



Town of Glastonbury

Community Development

ITEM #5(B) (AMENDED)
01-09-2024 Meeting

TO: Town Planning and Zoning Commission

PREPARED BY: Shelley Caltagirone, Director of Community Development

REVIEWED BY: Jonathan Luiz, Town Manager

DATE: January 8, 2024

RE: **Main Street Commercial Corridor Flood Zone & Town Center Village District Overlay Zone Expansion**

The following memo discusses two potential changes to the Glastonbury Building-Zone Regulations – establishing a Main Street Commercial Corridor Flood Zone and potential expansion of the Town Center Village District Overlay Zone. Each proposal could impact development controls in Town Center, including design standards and guidelines; therefore, they are being presented together so that their review can be coordinated. If pursued either together or separately, these changes could strengthen future design quality in Town Center.

Main Street Commercial Corridor Flood Zone

Background

In September 2008, the Town Council adopted changes to the BZR Section 4.11 to create the Flood-Prone Area Regulations zoning district, which imposed stricter controls than in the model regulations prepared by the state at the time. Glastonbury has chosen to regulate the flood zone more restrictively than the model regulations to help further protect flood prone areas. Section 4.11 requires structures to be located outside the 500-year floodplain (31.5-foot elevation) rather than the 100-year floodplain (28-foot elevation) as the model regulation suggests. It also requires that existing buildings proposed for substantial rehabilitation are structurally improved to meet the Flood Zone requirements.

For historic context, flood waters have crossed Main Street in the area proposed for re-zoning in 1936, 1955, and 1984. The peak elevations for those flooding events as measured at Hartford were as follows:

- 1936 Flood – 37.6 ft
- 1955 Flood – 30.6 ft
- 1984 Flood – 31.0 ft

Please note that each of these events exceeded the 100-year elevation and only the 1936 event exceeded the 500-year elevation.

In 2019, Community Development staff began reviewing the impacts of the Flood Zone regulations on the section of Main Street between Spring Street to the north and the Town Center zoning district to the south (where the Shell and Stop & Shop gas stations are located). Staff found that the restrictions of the

Flood zoning district has inhibited redevelopment and building improvements for the 15 properties (10.1 acres) in the commercial corridor from 2735 Main Street to 2815 Main Street.

The concept proposed by staff in 2019 was to re-establish permitted uses and lot standards from the previous General Business district, with the exception of nursing homes and daycares, and to reduce existing flood design requirements to align with the 100-year flood plain, as recommended by FEMA. In June 2022, staff presented to the Town Plan and Zoning Commission (TP&Z) about the need for a new zone in this location. After a prolonged staffing transition, staff brought the proposal back to the commission in August 2023. At its August 22nd public hearing, the TP&Z forwarded a favorable recommendation for the attached text amendments to the Town Council for consideration.

Proposal

The proposal is to adopt new Building-Zone Regulation Section 4.20 Main Street Commercial Corridor Flood Zone (MSCC) to allow for non-residential construction that is constructed so that up to one foot above the 100-year recurrence-interval flood level (rather than the 500-year recurrence-interval flood level) is either dry flood proofed or wet flood proofed. This would increase the construction feasibility and economic feasibility for development along the Main Street Commercial Corridor, which now presents a development “gap” between the Town Center Zone and the Planned Business Development Zone located to the North along Main Street. The proposal would also amend existing Section 4.11 Flood-Prone Area Regulations per the State Flood Coordinator’s guidance to delete septic systems, water supply wells from the list of cost related to substantial improvements (Section 4.11.2 Definitions). This would bring the code into compliance with FEMA guidelines.

