

SECTION 3 GENERAL REGULATIONS

3.1 Conflicting Regulations

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

3.2 Covenants Not Annulled

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

3.3 Permitted Uses

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

3.4 Permitted Area, Yards Or Lot Coverage

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

3.5 Permitted Height, Density Or Bulk

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

3.6 Lots, Yards, And Open Spaces

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

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

3.7 Usable Open Space

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

3.8 Projections Into Yards And Required Open Spaces

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

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

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

3.9 Courts

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

3.10 Substandard Lots

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

3.11 Lot Limitations

~~In all residential zones, o~~Only one principal structure shall be placed on a lot, ~~unless. In non-residential zones,~~ the Town Plan and Zoning Commission ~~may~~ approve by Special Permit with Design Review a plan for more than one principal structure on a lot, ~~whereif~~ the structures and land comply with all other requirements of the zone in which they are located.

3.12 Lot Frontage

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

3.13 — Floor Area

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

- ~~a. — Floor area for living quarters shall be computed from the outside of the exterior walls.~~
- ~~b. — Living quarters above the first floor shall have access by permanent built in stairway. All living quarters, to qualify as living quarters, shall have a ceiling height of not less than 7 feet 6 inches on the first floor, and on the second floor 7 feet 4 inches over not less than one-third (1/3) of the area of the floor. On one and one-half (1 ½) story dwellings, there shall be at least a three-quarter (3/4) dormer or equivalent, except that if the first floor living area has 1250 square feet or more, the requirement for a three-quarter (3/4) dormer shall not apply. AMENDED EFFECTIVE November 15, 1975.~~
- ~~e. — For dwellings without cellar, the minimum floor area shall be increased by a separate room containing at least 120 square feet for heating, utility and storage space.~~
- ~~d. — For all dwellings with cellar, there shall be direct outside access from the cellar.~~

3.14 Dwellings In Other Than Principal Structure

~~Accessory dwelling units~~No residential dwelling shall be permitted in any accessory buildings in accordance with Section 6.11, except an approved guest house. [This will depend on Accessory Apartment Regulation changes]

3.15 — Dwelling In Nonresidential Zones

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

3.16 Building Grades

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

3.17 Restoration Of- Unsafe~~Of Unsafe~~ Buildings

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

3.18 Streets

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

zoning of such street, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

3.19 Visibility At Intersection

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

3.20 Storage And Display Of Goods And Merchandise

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

3.21 Commercial Radio And Television Towers

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

3.22 Airports

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

3.23 Voting Place

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

3.24 Approval Of Subdivision Plans

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

~~the surrounding area and will not significantly impair health, safety, general welfare, property values or future land use or road layouts. [To add similar provisions to Subdivision Regulations]~~

3.25 Stream Belt Protection

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

3.26 Dual Zoned Property: Flood Zone And Other Zone

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

3.27 Cannabis Establishments Temporary and Limited Moratorium

- a) Statement of Purpose. This section has been adopted to provide the Zoning Authority with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes and the Act. Said Public Act contains provisions allowing municipalities to prohibit or place reasonable restrictions on cannabis establishments. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory requirements and promote the public's general health, safety and welfare or develop regulations prohibiting the establishing of cannabis establishments.
- b) Definitions. For the purposes of this section, the following terms are defined as:
 1. "Cannabis" means marijuana as defined in Section 21a-240, C.G.S.
 2. "Cannabis Establishment" means " means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter.
 3. "Cultivator" means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
 4. "Food and Beverage Manufacturer" means a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.
 5. "Grow space" means the portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized for the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure,

process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

6. "Hybrid Retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

7. "Micro-cultivator" means a person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner.

8. "Person" means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

9. "Product Manufacturer" means a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

10. "Product Packager" means a person that is licensed to package and label cannabis.

11. "Retailer" means a person, excluding a dispensary facility and hybrid retailer that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers to sell cannabis to consumers and research programs.

12. "Sale" or "sell" has the same meaning as provided in section 21a-240 of the Connecticut General Statutes.

c) Applicability. During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of Glastonbury and no applications shall be approved by the Town Plan and Zoning Commission or the Office of Community Development to establish a cannabis establishment. **Effective March 28, 2022**

d) Effective Date/Term. This temporary and limited moratorium shall become effective on September 1, 2021 and shall remain in effect for a period of 18 months until March 1, 2023.

Effective September 1, 2021