A sign with upright supports or located upon the ground and not attached to any part of a building.

j. Sign, Identification:

A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or a professional or firm nameplate, or the name of the person, firm or corporation occupying the premises, but bearing information pertaining only to the premises on which such sign is located.

k. Sign, Interior Glass:

A sing mounted within a building on the inside of a window, or otherwise designed or intended to be visible to the outside of such building by a window or other transparent surface.

l. Sign, Off-Site Directional:

A sign containing the name of a business, public, religious, or service organization located in a residential zone and indicating the direction in which such use is located.

m. Sign, Off-Premises Outdoor Advertising:

A sign including that type of sign commonly known as a billboard, which directs attention to a business, service activity or commodity, or other use which is conducted, sold, offered or occurring at a location different from the premises where the sign is located. (Off'-premises direction signs 2 sq. ft. or less in size shall not be considered an off-premises outdoor advertising sign).

n. Sign, On-Site Directional

A sign indicating the proper movement of vehicles or pedestrians, or indicating danger or accessibility to a facility across a site or into a building; or at entrances to the site.

o. Sign Overhanging:

Any sign extending at an angle from a building, which is its sole support.

p. Sign, Roof:

A sign erected, constructed or maintained upon the roof of a building.

q. Sign, Sky:

A sign suspended in the air by means of balloon, kites or other similar device.

r. Sign, Temporary:

A sign which is intended to advertise community or civic events, construction projects, special events and real estate for sale or lease, on a temporary basis.

s. Sign, Moving:

Any sign which has visible revolving or rotating parts or any visible mechanical movement, excepting clocks and barber poles.

t. Sign, Wall:

Any painted sign or sign assembly located on any surface that may be affixed to the wall of any building or any sign painted directly on such wall.

u. Direct Illumination:

Any artificial light emitted directly or through a transparent or translucent material from a source of light in the interior of such sign.

v. Indirect Illumination:

Any artificial light external to a sign which illuminates such sign.

w. Front (of building) or Front Property Lines:

The side of a building containing the main entry to a particular building use. In the case of buildings having access to more than one such street, the applicant may designate the side facing any such street as the "front," provided that such designation shall thereafter apply to all buildings or uses located on the site. No designation shall be permitted which will create or increase any nonconformity with these Regulations for signs already in existence on such site.

x. Multiple Business Use:

A site or building(s) containing two or more business uses operated independently and separate from each other.

y. Single Business Use:

A site or building containing one or more business uses operated by the same entity and managed as a

single operation. (For example, a service station marketing fuel and food goods shall be categorized as a single business use).

10.7 Town Plan And Zoning Commission Referral

An applicant for a permanent sign permit may request referral to the Town Plan and Zoning Commission for a regulation compliance review. Any resulting permanent sign permit shall be issued in accordance with the Commission's action.

SECTION 11
ADMINISTRATION AND ENFORCEMENT

11.1 Town Building Official
11.2 Interpretation of Regulations
11.3 Enforcement and Penalties
11.4 Certificates of Occupancy

11.1 Town Building Official

These Regulations shall be administered and enforced by the Town Building Official.

11.2 Interpretation Of Regulations

In their interpretation and application, the provisions of these Regulations shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by these Regulations to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions or the law or ordinance or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises; nor is it intended by these Regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these Regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings, or required larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenant or agreements, to provisions of these Regulations shall control.

11.3 Enforcement And Penalties

These Regulations shall be enforced by the Building Official, who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations. The owner or agent of a building or premises where a violation of any provision of said Regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or an entire premises where such violations shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which such violations shall exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the 1958 Revisions of the General Statutes and any amendment thereof.

11.4 Certificates Of Occupancy

a. A certificate of occupancy shall be issued only after the proper completion, or appropriate portion thereof as determined by the Town Building Official, or the filing of a performance bond in favor of the Town of Glastonbury in an amount satisfactory to both the Town Manager and the Town Building Official for the uncompleted portion thereof.

b. No land shall be occupied or used in violation of these Regulations and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, except for the alteration of or addition to a dwelling, until a certificate of occupancy shall have been issued by the Town Building Official, stating that the premises or building comply with all the provisions of these Regulations.

c. Where the alteration does not require vacating the premises or where a part of the premises is finished and ready for occupancy before the completion of the alterations or, in the case of a new structure, before its completion, a conditional certificate of occupancy may be issued.

d. No change or extension of use and no alteration shall be made in a non-conforming use of premises without a certificate of occupancy having first been issued by the Town Building Official that such change, extension of alteration is in conformity with the provisions of these Regulations.

SECTION 12

REQUIREMENTS FOR SPECIAL PERMIT WITH DESIGN REVIEW APPROVAL

12.1 Authorization for Special Permit
12.2 Requirement for Special Permit
12.3 Permitted Stipulations with Special Permit
12.4 Criteria for Evaluating Special Permit
12.5 Considerations for Approving Special Permit
12.6 Application for Special Permit
12.7 Substantial Construction Within One Year
12.8 Changes of Use or Exterior Alterations

SECTION 12
REQUIREMENTS FOR SPECIAL PERMIT WITH DESIGN REVIEW APPROVAL

12.1 Authorization For Special Permit With Design Review Approval

The Town Plan and Zoning Commission is authorized to grant a special permit with design review approval for the purpose of meeting the provisions of this section and these Regulations.

12.2 Requirement For Special Permit With Design Review Approval

In any instance involving a use or uses requiring a special permit with design review approval as set forth in Section 4 – Use Regulations and Section 5 – Table of Permitted Uses of these Regulations, land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only after receiving a special permit with design review approval in accordance with the provisions of this section.

12.3 Permitted Stipulations With Special Permit With Design Review Approval

The Commission, in approving a special permit with design review approval after applying these Regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design, architectural treatment and massing.

12.4 Criteria For Evaluating A Special Permit With Design Review Approval

The Commission shall consider and evaluate each and every application for a special permit with design review approval by applying, at a minimum, the following criteria:

a. Appropriateness of Location or Use:

1. The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Development, the specific zone and the neighborhood;

2. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood, and conformity to any adopted neighborhood plan;

3. The capacity of adjacent and feeder street to handle peak traffic loads and hazards created by the use;

4. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties;

5. The overall effect on values and utilization of neighborhood properties;

6. Unusual topography of the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site;

7. The extent, nature and arrangement of parking facilities, entrances and exits;

8. Problems of fire and police protection;

9. The preservation of the character of the neighborhood;

10. The availability of adequate sewerage and water supply;

11. All other standards prescribed by these Regulations.

b. Conformance: Conformance with the Glastonbury Building-Zone Regulations and, where appropriate, the Glastonbury Subdivision Regulations and any other applicable laws, codes or ordinances.

c. Safety, Health and Environment: Accessibility for emergency vehicles and equipment; property utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The Commission may seek reports on the application from the appropriate Town departments, such as the Police and Fire Departments, Town Sanitarian, Town Engineer, Town Building Official and Conservation Commission.

d. Overall Design, Architectural Treatment and Aesthetic Character: The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses between buildings or structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.

Findings as to design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes, and, by doing so, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided therefore.

12.5 Considerations For Approving A Special Permit With Design Review Approval

Prior to approving any application for a special permit with design review approval, the Commission shall consider, where applicable, the following items and evaluate them in terms of the criteria set forth in the preceding Section 12.4:

a. Characteristics of the actual proposal:

1. The Site.

a.) The location, size and general topography of the property involved.

b.) The nature of the applicant's (and property owner's, if different) interest in such property and proposal.

c.) Site Layout - existing

1. contours

2. trees and shrubs

3. special site features

4. location and capacity of utilities

5. existing use or uses, buildings and structures

6. driveways and parking areas

d.) Site layout - proposed

1. contours

2. land, building and structure uses, whether residential or non-residential and land area assigned to each type of use

3. percent land coverage by use – residential, non-residential, parking, usable open space, landscaping open space, other (specify)

4. percent land coverage for all buildings and structures and by type of building or structure

5. relationship between land uses and between land and buildings

e.) Pedestrian and vehicular circulation and flow

1. location and dimensions of public and private street, and common drives

2. location and dimensions of public and private pedestrian walkways, sidewalks, malls and paths

3. existing and anticipated traffic flows

f.) Off-street parking

1. location of off-street parking areas and/or facilities

2. location, dimensions and number of off-street parking spaces

3. location and dimensions of access and maneuvering lanes

4. location and dimensions of parking barriers, bumper guards, wheel stops and the like

5. pavement type and drainage

g.) Open space

1. location and amount of area by type – parks, lawn areas, landscaping, buffer areas, recreation facilities and the like.

h.) Landscaping

1. planting schedule – type, number, and minimum size of trees and/or shrubs and other plants

2. treatment of seeding, sodding and water elements

3. pavement types, for vehicular and pedestrian movement and recreation areas

4. type, height and density of any proposed screening or fencing

5. provisions for year round maintenance of landscaping

i.) Utilities

1. utilities proposed – water, sewage disposal, electric, gas and drainage

2. capacity of proposed utilities and amount of additional flow produced for existing systems or water courses utilized

3. location of piping, wiring, conduits, catch basins and the like

4. if within an area not presently served, but within a water utility plan, the adaptability of the utility system to municipal services when provided

j.) Provisions for garbage collection and removal and for snow removal

2. The Building(s) and/or Structure(s)

a.) Residential

1. total number of dwelling units

2. number of dwelling units by type of unit (1-bedroom, 2-bedroom, etc.) and the number of rooms within such type of unit

b.) Non-residential

1. building or structure intensities – including the dimensions and gross square foot area by type of non-residential use

c.) General architectural design and appearance

d.) Relationship between and massing of buildings or structures

e.) Type and colors of building materials, exterior façade and facing, fenestration, and fire retardant characteristics

f.) Special architectural features

g.) Signs

1. location, height, size and dimensions for all signs, for individual types of signs and for each individual sign

2. design, color(s), lettering, lighting, intensity and appearance of all signs

3. Any covenants, easements, or other provisions relating to the development and maintenance of the proposal, public facilities and the like, necessary for the welfare and maintenance of the development and the best interests of the Town.

4. Future division of the property among landowners, either by building or other reasonable separations.

5. Schedule of construction, including any staging plan, for buildings, structures, parking, open space, landscaping, community facilities and the like.

6. Review and approvals of any other Town Official, Agency or Department.

b. Relation to existing and future land uses and development in the surrounding neighborhood and area, including impact on neighborhood character, property values, appearance, pedestrian and vehicular traffic circulation and flow, and the like.

c. Relation to the recommendations for the area under consideration of the adopted Town Plan of Development.

d. Conformity with the Glastonbury Building-Zone Regulations Subdivision Regulations and any other appropriate laws, codes or ordinances.

12.6 Application For Special Permit With Design Review Approval

Every application for a special permit with design review approval shall be made in a form and in accordance with procedures established by the Town Plan and Zoning Commission.

a. A key map of the neighborhood at a scale of 1: = 200', showing the relation of the proposed development to abutting properties and to existing and proposed streets; and

b. A site plan, in triplicate, of the parcel, at a scale not smaller than 1" = 100', showing the extent, location and type of all proposed structures, uses, driveway entrances to streets, parking and loading areas in conformance with the requirements of Section 9 of these Regulations, vehicular and pedestrian traffic movement, sidewalks, public spaces, landscaping and landscaped buffers, fences and walls, signs, existing topography and proposed grading, proposals for electric, water and gas supply, sewage disposal, storm drainage, and other improvements. Storm and roof drainage shall be piped to an open outfall or storm drains.

