

SECTION 4 USE REGULATIONS

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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 Rear	Maximum Permitted Height (stories)	Maximum Height (feet)	Minimum Floor Area for Living Quarters per Dwelling Unit (sq. ft.)	Minimum Open Space (IN ALL RESIDENCE ZONE, FRONT YARD, REAR YARD AND TWO SIDE YARDS)
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 ZONE, FRONT YARD, REAR YARD AND TWO SIDE YARDS)
RR Rural Residence	40,000 ¹	125 ¹	10	50	25 ³	50	2 1/2 ⁶	35	1250/1340/850 ⁷	
AAA Residence	40,000 ¹	150 ¹	15	50	25 ³	50	2 1/2 ⁶	35	1500/1650/1150 ⁷	
AA Residence	25,000 ¹	110 ¹	15	50	20 ³	50	2 1/2 ⁶	35	1250/1500/1000 ⁷	
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

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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

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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

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

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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 NOVEMBER 11, 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

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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 curbside 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 curbside 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.

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.

4.7.3 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 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. 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, by 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 or (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 or 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									
Flood Zone	Agricultural P	Farm P*	Historic and monumental Sites P	Parks SP	Aircraft Landing Fields SP	Golf Courses SP	Governmental Service SP		
Flood Zone	Public and Private Roads SP	Marina SP	Recreation Area: Non-Profit SP	Sewage and Solid Waste Disposal SP	Utility: Electric, Gas, Water SP	Bazaars, Carnivals, Similar Uses SP	Golf Driving Range 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 it 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:

<u>BUILDING ZONE MAP</u> <u>ZONE CLASSIFICATION</u>	<u>MINIMUM ACRES</u> <u>CONTIGUOUS TRACTS</u>
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:

<u>UNDERLYING</u>	<u>DWELLING UNITS PER ACRE</u>
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.

<u>Percentage of Affordable Dwelling Allowed</u>	<u>Allowed PAD Site</u>	
	<u>Units to be Constructed</u>	<u>Density/Acre of Buildable Property</u>
	<u>Underlying Zone</u>	<u>Underlying Zone</u>
	<u>Residence A</u>	<u>Residence AA</u>
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 from 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 rear 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 that 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.

Permitted Uses and Use Categories

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.

Prmt 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

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.

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.

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.

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 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.

4.14.12 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.

4.18.2 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.