Analysis

Staff and the TPZ support the amendments for the following reasons:

- The Flood Zone for this area of Main Street currently prevents the Town from fully implementing the following Plan of Conservation and Development policies:
 - Town-Wide Policies
 - 11.a: “Continue to support redevelopment to enhance the character of the Town Center.”
 - 11.b: “Work with property owners and developers to revitalize aging and underused properties.”
 - Floodplain Management Policies
 - 7. “Consider creating development design standards for the area of Main Street between Naubuc Avenue and Pratt Street to allow for new non-residential construction and the redevelopment of existing structures.
- The Flood Zone places unreasonable restrictions on uses for a historically commercial corridor near Town Center. None of the commercially developed properties in this section of Main Street, which are largely from the 1960s and 1970, conform with the allowed uses in the Flood Zone. This prohibition of commercial uses has restricted redevelopment and investment along this important stretch of Main Street.
- The only current relief for redevelopment or substantial improvement in the zone is through a variance or waiver. Since the adoption of the Flood Zone, the Town has issued use variances

and other waivers to allow for non-permitted uses there. This does not follow best practices for zoning regulations, and leaves the TP&Z with no lot standards (setbacks, open space, building size, etc.) to guide development in this area when these exceptions are granted.

Waiver History:

- 2011 – 2756 Main Street, construction of shed
 - 2019 – 2815 Main Street, construction of restaurant
 - 2022 – 2756 Main Street, construction of car wash
 - 2023 – 2815 Main Street, construction of bank
- The current regulations require substantial improvements of any nonresidential structure to bring the lowest floor elevation to the 500-year flood level or floodproof buildings, creating a substantial financial burden for property owners that has led to deferred maintenance of buildings.
 - The proposed regulations would require compliance with all existing Flood Zone regulations (see attachment 3), EXCEPT that commercial structures must be wet or dry flood proofed only to one foot above the 100-year flood level (29 feet), instead of one foot above the 500-year flood level (32.5 feet). These regulations include but are not limited to:
 - Certification from a civil engineer, registered in the State of Connecticut, that floodway functions will not be adversely affected by the proposed activity; and
 - A favorable report on the engineering design of the project from the Town Engineer/ Director of Physical Services; and
 - 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; and
 - Special requirements for anchoring, construction materials and methods, utilities, managing streams, compensatory storage, equal conveyance, above-ground storage tanks, portion of structure in the Flood Zone, structures in two Flood Zones, prohibition on structures above water, and resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - The proposed regulations would not increase flood risk to adjacent properties outside of the zoning district as projects would still be prohibited from raising the water surface elevation within the floodway. The marginal increased risk to individual buildings due to relaxed flood proofing within the new zone is acceptable for commercial structures in balance with the expected economic and aesthetic improvements.

Staff and the State NFIP Coordinator, Diane Ifkovic, maintain that such relaxation of regulations would not be suitable for residential properties, which will be prohibited in the new zone. Staff concurs that a higher standard of safety should be maintained for residential properties, which are occupied continuously, provide essential shelter to residents, and may serve as refuge during flood events.

Town Center Village District Overlay Zone Expansion

Town Council leadership has proposed for discussion amendment of BZR Section 4.19.1 to expand the Town Center Village District Overlay Zone (Village District Overlay) and make the Town’s design guidelines compulsory for a larger area within Town Center.

The Village District Overlay currently encompasses a subsection of the Town Center Zone, as shown in the hatched areas over Town Center Zone shown in light blue in the map below.



Figure 1. Current zoning map of Town Center.

Within the overlay zone, compliance with the Town’s design guidelines is compulsory. Outside of the overlay zone, the guidelines are advisory for applications requiring Special Permits with Design Review for Multi-Family, Commercial, Office and Industrial projects in the F, PBD, PC, PE, PT, TC, TCMU, VC and VR Zones and applications for all projects in the ARZ, and PAD zones.

Expanding the overlay zone to a larger area would strengthen the Town’s ability to enforce design guidelines throughout much of the area identified as Town Center in the Plan of Conservation and Development (see Figure 2). The change would require broadening the zone’s purpose statement and adding a justification of the new boundary. If adopted, design review would be compulsory for new construction, substantial reconstruction, and rehabilitation of property within the expanded district and in view from public roadways. This would also require amendment of the recently adopted Design Guidelines to reflect the new mapping and potentially shift some “Preferred” guidelines to “Required” in new area.