The Town Plan and Zoning Commission may require the applicant to provide additional information in sufficient detail to enable the Commission to clearly visualize what the finished development will look like and how it will be built, provide the Commission as well as other appropriate Town officials with a basis for applying any of the criteria hereinabove set forth and for judging the safety, adequacy and conformance to existing codes and ordinances of the finished site and structures, and provide the Town Building Official with specific criteria upon which the judge the continuing conformance and acceptability in all respects of the completed project.

The applicant, unless otherwise required by the Commission, may submit appropriate and accurate elevations, perspectives, isometric drawings or models, to scale, depicting height, bulk, fenestration, construction materials and other massing, architectural and design features of the proposed development.

12.7 Substantial Construction Within One Year

If substantial construction has not begun on a building or structure, or no use established on a lot, for which a building structure or use special permit with design approval was received from the Town Plan and Zoning

Commission after (effective date of these Regulations), within one (1) year from the date of issuance of such special permit for said building, structure or use, such special permit shall become null and void.

In its discretion, and for good cause, the Town Plan and Zoning Commission, upon request of the applicant, may extend for an additional one (1) year the period for the beginning of substantial construction or establishment of a use. Such extension shall be granted only once for any particular special permit.

The Town Plan and Zoning Commission may also, in its discretion and for good cause, upon request of the applicant, approve a staging time table for the start of construction or the establishment of a use, provided that such a staging time table shall include all portions of the proposed development.

12.8 Changes Of Use

Any change in an approved Plan of Development, which is not considered to be a minor change or an insignificant change as set forth in Sections 12.9 and 12.10, shall be processed as a formal amendment to the approved Plan of Development and shall require the preparation of plans and the approval of the Town Plan and Zoning Commission after compliance with all requirements of Section 12. AMENDED EFFECTIVE MAY 30, 1981.

12.9 Minor Changes In An Approved Plan Of Development

Minor changes shall include additions of less than ten percent (10%) to the existing floor area of a building, provisions for additional parking, provision for additional access from the street, and other changes expressly identified as minor changes in these Regulations. The alteration or enlargement of any existing building or structure which was constructed, or use which was commenced, without requiring a special permit with design review, may be deemed a minor change. If the commission determines that the change is a minor change, it may issue a permit for the change with or without conditions after a review by the full commission. The change shall comply with the regulations of the zone in which it is situated and only such provisions of Section 12.4 and 12.5 of these regulations that the commission deems relevant. A Public hearing will not be required. AMENDED EFFECTIVE MAY 30, 1981.

12.10 Insignificant Changes In An Approved Plan Of Development

Insignificant changes shall consist of the location of sidewalks, driveways, and other structures, due to unforeseen topographic or geologic features; slight alterations of finished contours; minor rearrangement of lighting standards, benches and other street furniture. Insignificant changes in an approved Plan of Development may, with concurrence of the Building Official and Chairman of the Town Plan and Zoning Commission, be made, provided such changes shall in no way affect the overall layout, design, density, impact or nature of said Plan of Development. AMENDED EFFECTIVE MAY 30, 1981.

SECTION 13

ZONING BOARD OF APPEALS

13.1 Charter Reference
13.2 Powers and Duties of Board of Appeals
13.3 Rules of Procedure
13.4 Minutes and Findings
13.5 Vote Required
13.6 Appeals to the Board
13.7 Stay of Proceedings
13.8 Hearings
13.9 Criteria for Decisions
13.10 Decision of the Board
13.11 Applications to the Board
13.12 Notice to Contiguous Municipalities of Variance Applications

SECTION 13
ZONING BOARD OF APPEALS

13.1 Charter Reference.

The Zoning Board of Appeals is duly constituted pursuant to Chapter 124 of the Connecticut General Statues and Section 203 of the Glastonbury Charter.

13.2 Powers And Duties Of The Zoning Board Of Appeals

The Zoning Board of Appeals shall have the Following powers and duties

a. Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Town Building Official in the enforcement of these Regulations.

b. Variances. To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the zone in which it is situated, a literal enforcement f these Regulations or amendments thereto would result in exceptional difficulty to unusual hardship so that substantial justice will be done and the public safety and welfare secured. No application for a variance from the use provisions of these Regulations (as distinguished from the area, frontage, yard, coverage, height, etc. provisions hereof) shall be voted upon until a report with recommendations thereon has been received from the Town Plan and Zoning Commission, or if no such report has been received, until twenty (20) days after a copy of such application has been sent to the Town Plan and Zoning Commission for its recommendations.

c. Special exceptions and approvals of location. To hear and decide all matters including special exceptions and approvals of locations, upon which the Board o Appeals is authorized and/or required to pass by the provisions of these Regulations.

13.3 Rules Of Procedure

The Board of Appeals shall adopt such rules, regulations and procedures as may be deemed necessary to carry into effect the provisions of these Regulations. These shall include, among other things, regulations relating to notices for meetings and public hearings, forms to be used in the submission of applications, times when meetings and hearings shall be held, procedures for the conduct of meetings and public hearings, and the form and context of written reports of statements of fact and of findings of the Board.

Each rule or regulation and each amendment or repeal thereof shall be filed promptly in the office of the Board and shall be a public record.

13.4 Minutes And Findings

The Board of Appeals shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions, all of which shall be filed promptly in the office of the Board and shall be open to public examination at reasonable hours. All findings and actions of the Board shall be in writing and shall set forth the reasons for the action taken, whether it be in favor of or against the granting of an application, petition or appeal.

13.5 Vote Required

The concurring vote of four members of the board of Appeals shall be necessary to reverse any order, requirement or decision of the Town Building Official charged with the administration or enforcement of these Regulations or to decide in favor of the applicant any matter upon which it is required to pass under any provision of these Regulations or to vary the application of these Regulations.

13.6 Appeals To The Board.

Any person aggrieved by a ruling of the Town Building Official respecting the interpretation, administration or enforcement of these Regulations or any officer, department, board, commission, agency, or bureau of the Town affected by a ruling of the Building Official concerning the interpretation, administration or enforcement of these Regulations may take an appeal to the Board of Appeals. Within 15 days of said ruling.

Such appeals shall be taken within 15 days as is prescribed by a rule adopted by such Board. Such appeals shall be taken by filing with the Building Official and with the Board, upon forms provided by the Board, a notice of appeal specifying the grounds therefore. The Building Official shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed form was taken.

13.7 Stay Of Proceedings.

An appeal shall stay all proceedings in furtherance of the action from which appeal is made, unless the building Official certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed, except by a restraining order which may be granted by a court of record on application, on notice to the Building Official and on due cause shown.

13.8 Hearings

The Board of Appeals shall within sixty-five (65) days after receipt of the notice of appeal, hear such an appeal and give due notice thereof to the parties. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in Glastonbury at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before such hearing.

The Board of Appeals shall also hold a public hearing on any application to it for a special exception or variance of these Regulations. The Board shall adopt appropriate and reasonable procedures for the timing, notice and conduct of such hearings, except as otherwise provided or required in the Connecticut General Statues, as amended.

At any hearing, any party may appear in person and may be represented by an agent or by an attorney.

13.9 Criteria For Decisions

In addition to the special criteria for making a decision regarding a variance application, the Board of Appeals prior to making its decision regarding any application for a special exception, variance, approval of location, or any other matter requiring Board action in accordance with the provisions of these Regulations, shall consider, at a minimum, in relation to such application or proposal, the following criteria:

a. Appropriateness Of Location Or Use.

1. The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Development, the specific zone and the neighborhood;

2. The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood and conformity to any adopted neighborhood plan;

3. The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use;

4. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties;

5. The overall effect on values and utilization of neighborhood properties;

6. Unusual topography of the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site;

7. The extent, nature and arrangement of parking facilities, entrances and exists;

8. Problems of fire and police protection;

9. The preservation of the character of the neighborhood;

10. The availability of adequate sewerage and water supply;

11. All other standards prescribed by these Regulations.

b. Conformance. Conformance with the Glastonbury Building-Zone Regulations and, where appropriate, the Glastonbury Subdivision Regulations and any other applicable laws, codes or ordinances.

c. Safety, Health And Environment. Accessibility for emergency vehicles and equipment, proper utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The board of Appeals may seek reports on the application from appropriate Town departments such as the Police and fire Departments, Town Sanitarian, Town Engineer, Town Building and Conservation Commission.

13.10 Decision Of The Board

The board of Appeals shall render its decision on an appeal within sixty-five (65) days after the hearing thereon. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from and shall make such order, requirement or decision as in its opinion should be made in the premises and shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of these Regulations and of the Connecticut General Statues. Such order, requirement or decision and any grant of a variance be subject to such conditions and restrictions as appear to the Board to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such conditions or restrictions may include a requirement that the application or petition be submitted to the Town Plan and Zoning Commission for design review of the use, buildings or structures under the provisions of Section 12 of these Regulations.

The Board shall render its decision on an application for a special exception, variance or approval of location within a reasonable period of time after the hearing on such application.

Whenever the Board of Appeals grants or denies any special exception or variance or sustains or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in the Town of Glastonbury and addressed by certified mail to any person who appeals to the Board, by its secretary or clerk, under

his signature in any written, printed, typewritten or stamped form, within fifteen (15) days after such decision has been rendered.

Any such exception, variance or reversal shall become effective at such time as is fixed by the Board, provided a copy thereof shall be filed in the office of the Town Clerk.

If substantial construction has not begun on a building or structure, or no use established on a lot, for which building, structure or use a special exception or variance was received from the zoning Board of Appeals after (the effective date of these Regulations), within (2) two years from the date of issuance of such special exception or variance fro said building, structure or use, such special exception or variance shall become null and void. Eff. 12/18/88.

In its discretion, and for good cause, the Zoning Board of Appeals, upon request of the applicant, may extend for an additional one (1) year the period for the beginning of substantial construction or establishment of a use. Such extension shall be granted only once for any particular special exception or variance.

The Zoning Board of Appeals may also, in its discretion and for good cause, upon request of the applicant, approve a staging timetable for the start of construction or the establishment of a sue, provided that such a staging timetable shall include all portions of the proposed development.

13.11 Applications To The Board

Every application or petition for a special exception, variance or for an appeal of an order, requirement or decision by the Town Building Official shall be made on a form prepared and provided by the Board of Appeals. Each such application shall clearly indicate the ownership of the reasons for the application or petition and a site plan map of the property indicating, where applicable:

a. Property boundaries (existing and proposed).

b. Location of all structures (existing and proposed).

c. Location of all streets, driveways and entrances (existing and proposed).

d. Location of all parking areas and parking stalls.

e. Location of all off-street loading areas.

f. Location of usable open space.

g. Proposed ground coverage.

h. Position of fences and walls (materials specified).

i. Position of screen planting (type of planting specified).

j. Proposed means of surface drainage.

k. Location of all easements, rights-of way, conduits and the like.

13.12 Notice To Contiguous Municipalities Of Variance Applications

Whenever the Board of Appeals has before it for consideration an application for a variance in the use of property any portion of which lies within five hundred (500) feet of a contiguous municipality, the Board shall, at least one (1) week prior to the hearing thereon, notify the clerk of such municipality, in writing, of the fact of such application and of the date fixed by it for such hearing.

SECTION 14

TOWN PLAN AND ZONING COMMISSION

14.1 Charter reference
14.2 Powers and duties of the Town Plan and Zoning Commission
14.3 Rules of procedure
14.4 Minutes and findings
14.5 Hearings
14.6 Decision of the Commission
14.7 Application to the Commission

SECTION 14
TOWN PLAN AND ZONING COMMISSION

14.1 Charter Reference

The Town Plan and Zoning Commission is duly constituted pursuant to Chapter 126 of the Connecticut General Statutes and Section 802 of the Glastonbury Charter.

14.2 Powers And Duties Of The Town Plan And Zoning Commission

The Town Plan and Zoning Commission shall have the following powers and duties, in addition to any other powers and duties afforded to it by any statute, code or ordinance, by the Glastonbury Subdivision Re-subdivision Regulations, or by these Regulations

a. Special permits, other permits, waivers and design review approvals. The Commission shall hear and decide all matters including special permits, sign permits and excavation permits, waivers (such as waivers of distance limitations under 6.1 of these Regulations), and design review approvals, upon which the Commission is authorized and/or required to pass upon by the provision of these Regulations, subject to any requirements of such provisions.

b. Planned area developments. The Commission shall review, consider, act upon and make recommendations to the Town Council on any proposed Planned Area Development Zone in accordance with he provisions of Section 4.12 of these Regulations.

c. Open space subdivisions and rear lot approvals. The Commission shall review, consider and act upon all applications for open space subdivisions and rear lot approvals in accordance with the provisions of 6.7 and 6.8 of these Regulations.

d. Amendments. The Commission shall be requested by the Town Council to make a recommendation on any proposed change in or amendment of these Regulations, including the Building-Zone map, in the manner and within the time provided by the Connecticut General Statutes.

14.3 Rules Of Procedure

The Commission shall adopt such rules, regulations and procedures as may be deemed necessary to carry into effect the provisions of these Regulations. These shall include, among other things regulations relating to notices for meetings and public hearings, forms to be used in the submission of applications, times when meetings and hearings shall be held, procedures for the conduct of meetings and public hearings, and the form and context of written report of statements of fact and of findings of the Commission. Each rule or regulation and each amendment or repeal thereof shall immediately be filled in the office of the Commission and shall be a public record.

14.4 Minutes And Findings

The Commission shall keep minutes of its proceedings, recording each action of the Commission and the vote of each member and each alternate member, when seated, upon each action, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed promptly in the office of the Commission and shall be open to public examination at reasonable hours. All findings and actions of the commission shall be in writing and shall set forth the reasons for the action taken whether it be in favor of or against the granting of an application.

14.5 Hearings

The Commission shall hold a public hearing whenever required by the Connecticut General Statues, as amended, and may hold a public hearing on any application to it for any other matter. The Commission shall adopt appropriate and reasonable procedures for the timing, notice and conduct of such hearings, except as otherwise provided or required in the Connecticut General Statues, as amended.

At any hearing, any party may appear in person and may be represented by an agent or by an attorney.

14.6 Decision Of The Commission

The Commission shall render its decision on an application for a special permit or any other matter, unless otherwise required by the Connecticut General Statues, as amended, within a reasonable time after it receives such application or matter and may set such conditions, as it deems appropriate in making its decisions.

Any such decision shall become effective at such time as it s fixed by the Commission, or, if no time is fixed, as of the date notice of the decision is first published.

14.7 Application To The Commission

Every application for a special permit or other matter shall be made on a form prepared and provided by the Commission. Each such application for a special permit shall clearly indicate the ownership of the property involved and include, at a minimum, a statement by the applicant of the reasons for the application and a site plan map of the property in accordance with the provisions of Section 12.6 of these Regulations.

SECTION 15
POSTING OF SIGNS

Whenever a person takes an appeal from a decision of the Building Official or seeks a variance or special exception from the Zoning Board of Appeals or a special permit from the town Plan and Zoning Commission, whichever is the appropriate agency in the particular case, and a public hearing is to be held by the appropriate agency on such appeal, variance, special exception or special permit, the appellant, or applicant, shall cause a sign to be placed on the property which is the subject of said appeal, variance, special exception or special permit, the appellant, or applicant, shall cause a sign to be placed on the property which is the subject of said appeal, variance, special exception, or special permit, said sign to be placed at or near a street line or traveled way or in such other location that it will be clearly visible to the general public. Such sign, to be provided by the town, shall, except for the wording thereon, be installed by the appellant or applicant not less than ten (10) days before the hearing on said appeal, variance, special exception, or special permit, and shall be removed and returned to the Town by said appellant or applicant within five (5) days after such hearing.

INTRODUCED: 11/25/86

PUBLIC HEARING: 12/8/86

APPROVED: 12/17/86

EFFECTIVE: 12/27/86

SECTION 16
AMENDMENTS AND BUILDING-ZONE MAP CHANGES

Pursuant to and in accordance with the provisions of Section 307 of the Glastonbury Charter, the Town Council, acting as the Zoning Commission of the Town of Glastonbury, shall have the power to enact, amend or repeal any Building-Zoning Regulation, provided no such regulation shall be enacted, amended or repealed, nor any public hearing held thereon, until the Town Council shall have received a recommendation thereon from the Town Plan and Zoning Commission, or until thirty-five (35) days shall have elapsed after the Council has requested such a recommendation from such Commission.

In enacting zoning regulations, the Council shall adhere to the procedural requirements of Section 8-3 of the Connecticut General Statues, as amended, rather than the enactment procedures of the Charter. Additionally, notice of the Public Hearing on changes to the Building-Zone Map shall be sent by mail at least 10 days before said hearing to the Assessor's record owners of land within 500' of the area to be rezoned. Said notice shall indicate the time, date and place of the hearing, the location of the property to be rezoned and that copies of the application are available in an appropriate location for inspection.

The Town Plan and Zoning Commission shall make recommendations to the Town Council for Public Hearing and enactment of any amendments, modifications, additions, or repeal of a Building-Zoning regulation, including changes to the Building-Zone Map.

SECTION 17
SEPARABILITY (VALIDITY)

If any section, sub-section, paragraph, subdivision, clause, or provision or these Regulations shall be adjudged invalid, such decision shall apply only to the section, sub-section, paragraph, subdivision, clause or provision in question, and the remainder of these Regulations shall be deemed valid and effective.

SECTION 18
EFFECTIVE DATE

These Regulations shall take effect October 22, 1973. Wherever in these Regulations phrases such as "actual date of adoption of these Regulations," "the effective date of these Regulations" or the like are used, they shall be deemed to refer to the above-mentioned effective date, October 22. 1973.

SECTION 19
SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT

19.1 Definitions

a. "Certification" means a signed, written approval; by the Town Plan and Zoning Commission that the Soil Erosion and Sediment Control Plan as presented complies with this regulation and the minimum acceptable standards established in Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended.

b. "Commission" means the Town Plan and Zoning Commission of the Town of Glastonbury.

c. "County Soil and Water Conservation District" means the Hartford County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statues.

d. "Development" means any construction on improved or unimproved real property located in the Town of Glastonbury, including, but not limited to any grading activities or vegetation removal associated with such construction.

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

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

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

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

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

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

k. "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

19.2 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.

a. EXEMPTIONS

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

19.3 Soil Erosion And Sediment Control Plan

a. 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 Guidelines for Soil Erosion and Sediment Control (1985), as amended.

b. Said plan shall contain, but not be limited to:

1. A narrative describing:

a.) The development;

b.) The schedule for grading and construction activates including:

c.) Start and completion dates;

d.) Sequence of grading and construction activities;

e.) Sequence for installation and/or application of soil erosion and sediment control measures;

f.) Sequence for final stabilization of the project site.

g.) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

h.) The construction details for proposed soil erosion and sediment control measures and storm water management facilities;

i.) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

j.) The operation sand maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

2. A site plan at a scale of no less than 1" = 40' 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.

c. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent, including but not limited to watershed map(s) and a statement of the project's impact on watershed(s).

19.4 Minimum Acceptable Standards

a. 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 Guidelines for Soil Erosion and Sediment Control (1985), 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.

b. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

c. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

19.5 Issuance Or Denial Of Certification

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

b. 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.

c. Prior to certification, any Soil Erosion and Sediment Control Plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

d. The Commission or its designated agent shall forward a copy of the development proposal including the Soil Erosion and Sediment Control Plan to the Conservation Commission for review and recommendation.

19.6 Conditions Relating To Soil Erosion And Sediment Control

a. Site development shall not begin unless the Soil Erosion and Sediment Control Plan is certified and those control measures and facilities in the certified Soil Erosion and Sediment Control Plan which are scheduled for installation prior to site development are installed and functional. If any such site development is begun prior to the time that such pre-development control measures and facilities, as required under such certified plan, a re installed and functional, and such site development continues after written notice is provided to the permittee under such certified plan, or such permittee's designated agent, advising of the failure to comply with the certified plan, the Commission may suspend or revoke its certification of such certified plan.

b. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Soil Erosion and Sediment Control Plan.

c. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified Soil Erosion and Sediment Control Plan.

19.7 Monitoring And Inspection

a. Inspections may be made by the Commission or Town staff during development to ensure compliance with the certified Soil Erosion and Sediment Control Plan and that control measures and facilities are properly performed or installed and maintained. The Commission and any agent designated by the Commission to make inspections shall be allowed to access the project site at any time.

b. The permittee shall verify through progress reports as required by the Commission that soil erosion and sediment control measures and facilities have been performed or installed according to the certified Soil Erosion and Sediment Control Plan and are being operated and maintained.

c. Prior to initiation of development activity, the permittee shall place on file with the Commission a letter identifying designated person(s) responsible for implementation of the certified Soil Erosion and Sediment Control Plan and with whom inspectors representing the Town may communicate routinely.

d. The Commission shall designate agents who shall have authority to act in the field in the event of:

   1. Unforeseen developments and emergencies which require immediate remedial action.

   2. A need for minor amendments or adjustments to a certified Soil Erosion and Sediment Control Plan that will enhance effectiveness of the erosion/sediment control measures.

e. It is the permittee's responsibility to anticipate unforeseen erosion or sedimentation problems and emergencies and to have the capability to deal effectively with such problems. In the event of an unforeseen emergency in which adjacent properties, roadways, wetlands or watercourses in the Town of Glastonbury face imminent danger of pollution or obstruction from erosion and sedimentation and the permittee or his designated agent cannot be contacted through reasonable effort, the Commission shall empower its agent to act to stem the threat of erosion and sedimentation. Except to the extent prohibited by applicable law, the expense for remedial action shall be recoverable from the permittee under the certified Soil Erosion and Sediment Control Plan.

19.8 Minor Amendments To Certified Soil Erosion And Sediment Control Plan

Minor amendments to a certified Soil Erosion and Sediment Control Plan may be approved by the Commission's designated agents provided that the proposed amendment:

a. Involves the replacement of inadequate or failed control materials or devices with those determined to be more effective by the designated agent;

b. Does not adversely change an approved restoration schedule;

c. Is not a substantial redesign of the certified Soil Erosion and Sediment Control Plan or narrative, in the agent's opinion.

The permittee or the Commission's agent may petition the Commission for substantial amendments to the Certified Soil Erosion and Sediment Control Plan. The permittee will be notified in writing if the Commission's Agent petitions the Commission for substantial amendments to the Certified Soil Erosion and Sediment Control Plan.