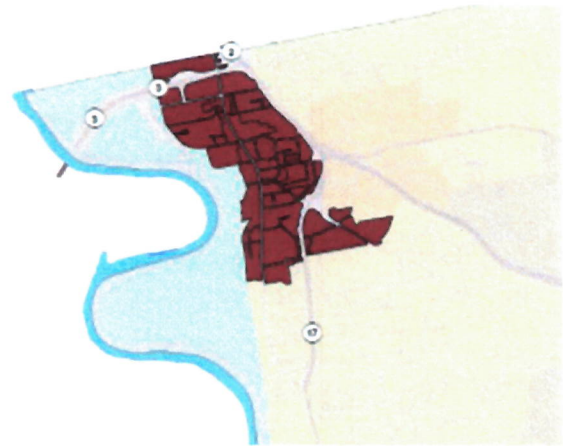


Figure 2. Town Center Plan Area, POCD 2018-2028

As shown in the draft map below, the area for potential expansion would include seven (7) zoning districts within Town Center, comprised of a variety of building types and uses. This area roughly correlates with the study areas included in the Town’s design guidelines.

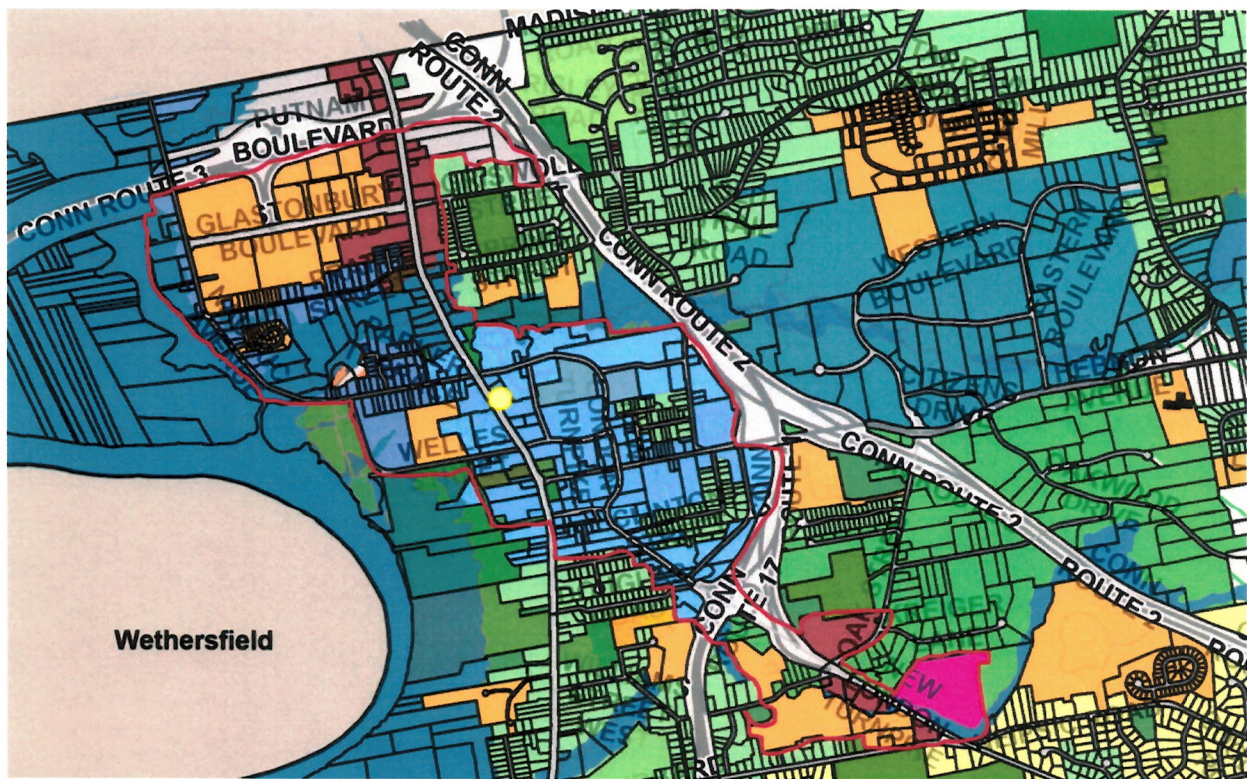


Figure 3. Draft outline of potential Town Center Village District Overlay Expansion.