AMENDED ADOPTED DECEMBER 10, 1985

AMENDED EFFECTIVE DECEMBER 23, 1985

WORDING FOR CERTIFICATION STAMP
(TO VERIFY "CERTIFICATION" AS DEFINED IN SOIL EROSION AND SEDIMENT CONTROL REGULATION)

IT IS HEREBY CERTIFIED THAT THIS SOIL EROSION AND SEDIMENT CONTROL PLAN IS IN COMPLIANCE WITH SECTION 19 OF THE GLASTONBURY BUILDING-ZONE REGULATIONS OR SECTION 5.7.b (13) OF THE GLASTONBURY SUBDIVISION AND RESUBDIVISION REGULATIONS, AS APPLICABLE, AND THAT IT SATISFIES THE MINIMUM STANDARDS ESTABLISHED IN CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL (1985), AS AMENDED.

THE PERMITTEE UNDER THIS PLAN IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THIS PLAN. THE TOWN OF GLASTONBURY SHALL NOT BE HELD LIABLE FOR IMPROPER INSTALLATION, LACK OF MAINTENANCE OR OTHER NEGLECT ON BEHALF OF THE PERMITTEE.

_____ DATE: _____

CHAIRMAN OR SECRETARY OF THE TOWN
PLAN AND ZONING COMMISSION

Adopted October 10, 1995 and to be in effect January 1, 1996 and March 1, 1996 (see last page)

AMENDMENT TO THE

TOWN OF GLASTONBURY BUILDING ZONE REGULATIONS

SECTION 20
GROUNDWATER PROTECTION

20.1 Purpose

This section is adopted pursuant to the authority conferred by Section 8-2 of the Connecticut General Statute for the following purposes: to secure the public health, safety and general welfare; to preserve and protect from new contamination the Groundwater resources currently in use and those Aquifers having a high potential for future use as a public water supply in order to ensure a safe and adequate water supply for present and future generations; and to regulate land uses in manner consistent with Groundwater protection needs.

20.2 Applicability

The provisions of this section shall apply to all land within the boundaries of the Town of Glastonbury except for state and federal land uses and structures which are exempt from these regulations. Specific Groundwater protection zones, as shown on the map identified in Section 20.9 of the Regulations are Overlay Zones established to further protect special areas of concern. Land shall be used and structures erected, constructed, reconstructed, altered or used in conformance with this Section 20 and all other requirements of the underlying zone.

The provisions in this Section 20 are not intended to repeal, abrogate, or annul any portion of these regulations, other Town regulations, existing State or Federal laws and regulations or existing easements, covenants or deed restrictions. In any case where there is a conflict between any of the foregoing and this Section 20, whichever imposes the most stringent restriction shall apply.

The management practices of applying sand and deicing agents to highways, roads, driveways, parking lots, sidewalks or other vehicular or pedestrian traveled ways are not subject to this Section 20.

20.3 Regulating Agency And Their Agents

The Town Plan and Zoning Commission shall be the regulating agency for the administration of these Groundwater protection regulations. Planning staff from the Office of Community Development shall serve as Authorized Agents of the Commission in the administration of this Section 20.

20.4 Definitions

For the purpose of this Section 20 the following definitions shall apply:

a. "Applicant" means any person, firm, partnership, association, corporation, company, organization or any other private or political entity of any kind, including, but not limited to, any municipal agency or subdivision thereof in which the Applicant's proposed land use, construction or use of a structure/building by any of the foregoing is subject to the provisions of this Section 20.

b. "Aquifer" means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable materials to yield quantities of water to wells and/or springs. Such a formation is usually, but is not necessarily, composed of bedrock or sand or gravel.

c. "Authorized Agent" means the professional planning staff of the Town's Office of Community Development which includes its Director, Environmental Planned and Planner.

d. "Bedrock" means solid rock, commonly called "ledge," that forms the earth's crust. It is locally exposed at the land surface in Connecticut, but is more commonly buried beneath a few inches to more than 300 feet of unconsolidated materials.

e. "Commission" means the Town Plan and Zoning Commission of the Town of Glastonbury.

f. "Comprehensive Site-Specific Evaluation" means an assessment of a site's hydrogeologic characteristics which shall include, but not be limited to: percolation rate above the water table; soil profile to a depth of ten (10) feet or to bedrock (whichever comes first); depth to water table; and below the water table a determination of hydraulic conductivity for estimates of contaminant transport and hydraulic gradient.

g. "DEP" means the Department of Environmental Protections of the State of Connecticut.

h. "EPA" means the Environmental Protection Agency of the United States of America.

i. "Glacial Till" or "Till" means a predominantly nonsorted, nonstratified sediment deposited directly by a glacier and composed of boulders, gravel, sand, silt and clay, mixed in various proportions.

j. "Groundwater" means all the water beneath the surface of the ground and in the Saturated Zone.

k. "Groundwater Protection Permit" means a special permit issued to the Applicant once an application is approved by the Commission.

l. "Hazardous Material" or "Hazardous Substance" means a substance, solution or mixture (as defined by the applicable Federal and State laws and regulations) that present an actual or potential hazard to human health or to the drinking water supply. Comprehensive listings of hazardous materials or substances appear within the Superfund Amendments and Reauthorization ACT (SARA) and Resource Conservation and Recovery Act (RCRA); such listings are available at the local Health Department. "Hazardous Material" is either a product or waste, or combination of substances which because of quantity, concentration, or physical, or chemical or infectious characteristics, poses an actual or potential hazard to human health, safety, stored, transported, used or disposed of or otherwise managed. "Hazardous Materials" include, but are not limited to:

1. Any material defined as a "hazardous Chemical," "extremely hazardous substance," or "toxic chemical" in the State and Federal laws and regulations;

2. Acids and alkalies outside the Ph range of 4 to 10;

3. Petroleum products, including fuels and waste oils;

4. Synthetic organic solvents; and

5. Any solid material which if exposed to water will leach or dissolve to form a hazardous material as defined above.

m. "Health Department" means the Health Department of the Town of Glastonbury.

n. "Hydraulic Conductivity" means a measure of the ability of a porous medium to transmit a fluid.

o. "Large Quantity of Hazardous Material" means that either 1) at least 2,200 pounds or 250 gallons of a Hazardous Material or Hazardous Substance is generated at the site per month or 2) at least 22,000 pounds or 2,500 gallons of all Hazardous Materials or Hazardous Substance, including Hazardous Waste, are at the site at any one time.

p. "Overlay Zone" means a separate (i.e., GW-1 or GW-2) zone that is superimposed over the underlying zones. Activities in such overlay zones are subject to the requirements of both the underlying zone and overlay zone.

q. "Regulations" means the Town of Glastonbury Building Zone Regulations.

r. "Saturated Zone" means subsurface zone in which all open spaces are filled with water under pressure equal to or greater than atmospheric pressure.

s. "Seasonal High Groundwater Table" means the median level, as measured by the Health Department, to which groundwater rises over the duration of one month or longer during the wettest season of they year.

t. "Small Quantity of Hazardous Material" means that the quantities are less than those established for a large Quantity of Hazardous Material.

u. "Stratified Drift" means predominantly unconsolidated, sorted sediment composed of layers of sand, gravel, silt or clay deposited by meltwaters from glaciers.

v. "Town Manager or Designee" means the Town Manager of the Town of Glastonbury or another town staff person (e.g. Fire Marshal, Building Official and Zoning Enforcement Officer, Health Director, Town Engineer or Environmental Planner) specifically selected by the Town Manager to administer certain aspects of this Section 20.

20.5 Grandfather Clause And Nonconforming Uses

Uses existing at the effective date of this regulation that do not comply with the provisions of this Section 20 shall be considered nonconforming or "grand fathered" and may be continued, maintained and repaired in accordance with Section 8 of these Regulations. In addition to the provisions of Section 8, the following limitations shall apply to nonconforming uses.

a. Any enlargement or expansion of a nonconforming use shall be subject to the requirements of this Section 20. It is the express intent of this Section 20 that such enlargement or expansion shall not increase the degree of risk to the Groundwater resources.

b. To enlarge or expand a nonconforming use the Commission shall require the Applicant to show that the entire facility after expansion will meet performance and design standards specified in Sections 20.8 and 20.13 of these Regulations.

c. No nonconforming use shall be changed to another use without regard to the requirements contained in this Section 20, and no nonconforming use shall be changed to a use prohibited under Sections 20.10.1 and 20.16 of these Regulations.

20.6 Farms

Farms, as defined in Section 2.17 of these Regulations are exempt from this Section 20 with the exception of the requirements of Section 20.8.1.b, but are encouraged to establish a farm resource management plan utilizing assistance from the Hartford County Soil and Water Conservation District and/or the DEP. Certain commercial greenhouses and nurseries are excluded from the farm definition, as established in Section 2.17 of these Regulations, and therefore are subject to the Groundwater protection regulations of this Section 20.

20.7 Townwide Prohibition Of Residential Underground Fuel Storage Tanks

New or replacement residential underground fuel storage tanks, except for liquid propane, are prohibited in the Town of Glastonbury. The Commission cannot waive the prohibition of this Section 20.7.

20.8 Townwide Design Standards And Specifications

The objective of design standards and specifications is to prevent adverse impacts to the Groundwater resources from nonresidential and residential uses as further specified in Section 20.8. All land areas within the Town of Glastonbury for the specified uses are subject to these design standards and specifications. All proposed uses and applicable nonconforming uses pursuant to Section 20.5 of these Regulations shall conform to specified standards. This Section 20.8 shall be administered by the Town Manager or Designee, and such administration includes, but is not limited to determining compliance to the design standards and specifications.

20.8.1 Hazardous Materials Storage Handling and Disposal for Nonresidential Uses.

The following subsections 20.8.1.a through 20.8.1.e inclusive shall only apply to uses of lands that regularly or routinely utilize or produce Hazardous Materials.

a. General.

1. Hazardous Materials or Hazardous Substances that are to be utilized or generated in connection with the nonresidential uses shall be identified and noted on the site plan. Hazardous Materials and Hazardous Substances quantities shall be recorded and continually updated by the property owner/occupant on register that shall be available for inspection by the Town Manager Or Designee.

2. All generators of Hazardous Materials or Hazardous Substances shall apply for and obtain all necessary permits and registrations required by EPA and DEP. All generators of Hazardous Materials or Hazardous Substances that are classified as “small generators” by EPA and DEP shall provide: (i) for the collection, transport, and ultimate disposal of said Hazardous Materials or Hazardous Substances, consistent with the best available management practices, by a registered hauler, as defined and licensed by EPA and DEP; a registered and (ii) upon request by Town Manager or Designee, document records for the same.

3. All new and replacement facilities to be used for the production or storage of Hazardous Materials or Hazardous Substances shall be designed and constructed in a manner which will provide the maximum protection against contamination of Groundwater from leakage or spillage of Hazardous Materials or Hazardous Substances. Storage facilities shall meet applicable specifications of the most current standards established by the National Fire Prevention Association. Storage facilities shall conform to applicable procedures and regulations of the EPA, DEP and the local Fire Marshal.

4. The applicant shall include contingency plans which shall include a description of proposed actions, measures and methods for the cleanup and disposal of leaked or spilled Hazardous Materials or Hazardous Substances. In the event of a leak or spill, Groundwater samples shall be obtained as prescribed by the Town Manager or Designee. If the concentration of any chemical in Groundwater sample exceeds the applicable limits established by the DEP, EPA or State of Connecticut Department of Health Services, and if re-sampling confirms the concentrations, the property owner shall take immediate remedial action to reduce the concentrations of Hazardous Materials and Hazardous Substances in Groundwater to levels acceptable to the Town Manager or

Designee in consultation with the DEP, the EPA or the State of Connecticut Department of Health Services.

5. Any area to be used for loading or transfer of Hazardous Materials or Hazardous Substances shall be paved and designed to control and capture any leaks or spills of materials being transferred to service or storage areas. Uses involving the handling of Large Quantities of Hazardous Material shall coordinate the location and/or design of catch basins or other storm water inlet structures with proposed loading, handling and storage areas. Design elements of proposed structures shall be required by the Town Manager or Designee to provide confinement for Hazardous Materials or Hazardous Substances in the event of an accident or a spill. Contingency plans shall be prepared listing emergency responses that prevent Hazardous Materials or Hazardous Substances from entering storm water drainage facilities. Periodic certified training of individuals responsible for enacting such documentation of this periodic certified training shall be submitted to the Town Manager or Designee.

6. Any leaks or spills of Hazardous Materials or Hazardous Substances shall be reported to the Town Manager or Designee and the local Fire Marshal's Office immediately upon discovery of such leak or spill regardless of quantity or perceived potential impact upon Groundwater.

7. The use of drywells, leaching structures or other infiltration structures for roadways, parking lots and other paved areas are prohibited.

8. Disposal of Hazardous Materials or Hazardous Substances into the sanity of sewers, at the municipal landfill, or other municipal facilities is prohibited except for instances where the required reviews and approvals are obtained from the DEP.

9. Land disposal of Hazardous Materials or Hazardous Substances on the premises is prohibited except for instances where the DEP had issued a permit for disposal into a subsurface disposal system.

b. Underground Storage Tanks and Facilities.

1. Each nonresidential underground tank or container, regardless of size, shall:

a.) be a double-walled fiberglass-reinforced plastic (FRP) tank which is equipped with contact plates under all fill and gauge openings and is chemically compatible with the contained product as determined by the Town Manager Or Designee utilizing the tank or container manufacturer's warranty; or

b.) be a double-walled steel tank externally coated with a factory applied corrosion resistant coating approved by the Town Manager Or Designee utilizing information provided by the manufacturer the proposed use; (ii) shall be inspected during tank installation for any damage; (iii) if damage is discovered to the coating it shall be repaired to preserve the tank's integrity; and (iv) the tank shall be equipped with cathodic protection and permanent cathodic protection monitoring devices together with contact plates under all fill and gauge openings; or

c.) such other material as is consistent with the industry standard at the time such tank is placed into service provided that such material is approved in advance in writing by the Town Manager or Designee.

2. All other underground facility components shall:

a.) be protected against corrosion by use of noncorrosive materials or steel components with factory applied corrosion resistant coating and cathodic protection and permanent cathodic protection monitoring devices.

b.) be designed, constructed, and installed so as to allow failure determination of all underground piping without the need for substantial excavation.;

c.) be chemically compatible with the intended use as determined by the manufacturer's warranty; and

d.) conform to standards on Piping, Fittings and Connections as set forth in Section 20.8.1.e of these Regulations.

3. Liquid propane storage tanks are not subject to Section 20.8.1.e of these Regulations.

c. Outdoor Aboveground Storage Tanks, Containers And Other Facilities.

1. Except as provided in subparagraph (2) below, aboveground storage tanks shall consist of either:

a.) an aboveground tank placed within an impervious containment area enclosed by a dike or berm. The containment area shall be coated with a sealant resistant to the material to be stored and of adequate size to contain at least 110% of the volume of the largest tank, excluding the volume with the containment area occupied by tanks. The containment area shall be protected from rainwater accumulation with permanent non-permeable roof. Tanks shall be supplied with a mechanical type level gauge and not a sight tube. Top vent pipes or overfill pipes for tanks shall have any potential spillage directed to the inside of the contaminant area.

b.) a preassembled aboveground tank system consisting of a primary tank surrounded by a secondary containment tank. The secondary containment tank shall either be impervious or be equipped with an impervious liner and shall be capable of containing 100% of the primary tank volume. All permitted from the top of the tank. All such tanks must be designed, manufactured and located in accordance with the most current standards established by the National Fire Prevention Association.

2. Spillage from tanks containing flammable materials may drain to a remote impoundment area that the drainage and containment system is sealed to prevent loss of Hazardous Material or Hazardous Substances to the Groundwater.

3. Outdoor storage facilities for portable containers (e.g. drums) and tanks containing Hazardous Materials or Hazardous substances shall be designed to provide impervious containment adequate to contain at least 30% of the total volume to be stored or at least 100% of the volume of the largest tank, whichever is the larger volume. Drainage of precipitation from within the containment area shall be disposed of in manner that will prevent and Hazardous Materials or Hazardous Substances from entering the ground or Groundwater (e.g. roofs or drain valves). All containers and drums shall be sealed.

4. Dumpsters shall be on a concrete pad or paved area, shall be covered or located within a roofed area, and shall be water tight with any drain plugs intact. All outdoor storage facilities shall be designed to provide for adequate security to protect toxic materials, Hazardous Materials or Hazardous Substances from vandalism or accident.

5. Outdoor bulk storage facilities, including but not limited to facilities for the storage of non-farm related manure, fertilizers and salt, shall be designed with an impervious floor to prevent contact

of stored material with the ground together with a non-permeable roof to prevent precipitation from reaching the stored materials.

6. Liquid propane storage tanks are not subject to Section 20.8.1.c of these Regulations.

7. Piping, fittings and connections shall conform to the standards as set forth in Section 20.8.1.e of these Regulations.

d. Indoor Storage Facilities.

1. Indoor storage tank areas, including nonresidential basement fuel tanks, and facilities to be used for storage of Hazardous Materials or Hazardous Substances in portable tanks or containers shall be on an impervious floor without floor drains and within and impervious containment area or connected to a remote impoundment area with an impervious drainage system. The containment area shall be adequate to contain 100% of the entire storage volume, unless the Town Manager Or Designee determines that a smaller containment volume is adequate to provide containment of Hazardous Materials or Hazardous Substances generated from fire fighting within the building.

2. Any open tanks, vessels or vats that may contain Hazardous Material or Hazardous Substances in an area equipped with a sprinkler system shall implement the best techniques acceptable to the Town Manager or Designee, to deter spillage or overtopping from said open tank, vessel or vat without compromising the fire fighting need of the sprinkler. Such acceptable techniques shall include, but shall not be limited to, the location or positions of the tank, vessel or vat in relation to the sprinkler head, head deflectors and automatic covers.

e. Piping, Fittings and Connections

1. Piping, fittings and connections to be used with Hazardous Materials or Hazardous Substances shall be protected against corrosion by the use of noncorrosive materials, cathodic protection or equivalent designs acceptable to the Town Manager or Designee.

2. Underground piping to be used with Hazardous materials or Hazardous Substances for fuel shall be constructed of double-walled pipe or installed in impervious trenches or galleys.

3. Underground piping shall be designed with access points to permit periodic pressure testing without extensive excavation, and with a reliable means of monitoring the installation for leakage. Such periodic pressure testing shall be performed by the property owner and documented for inspection by the Town Manager or Designee.

20.8.2 Floor Drains for Nonresidential and Residential Uses Involving Hazardous materials.

a. Interior floor drains from any process area where possible contaminants are handled shall not be directed to any stream, storm drain or subsurface leaching system.

b. For those uses identified in Section 20.10 and 20.16 of these Regulations as requiring connection to a public sanitary sewer, floor drains shall discharge only to the public sanitary sewer.

c. Interior floor drains from any process areas where possible contaminants are handled shall be directed into a public sanitary sewer with the specified pretreatment as may be required by the Town Manager or Designee, DEP and/or the Glastonbury Water Pollution Control Authority.

d. When floor drains are to be connected to public sanitary sewers, the Applicant shall provide evidence of approval by the Glastonbury Water Pollution Control Authority and the Town Manager or Designee.

e. Floor drains, other than those in bathrooms or kitchen facilities, shall discharge only to sanitary sewers, a septic system or holding tank. The Applicant shall submit evidence of a DEP discharge permit when applicable.

f. For any floor drain connected to a holding tank, the Applicant shall provide a description of the method and frequency of removal and disposal of the accumulated waste in the holding tank. Holding tanks receiving discharges containing Hazardous Materials or Hazardous Substances shall meet standards for storage tanks specified in Section 20.8.1 of these Regulations and shall be provided with a containment area to prevent spills during transfer in the removal process.

20.8.3 On-site Septic System and Water Well Relationships for Nonresidential and Residential Uses.

Proposed uses that utilize both an on-site septic system and water well shall comply with the following requirements: (i) septic systems for a proposed sue shall not be permitted where the bedrock is overlain with less than five (5) feet of naturally occurring soil, or where the Seasonal High Groundwater Table is overlain with less than twenty-four (24) inches of naturally occurring soil (or in other terms, in order to have an acceptable location for a septic system one must have at least 24 inches of naturally occurring soil above the Seasonal high Groundwater Table and at least 5 feet of naturally occurring soil above bedrock); and (ii) the bottom of leaching systems shall be no less than 5 feet above ledge and 25 inches above the seasonal High Groundwater Table.

20.8.4 Waivers

The Applicant may request that the Commission waive certain requirements contained within this Section 20.8 Waivers issued by the Commission shall require an action consisting of at least a 3/4th affirmative vote by members of the Commission then voting. An Applicant requesting a waiver shall submit their request in writing stating in full detail the grounds and facts relied upon in making the request. The Commission may not grant a waiver that would endanger the Groundwater resources or otherwise compromise the goals and objectives of this Section 20. The Commission shall state on the record the factual basis and the substantive reasons for its decision on the waiver request.

20.9 Establishment Of Groundwater Protection Zones And Boundaries

For the purposes of this Section 20, two overlay zones, as depicted on the map referred to in Section 20.9.1 of these Regulations, are established:

a. Groundwater Protection Zone 1 (GW-1) generally consists of all land underlain by coarse-grained Stratified Drift at the land surface. This zone has the most restrictive regulations and requirements due to the potential contamination of Groundwater. Groundwater availability is characterized by potentially yielding substantial quantities of water.

b. Groundwater Protection Zone 2 (GW-2) consists of all land classified as being Glacial Till that is generally mapped as having less than ten (10) feet thickness over bedrock. Restrictions in this zone are directed at protecting and preserving the bedrock Aquifer so it may provide the best possible quality and quantity of water in individual wells because this is the principle recharge area to the bedrock Aquifer.

20.9.1 Map

Boundaries of the Groundwater Protection Zones within the town are shown on the map entitled "Groundwater Protection Zones Map. Glastonbury, Connecticut Scale of 1 inch equals 1,500 feet, Approved October 10, 1995, Effective January 1, 1996" which is on file with the Glastonbury Town Clerk and the Office of Community Development. The map may be periodically updated based on new technical information as approved and adopted by the Commission after a Public Hearing.

20.9.2 Resolution of Boundary Disputes

There the boundaries of the Groundwater Protection Zone(s) are in dispute, the landowner must demonstrate that the boundaries shown on the map are incorrect based on evidence provided by a qualified hydro geologist. When doubt exists with respect to the conclusions to be drawn from the evidence of the hydro geologist, the Commission may commission a further study by an independent hydro geologist selected by the Commission to resolve the dispute.

20.10 Uses That Are Prohibited Or Otherwise Regulated Within The Groundwater Protection Zones

20.10.1 Prohibited Uses

Uses indicated by an "X" in the table that appears in Section 20.16 of these Regulations are prohibited in the specified Groundwater Protection Zones because such uses present unacceptable risks of contamination of Groundwater.

20.10.2 Uses Requiring a Groundwater Protection Permit.

Uses indicated by a "PR" in the table that appears in Section 20.16 of these Regulations require application for and approval of a Groundwater Protection Permit in the specified Groundwater Protection Zones because such uses are of concern and present possible unacceptable risks of contamination of Groundwater. When possible unacceptable risks of contamination of Groundwater. When an "*" (asterisk) accompanies the "PR" designation, then the use must also be connected to a public sanitary sewer or, as allowed by the Commission, the use area(s) connected to one or more holding tanks; otherwise the use is prohibited.

20.10.3 Conditional Uses

Uses indicated by a "C" in the table that appears in Section 20.16 of these Regulations are allowed in the specified zones, provided, however, that such use is connected to a public sanitary sewer and conforms with the applicable design standards and specifications set forth in Sections 20.8 and 20.13 of these Regulations. Ensuring conformance of conditional uses shall be an administrative function performed by the Town Manager or Designee.

20.10.4 Uses Allowed Provided That They Conform With Sections 20.8 and 20.13 of these Regulations.

Uses indicated by "OK" in the table that appears in Section 20.16 of these Regulations are allowed in the specified zones provided such use conforms to the applicable design standards and specifications set forth in Sections 20.8 and 20.13 of these Regulations. All other uses that are not specifically identified within the table are also allowed provided such use conforms to the applicable design standards and specifications set forth in Sections 20.8 and 20.13 if these Regulations. Ensuring conformance of conditional uses shall be an administrative function performed by the Town Manager or Designee.

20.11 Groundwater Protection Permit Process.

A Groundwater Protection Permit shall be obtained for those uses identified as requiring such a permit in Section 20.16 of these Regulations prior to:

a. the development of land for a regulated use;

b. additions or substantial changes to existing, established conforming or non-conforming regulated uses or an intensification of such use that provides an increased potential for contamination to the Groundwater as determined by the Commission; or

c. any change of use within a developed property.

Where a Groundwater Protection Permit is required, it shall be separate and in addition to the other requirements set forth in all land use regulations. In general, the Connecticut General Statues governing the procedures for and administration of special permits shall apply to Groundwater Protection Permits.

20.11.1 Permitting Agency

The Commission shall be the granting agency for all Groundwater Protection Permits. A public hearing shall be required for issuance of a Groundwater Protection Permit.

20.11.2 Application

An application for a Groundwater Protection Permit shall include the appropriate application fee and the following information:

a. Description of the intended use.

b. Distance to nearest domestic or public drinking water supply wells. Any additional available information concerning the well drawdown area or area of contribution.

c. Provisions for storm water runoff controls, including a detailed drainage plan with design and location of parking lots, loading areas, and access roads, location of storm drains and points of discharge; location and design details for detention basins; storm water control systems and provisions for their long-term maintenance must meet the applicable performance and design standards within this section.

d. Expected types and amounts of discharges to sewers, to the ground, and to surface water, and location and design of floor drains, septic systems, and/or sewage lift pump stations and force mains, showing that the meet the applicable performance and design standards within Section 20.

e. Proposed heating source for any building, including fuel type, storage facility, feedline type and location.

f. Location and description of all indoor and outdoor storage area, types of materials to be stored, showing that storage facilities meet applicable performance and design standards within this section.

g. Inventory and Material Safety Data Sheets for all hazardous and toxic materials, and Emergency Release Response Plan, as required under Superfund Amendments and reauthorization Act (SARA) regulations (40 CFR 370, 372).

h. Description of any use of fertilizers, pesticides or herbicides on areas larger than two (2) acres, showing the proposed uses and areas and that these meet the applicable performance and design standards within Section 20.

i. Additional geologic and/or hydrologic information may be required by the Commission such as existing well installations, logs of wells, and analysis of water quality and, hydrologic studies (impact assessment and monitoring provision, etc).

j. The owner and/or the owner's authorized agent shall submit a letter of consent which gives the Commission and/or its Authorized Agents the right of entry for purposes of inspection to verify compliance with permit requirements.

20.11.3 Review Procedure

The Applicant, at the time of any application made by an Applicant, shall be responsible for submitting a competed Groundwater Protection Permit application to the Authorized Agents. The Applicant shall provide additional copies of the completed application as directed. The Commission designated reviewing agencies. If the Commission or any reviewing agency determines that the proposed use is likely to adversely impact Groundwater resources, the Commission may refer the application to the Connecticut Departments of Environmental Protection and/or Health Services for their comments. All designated reviewing agencies planning to provide comment shall submit written comments to the Commission within a thirty (30) day time frame.

20.11.4 Decision Criteria

No Groundwater Protection Permit shall be issued by the Commission for any proposed use likely to cause a substantial or material adverse impact to the quality or quantity of the Groundwater resources. In its decision, the Commission shall clearly state the reasons for the basis of their decision.

20.11.5 Conditions of Approval.

The Commission may include as conditions of approval of a Groundwater Protection Permit any requirements deemed necessary by the Commission to ensure adequate long-term protection of Groundwater resources. Conditions of approval may include, but are not limited to Groundwater monitoring, water quality impact assessment or hydrogeologic study, fertilizer and pesticide management plan, maintenance of storm water controls and septic systems, or other protection measures, including bonding.

20.11.6 Bonding

The Commission may require the Applicant to post a bond to cover all or a portion of the estimated 1) construction costs for structural components related to protecting the Groundwater including, but not limited to the applicable design standards and specifications and 2) operational and maintenance costs for said structural components.

20.11.7 Compliance to the Permit

No Certificate of Occupancy shall be issued until the Applicant's engineer has submitted a Letter of Compliance to the office of Community Development certifying that: the completed project complies with the Groundwater protection related planning and design components of the application; and all of the conditions set forth in the Applicant's Groundwater Protection Permit.

20.12 Exemptions

A Groundwater Protection Permit shall be required for a change in tenant provided all of the following conditions are met, as determined by the Authorized Agents; A) No intensification of use or change in use or change in material s or processes at the site; B) No exterior structural changes to the building, parking areas or drainage systems; C) No floor drain installations; and D) No additional chemical or Hazardous Material storage.

20.13 Special Design Standards And Specifications For The Groundwater Protection Zones

In addition to the requirements established in Section 20.8 of these Regulations, the following design standards and specifications shall be applied to proposed land uses within the GW-1 and GW-2 zones. This Section 20.13 shall be administered by the Town Manger or Designee and such administration includes, but is not limited to determining compliance tot eh design standards and specifications. All proposed uses and applicable nonconforming uses pursuant to Section 20.5 of these Regulations shall conform to specified standards.

20.13.1 Nitrogen Loading

The total nitrogen loadings to the Groundwater shall not exceed ten milligrams per liter (10 mg/l) for those land areas proposed for disturbance, alteration and construction. The Town Manager or Designee may, upon their discretion, require ore stringent standards to address special Groundwater protection needs. The Town Manager or Designee may require that the total nitrogen loadings to the Groundwater shall not exceed: five milligrams per liter (5 mg/l) in the GW-1 Zone; and seven milligrams per liter (7 mg/l) in the GW-2 Zone. A mass balance equation shall be used to predict the resulting total nitrogen loading, summing the nitrogen mass from sources such as sewage effluent, road runoff, fertilizers, precipitation and other natural and man-made sources along with the recharge volumes from such sources. Total nitrogen predictions shall utilize the state-of-the-art nitrogen loading assessment technique prepared by the Cape Cod Commission, Barnstable, Massachusetts; the specifics of this technique are contained in Technical Bulletin 91-001 Nitrogen Loading, dated April 1992, prepared by Eduard M. Eichner, Water Resources Planner/Environmental Scientist and Thomas C. Cambareri, Water Resources Coordinator/Hydrogeologist of the Water Resources office (Armando J. Carbonell, Executive Director, Cape Cod Commission, 3225 Main Street, P.O. Box 226, Barnstable, MA 02630, (508) 362-3828). An existing residential building lot that was created by an approved subdivision is exempt from this requirement.

20.13.2 Additional On-Site Septic System and Water Well Relationships.

Separating distances between septic systems and wells in GW-1 and GW-2 zones shall be established based upon the findings of a Comprehensive Site-Specific Evaluation, but never less than the State Public Health Code Requirements, as determined by the Town Manager or Designee. An existing residential building lot that was created by an approved subdivision is exempt from this requirement.

20.13.3 Maintenance of Water Infiltration Potential

The maximum allowable net reduction of water infiltration potentials to recharge the Groundwater shall be fifty percent (50%) of the pre-development (pre-use) conditions. Quantitative analyses of pre and post development site characteristics, including any designed mitigating provisions, shall be provided as documentation. The use of mitigating provisions shall not affect the quality of water proposed for infiltration. An existing residential building lot that was created by an approved subdivision is exempt from this requirement.

20.13.4 Storm water Management Facilities

Storm water controls shall be designed to manager site runoff so that storm water runoff will not cause contamination of the Groundwater. All proposed uses shall include a maintenance plan providing for regular inspection, cleaning and long-term maintenance of storm water controls, including basins and pretreatment structures prepared by the Applicant or by the town as determined at the time of review by the Town Manager or Designee.

20.13.5 Public Sanitary Sewers

a. Sanitary sewers shall be constructed using tight pipe standards. Monitoring for subsurface leaks shall be provided at a select number of potentially crucial joints to verify the ling-term integrity of the pipe.

b. Pump/Sewage Lift Stations, Force Mains

1. Sewage lift stations shall be duplex installations with each pump capable of pumping the projected peak daily flows.

2. Installations/developments with less than 5,000 gallons of sanitary wastewater per day shall: (i) be equipped with a storage tank capable of holding the volume of a day's peak daily flow; or (ii) be equipped with an emergency generator with an automatic start-up plus pumping equipment that shall be connected to a continuously monitored remote alarm automatically activated in the event of equipment or power failure.

3. Installations/developments with greater than 5000 gallons of sanitary wastewater per day shall be equipped with an emergency generator with an automatic start-up. Sewage pumping equipment shall be connected to a continuously monitored remote alarm automatically activated in the event of equipment or power failure.

20.13.6 Golf Courses

Any application for a Groundwater Protection Permit for a golf course located entirely or partially within the GW-1 or GW-2 zones shall include a Groundwater impact assessment based on a hydrogeologic analysis of a detailed monitoring program and plan for the utilization of pesticides and fertilizers, including types and rates of application.

Monitoring programs shall be established to meet the following specifications:

a. There shall be a minimum of one upgradient and two downgradient water quality monitoring wells required, with placement and design to be determined.

b. A system to monitor water quality below the root zone shall be installed under one green to measure the potential for leaching of pesticides and fertilizers to Groundwater.

c. The Applicant shall be responsible for the periodic collection of samples and for having them analyzed for nitrate nitrogen, total nitrogen and for all pesticide applied. Analyses shall be performed by a laboratory certified by the Connecticut Department of Health Services, Laboratory Standards Divisions, and results shall be promptly transmitted to the Town Manager or Designee.

d. Monitoring shall be done on a quarterly basis, except that if no concentration exceeding the re-sampling levels specified in (e) below are detected for a period of five years, and the types of chemicals applied have not changed, monitoring frequency may be reduced to twice a year with approval of the Town Manager or Designee.

e. If detectable concentrations of pesticides or nitrate nitrogen levels in excess of five milligrams per liter (5 mg/l) or nitrite nitrogen levels in excess of 0.5 mg/l are detected in any sample, all applications of the substance shall cease until subsequent sampling conducted at such times and under conditions reasonably acceptable to the Town Manager or Designee shows concentration below these levels.

f. Where feasible, irrigation wells for golf courses shall be located to intercept and recycle Groundwater that may potentially be contaminated by fertilizer and pesticide applications.

20.13.7 Floor Drains

The Applicant shall be required to submit evidence showing that the proposed discharge form floor drains serving any sue area not involving Hazardous Materials shall only be directed to sanitary sewers, a septic system or holding tanks and said drain will not adversely impact the Groundwater resources.

20.13.8 Underground Storage Tanks

No existing non-residential underground storage tank in the GW-1 and GW-2 zones shall be replaced by an underground tank unless it is used for storage of gasoline or other Hazardous Material or Hazardous Substances that cannot be safely stored above ground. Total volume of the replacement underground tanks permitted under this provision shall not exceed the volume of the existing tank.

20.13.9 Monitor Wells

In order to adequately provide for secured, long term testing of the Groundwater, the need for one or more Groundwater monitor wells or easements for future monitor wells shall be evaluated and the Town Manager or Designee shall hereby be authorized to require any such monitor wells or easements for future monitor wells. Such provisions shall be responsive to the type and density of the development project. A well or easement for a future well shall be located downgradient of the land use and capable f detecting any contaminants resulting from the land use. Any well established shall be installed to allow for sampling that is responsive to the types of potential contaminants; sampling may be required at different depths below the water table. Access easements in favor of the Town shall be provided for such monitor wells in order for the Town Manager of Designee to have Groundwater samples collected.

20.13.10 Waivers

The Applicant may request that the Commission waive certain requirements contained within this Section 20.13. Waivers issued by the Commission shall require an action consisting of at least a 3/4th affirmative vote by members of the Commission then voting. An Applicant requesting a waiver shall submit their request in writing stating in full detail the grounds and facts relied upon in making the request. The Commission may not grant a waiver that would endanger the Groundwater resources or otherwise compromise the goals and objectives of this Section 20. The Commission shall state on the record the factual basis and the substantive reasons for its decision on the waiver request.

20.14 Inspection And Enforcement

20.14.1 Right of Entry

Any application for an administrative approval or Commission permit under Section 20 shall constitute permission to the Commission, its members and Authorized Agents, and the Town Manager or Designee shall have the right to enter upon privately owned property for the purposes of inspection to determine the applicability of and/or compliance with these Regulations.

20.14.2 Enforcement

Enforcement actions shall be as authorized under Section 11.3 of these Regulations.

20.15 Variances

The prohibition against granting of use variances by the Zoning Board of Appeals shall be applicable to these Groundwater protection regulations of this Section 20.

x	=	prohibited
pr	=	groundwater protection permit required
*	=	requires connection to sanitary sewers or holding tank(s)
C	=	allowed if on sanitary sewers and meets standards
OK	=	allowed if meets standards

20.16 Table Of Prohibited, Regulated And Allowed Uses In The Groundwater Protection Zones

USE, USE CATEGORY AND/OR SUBCATEGORY	GW-1	GW-2
RESOURCE PRODUCTION AND EXTRACTION USES		
Earth products, excavation and filling or removal of	PR	PR
Greenhouse (commercial) not meeting the definition	PR	PR
Nursery (commercial) of "farm" (Sec. 2.17)	PR	PR
Saw mill associated with commercial forestry production	PR	PR
RESIDENTIAL USES		
Constructions of structures	OK	OK
Underground fuel storage as an accessory residential use	X	X
Customary home occupation involving storage or handling of a hazardous material or substance as an accessory use	PR*	PR*
Convalescent, nursing or rest home or sanitarium	C	C
OFFICE, GENERAL AND/OR PROFESSIONAL USES		
Usage that involves a chemical or biological processing or laboratory as an accessory use	PR*	PR*
Usage with operations involving small quantities of hazardous materials	C	C
Usage with operations involving large quantities of hazardous materials	PR*	PR*
Underground fuel storage as an accessory use	X	X
SERVICE USES		
Any usage that involves chemical or biological processing or laboratory	PR*	PR*
Any usage with operations involving small quantities of hazardous materials	C	C
Any usage with operations involving large quantities of hazardous materials	PR*	PR*
Any usage that involves underground fuel or chemical storage or distribution lines	X	X
Any usage that involves maintenance, washing, servicing or repair of service-owned motor vehicles and/or equipment as an accessory use	PR*	PR*
Business Services, except warehousing and storage and motor vehicle rental service		
Biological laboratory or research facility	PR*	PR*
Carpet, rug or fabric cleaning operation	PR*	PR*
Copying machines and supplies	PR*	PR*
Dog kennel (commercial)	PR*	PR*
Dry cleaning operation	PR*	PR*
Extermination service or pest control operation (commercial)	X	X
Funeral home or parlor, mortuary, morgue or embalming operation	PR	PR
Furniture stripping, refinishing or reconditioning operation	PR*	PR*
Horse stable (commercial)	PR	PR
Hospital	PR*	PR*
Laundromat (self service laundry)	C	C
Laundry operation (commercial or industrial)	PR*	PR*
Lawn care establishment involving a large quantity of hazardous material	X	X
Lawn care establishment involving a small quantity of hazardous material	PR	PR
Lawn care establishment involving no hazardous material other than portable fuel containers that are less than 11 gallons	OK	OK

USE, USE CATEGORY AND/OR SUBCATEGORY	GW-1	GW-2
Medical research facility	PR*	PR*
Photographic processing or laboratory	PR*	PR*
Print shop	PR*	PR*
Professional Services		
Dentist	C	C
Medical or health care treatment facility or clinic	PR*	PR*
Physicians	C	C
Veterinarian services	PR*	PR*
Personal Services		
Beauty shop, salon or parlor	C	C
Cemetery	PR	PR
Educational Services that involve chemical or biological laboratories, industrial arts, automotive repair, a vocation or trade	PR*	PR*
Municipal Government Services		
Ambulance facility	C	C
Animal shelter	PR*	PR*
Firehouse	PR	PR
Motor vehicle or equipment repair or maintenance, including garages	PR*	PR*
Storage of:		
1. Underground fuels or large quantity of hazardous material	PR	PR
2. Above ground fuels or large quantity of hazardous material	PR	PR
3. Road salt or other ice control chemicals	PR	PR
4. Fertilizers or pesticides	PR	PR
Repair Services		
Motor vehicle repair and services		
Carwash	PR*	PR*
General repair and service	PR*	PR*
Limited repair and service that works on cooling or fuel systems	PR*	PR*
Other limited repair and service	C	C
Gasoline and/or service station	PR	PR
Boat or marine inboard or outboard servicing, maintenance, repair or reconditioning or the painting or chemical treatment of boats	PR	PR
Power equipment or small engine repair service (e.g. lawn mowers, snow blowers, chain saws, other liquid fuel driven equipment)	PR	PR
Appliance repair and service that involves fluids or other substances considered to be hazardous materials and with the potential of contamination of groundwater upon their escape	PR	PR
TRADE USES		
Any usage that involves chemical or biological processing or laboratory	PR*	PR*
Any usage with operations involving small quantities of hazardous materials	C	C
Any usage with operations involving large quantities of hazardous materials	X	PR*
Any usage that involves underground fuel storage	X	X
Any usage that involves maintenance washing, servicing or repair of trade-owned motor vehicles and/or equipment as an accessory use	PR*	PR
Retail Trade		
Automotive, marine craft, aircraft and accessories	PR	PR
Building materials, hardware and farm equipment/supply that involves the handling or storage of hazardous material in quantities greater than associated with normal household use, <u>except</u> as a product for distribution to the general public and packaged in quantities appropriate for normal household use or residentially oriented agricultural practices	PR	PR
Fuel delivery operations (e.g. oil dealers)	PR	PR
Wholesale Trade and Warehousing		

USE, USE CATEGORY AND/OR SUBCATEGORY	GW-1	GW-2
Chemicals and allied products	X	X
Petroleum bulk stations and terminals	X	X
Petroleum products	X	X
Paints, varnished and allied products	X	X
Warehousing of hazardous materials or substances, <u>except</u> as a product for distribution to the general public and packaged in quantities appropriate for normal household use or residentially oriented agricultural practices	X	X
Self-storage facility	PR	PR
MANUFACTURING USES		
Any usage that involves chemical or biological processing or laboratory	PR*	PR*
Any usage with operations involving small quantities of hazardous materials	PR*	C
Any usage with operations involving large quantities of hazardous materials	X	PR*
Any usage that involves underground fuel storage	X	X
Any usage that involves maintenance, washing, servicing or repair of manufacturer-owned vehicle and/or equipment as an accessory use	PR*	PR
Apparel and other finished projects made from fabrics, leather and similar materials, except the processing, tanning or making of leather	PR*	PR
Food and kindred products	PR*	PR
Furniture and fixtures	PR*	PR
Lumber and wood products, except furniture	PR	PR
Printing, publishing and allied industries	PR*	PR*
Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks	PR*	PR*
Stone, clay and glass products, especially mirrors	PR*	PR
Textile mill products	X	X
Paper and allied products	X	X
Chemical and allied products	X	X
Petroleum refining and related industries	X	X
Rubber and rubber coating products	X	X
Plastic molding	PR*	PR*
Primary metal industries	X	X
Fabricated metal products		
Machine shop (general)	PR*	PR*
Metal plating, electroplating, etching, cleansing and degreasing operations	X	X
Leather tanning or finishing	X	X
Miscellaneous manufacturing	PR	PR
CULTURAL, ENTERTAINMENT AND RECREATIONAL USES		
Any usage that involves chemical or biological processing or laboratory	PR*	PR*
Any usage with operations involving small quantities of hazardous materials	C	C
Any usage with operations involving large quantities of hazardous materials	PR*	PR*
Any usage that involves underground fuel storage	X	X
Any usage that involves maintenance, washing, servicing or repair of use-owned vehicle and/or equipment as an accessory use	PR*	PR
Golf course	PR	PR
Marina	PR	PR
TRANSPORTATION, COMMUNICATION AND UTILITY USES		
Any usage that involves chemical or biological processing or laboratory	PR*	PR*
Any usage with operations involving small quantities of hazardous materials	C	C
Any usage with operations involving large quantities of hazardous materials	PR*	PR*
Any usage that involves underground fuel storage	X	X
Any usage that involves maintenance, washing, servicing or repair of use-owned vehicle and/or equipment as an accessory use	PR*	PR

USE, USE CATEGORY AND/OR SUBCATEGORY	GW-1	GW-2
Airport landing field	PR	PR
Automobile public parking garage or public lot	PR	PR
Motor vehicle transportation center	X	PR*
Motor freight transportation terminal or garage	X	PR*
Bus transportation		
Garaging and equipment maintenance	X	PR*
Passenger terminal	PR	PR
Transmission of hazardous materials or fuels, except natural or propane gas	X	X
Any use in which groundwater is removed for purpose of heating, cooling or other non-consuming processes	PR	PR
Any use in which water that is used for heating, cooling or other non-consuming processes is returned or inserted into the ground by means of a well, pump or pipeline	PR	PR
Any use involving the removal of groundwater by any person, firm, association corporation or municipality by means of wells, pumps, pipelines or any similar equipment for the purpose of sale or export other than by such entities as may be exempted from local regulation by the Statutes of the State of Connecticut	PR	PR
WASTE DISPOSAL, as principal or accessory use		
Bulky waste	X	X
Septage or septic waste lagoon or pit	X	X
Tree stumps	X	OK
All other wastes, including hazardous materials	X	X
WASTE PROCESSING, as principal or accessory use		
Waste water or sewage treatment plant or facility (other than subsurface, on-site septic system)	X	X
Recovery processing that involves handling of hazardous materials	X	X
Recovery processing centers	X	X
Solid waste transfer stations	X	X

APPENDIX A
GLASTONBURY BUILDING- ZONE REGULATIONS
EFFECTIVE AUGUST 9, 1996

DECLARATION OF EASEMENT
FOR DRIVEWAY AND UTILITIES

Declaration (this "Declaration" made this day of by (hereinafter referred to as Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain premises (the "Easement Are" shown on a map or plan entitled which map is on file as "----------" or to be filed with the Town Clerk of the Town of Glastonbury to which references may be had and which Easement Area compromises parts of Lots as shown to, Lots shall be referred to by their lot number and when referred to collectively all said lots shall hereinafter be referred to as the "Burdened Lots") ; and

WHEREAS, Declarant does not desire to have Lots ---------- as shown on the aforementioned map (the "Easement Properties") serviced by separate driveways, but rather to establish a mutual easement arrangement which will service the Easement Properties and which will provide ingress and egress to and from [street] and provide a location for the installation of utilities to service the Easement Properties or any of
WHEREAS, Declarant desires to establish this Declaration of Easement to create an easement on, over, under and through the Easement Area for the benefit of the Easement Properties; and

WHEREAS, Declarant further desires to impose certain covenants and restrictions upon the use, operation and maintenance of the Easement Area;

WHEREAS , the Burdened Lots are specifically made part of this Agreement, and the owners of the Burdened Lots shall receive the benefits and be subject to the burdens contained herein.

NOW, THEREFORE, Declarant hereby submits the Easement Area to the terms, covenants, restrictions and easements set forth herein for the benefit of the Easement Properties as follows:

I. <u>GRANT OF EASEMENT</u>

Declarant hereby grants and declares, to the extent described herein, for the benefit of the Easement Properties, as easement and right of way over and upon the Easement Area, which easement shall be appurtenant to and for the benefit of the Easement Properties and may be used by the owners of the Easement Properties, their heirs, successors, assigns, licensees and guests.

II. <u>USE OF EASEMENT AREA</u>

The Easement Area shall be used for the purpose of ingress and egress to and from [street] by vehicular and pedestrian traffic and for the installation, maintenance, repair, and replacement of utility lines (including lines for storm water discharge, electric, cable, telephone, sewer, water and other residential utilities) together with any appurtenances related thereto (hereinafter referred to as "Utilities") in order to furnish utility services to the Easement Properties.

The owners of the Easement Properties (hereinafter collectively referred to as "Owners" and individually referred to as "Owners") shall have the right in common with other Owners to enter on, over, under and through the Easement Area for the purpose of construction, installation, maintenance, repair, and replacement of driveway and of Utilities, provided however, that any Owner/Owners who shall do any work or have any work done affecting the

Easement Area upon completion of the work shall repair that portion of the Easement Area to the condition that existed prior to such Owner's entry (except a\for any work done pursuant to the rights created herein) and shall at all times keep so much of the Easement Area open so that vehicular and pedestrian traffic shall have access from [street] to Easement Properties.

III. ACT EXPEDITIOUSLY

When utilizing the Easement Area the Owners shall do so as expeditiously as possible and in such manner as will cause the least possible disturbance to the other Owners.

IV. OWNERS OF BURDENED LOTS MAY CONTINUE TO USE EASEMENT AREA BUT MAY NOT INTERFERE

The owners of the Burdened Lots may continue to use the Easement Area in any way that will not prevent the use of the Easement Area by any owner for the purposes described herein. The owners of the Burdened Lots shall not erect or allow any structures to be erected on the Easement Area, nor shall they plant or allow to be planted or grown any large trees or any other obstructions which would prevent the use of the Easement Area by the owners. Nothing contained in this paragraph shall diminish the rights and obligations of the owners of the Burdened Lots, which are established in this Declaration.

V. MAINTENANCE AND REPAIR OF EASEMENT AREA

The Owner shall maintain the Easement Area in its present condition or in the condition to which it is improved from time to time, free and clear of obstruction, shall repair the same as necessary, shall keep the same reasonably free and clear of ice and snow removal, clearing of the driveway, and insurance thereon shall be responsible for a proportional share of such cost computed by dividing one by the number of lots served by the driveway over the Easement Area (a "Required Share"). Notwithstanding the foregoing, no owner shall be responsible for any expenses hereunder until a Building Permit has been issued shall be included in the number of lots served by the driveway over the Easement Area.

The cost of maintenance, repair and replacement of Utilities within the Easement Area shall not be borne by the specific Owner/Owners whose individual lot/lots is/are benefited by such Utilities and if more than one owner is benefited by such Utilities and if more than one Owner is benefited, then such cost shall be borne on an equal basis. Once Utilities are installed in the Easement Area, then any of the Owners shall have the right to "tie in" to Utilities, provided that they shall do so in a good and proper manner without damage to the Utilities. (The Owner desiring said installation shall pay the cost of the original installation of Utilities.) The obligations created in this paragraph deal with maintenance, repair and replacement.

The construction material utilized in the driveway shall not be changed unless a majority of the Owners agree to install a different surface, provided no such change shall be permitted that would violate any land use permit issued by the Town of Glastonbury and any such change shall conform to the requirements of any governmental authority.

The rest of this paragraph notwithstanding, any Owner who shall, through negligence or willful action, cause any damage which must be repaired hereunder, shall be responsible for the cost incurred to provide the repairs, maintenance and replacement necessitated by the negligence or willful action of that Owner, provided, however, that the Declarant and all subsequent owners mutually waive their respective rights of recovery against each other for any loss insured by fire, extended coverage and other property insurance policies existing for the benefit of the respective parties.

The cost for repairing, replacing, maintaining or improving the Easement Area, pursuant to this Agreement, shall be shared as set forth above. Except as herein provided, no costs of any kind shall be charged to any Owner, unless that Owner has agreed in writing to pay said costs. In the event that the Owner of any lot shall decide that expenditures shall be incurred for repair and replacing, maintaining or improving the Easement Area, then said Owner shall send written notice to the other Owners, which shall request that the other Owner agree to pay their

Required Share of the cost of such repair, replacement, maintenance or improvement. In the event that the other Owners agree to pay their Required share, then the Owner proposing said activity and any Owners who agree to pay their Required Shares in writing, then the costs shall be shared accordingly. In the event that one or more of the other Owners do not agree in writing to pay their Required Share, then the Owner proposing said activity and any Owners who agree to pay their Required Share may undertake said activity solely at their own cost and expense. In that event, after the work is completed, the Owner/Owners performing the work may institute legal action against the other Owners who did not contribute to the cost of such activity. In the event that a court should issue a final, non-appeal ruling that the work was necessary to maintain the Easement Area to the standard required hereunder, and if the work was done to the quality required, then the Owners who should have shared said costs shall be entitled to be reimbursed by the other Owners not only for their Required Share, but also for the expenses incurred in said collection including a reasonable attorney's fee, if a court action is instituted. All repairs, replacement, maintenance or improvements made to the Easement Area shall be made to quality suitable to accomplish the purposes for which the easement Area has been created.

VI. PERMANENT EASEMENT

The easement created herein shall be a permanent easement, and shall bind the Declarant, all subsequent Owners, their heirs, successors and assigns.

VII. INTEREST DUE WITH REGARD TO UNPAID OBLIGATIONS

In the event of a failure by an Owner to pay his Required Share of any costs or expenses incurred hereunder, such costs and expenses shall, commencing thirty (30) days after the date of billing therefore, bear interest at the rate of twelve percent (12%) per annum until paid.

VIII. GRANT AND RESERVATION

Declarant hereby reserves the right to grant rights of access over the Easement Area to any utility company required by the Department of Public Utility Control of the State of Connecticut or to the Town of Glastonbury for the purposes herein contained. The Owners will sign any documents required by the aforementioned utility companies or the Town of Glastonbury to carry out the intent of this paragraph, which is to provide utility service to the Easement Properties.

IX. COVENANTS, AGREEMENTS AND RESTRICTIONS

The covenant, agreement and restrictions set forth herein shall be effective as of the date hereof and shall continue in full force and effect until written agreement of all of the Owners of the lots compromising the Easement Properties and all the parties holding mortgages secured by any lots compromising the Easement Properties shall modify this Declaration of Easement, which modification shall be effective when recorded in the Glastonbury Land Records and upon approval of the Glastonbury Town Plaza and Zoning Commission as an amendment to any Special Permit issued pursuant to Section 6.8 of the Glastonbury Building Zone Regulations for any or all of the Easement Properties. The covenants, agreement and restrictions herein may not be terminated nor may any limit be imposed on the annual expenses to be paid by any owner.

X. SUBSEQUENT MODIFICATIONS

All modifications to this agreement shall be in writing and signed by the Owners of all properties benefited or burdened by the easement rights created herein. However, in the event that the Declarant shall request that minor modifications be made to this agreement, or shall not substantially interfere with any of the rights or obligations created hereunder, then the Owners of said properties will sign a modification prepared by Declarant in order to accomplish said minor modifications.

XI. MISCELLANEOUS

A. The covenants, agreements and restrictions contained herein shall be covenants running with and for the benefit of and burden upon the Easement Properties and shall be binding upon and inure to the benefit of the Owners therefore, and their respective heirs, successors and assigns. The rights granted herein shall be considered to create permanent easements.

B In the event that the Owners desire to jointly make any decisions hereunder, they shall be made by majority vote of the Owners of the lots comprising the Easement Properties.

C Each of the lots compromising the Easement Properties shall be treated as if it has one Owner. If any of said lots owned by more than one person, then all of said persons must unanimously agree on any decision to which they are entitled to vote hereunder. Therefore, if all of said persons cannot unanimously agree, then the Owner of said lots shall have no vote.

D All communications sent pursuant to this Declaration shall be sent in writing and sent by certified mail to the last known address of the recipient.

XII. MERGER

The easement rights create herein shall not merge with the fee ownership interest of any lot.

XIII. RESTORATION

At any time that any Owner shall exercise any rights hereunder, then, when said activity is completed, the Easement Area shall be restored to the condition it was in immediately prior to said activity, except to the extent permitted hereunder.

IN WITNESS WHEREOF, the designated Declarant has hereunto caused its hand and seal to be set as of the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

[Name of Declarant]

_____ By: _____

_____

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } SS Glastonbury

Personally appeared signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed as such President and the free act and deed of said corporation, before me.

_____
Notary Public
My Commission Expires