Recommendation

These items are presented for discussion purposes only.

Attachments:

1. Proposed MSCC Flood Zone Regulations
2. Proposed MSCC Flood Zone Zoning Map Changes

3. Existing Flood-Prone Area Regulations for reference
4. State NFIP Coordinator Diane Ifkovic Email Response to Referral Letter, dated July 24, 2023
5. TP&Z Favorable Recommendation to Town Council regarding MSCC Flood Zone

Town of Glastonbury Building-Zone Regulations

Flood Zone Text Amendments

Draft September 2023

Highlighted section in yellow to be Deleted per State Flood Coordinator Request

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

4.11.2 Definitions

1. 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.

New Proposed Zone: Highlights in yellow designate the Permitted Uses and the Flood Zone Area Requirements of the Zone

4.20 Main Street Commercial Corridor Flood Zone (MSCC)

4.20.1 Purpose

The purpose of this zone is to encourage the redevelopment of commercial parcels with Main Street frontage that are located in the floodplain through new construction or substantial improvement, while maintaining FEMA minimum standards for nonresidential construction in a flood zone.

4.20.2 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 MSCC column of the Table of Permitted Uses, subject to such standards as may be referred to in the list below and 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/Health, Fitness and Recreational Uses - Indoor
Auditorium or coliseum
Bazaars, festivals, carnivals and circus sponsored by a non-profit corporation or organization
Billiard and pool hall
Bowling
Broadcasting studio, message center or office
Bus passenger terminal
Business services, except warehousing and storage and motor vehicle rental services
Community centers
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 xxxx [date of adoption] (extensions or enlargements require special permit with design review approval.)
Motor vehicle limited repair and services (30) (Special Requirements, Section 6.4)
Museum or 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

4.20.3 Permitted Accessory Uses

Customary accessory uses are permitted in accordance with the list below and with the MSCC 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.

4.20.4 Plan of Development

For the purpose of assuring orderly and integrated development in the Main Street Commercial Corridor Flood Zone, no building, structure, use or other form of development shall be established or constructed and no existing building, structure or use, 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, and consistent with the Flood Zone Area Requirements of Section 4.11.6, except as noted below in Section 4.20.13.

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.

4.20.5 Required Lot Area

Every parcel to be used for a use or uses permitted in the MSCC Zone shall have a minimum lot area of twenty thousand (20,000) 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.

4.20.6 Lot Frontage

Every lot shall have a minimum lot frontage of not less than one hundred (100) feet, except that the provisions set forth in 4.20.5 above for smaller lots shall also apply herein to lot frontage.

4.20.7 Lot Coverage

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

4.20.8 Front Yard

There shall be a minimum front yard of twenty (20) feet for every principal building.

4.20.9 Side Yards

There shall be a minimum of one (1) side yard for every principal building with an aggregate side yard having a minimum width of fifteen (15) 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 ensure the continued compliance of the consolidated parcel with these Regulations.

4.20.10 Rear Yard

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

4.20.11 Maximum Height Limit

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

4.20.12 Required Open Space

A minimum of 20% of the lot area shall be provided and set aside as open space. 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.

4.20.13 Flood Zone Standards

All development in the MSCC shall be in accordance with Section 4.11 Flood-Prone Area Regulations, as amended, with the following exceptions:

- a. Permitted uses. The permitted uses listed above in Section 4.20.2 and Permitted Accessory Uses listed in 4.20.3 above shall supersede the Permitted uses of Section 4.11.5.b

- b. Flood Zone Area Requirements. Nonresidential structures in the MSCC Zone shall be constructed so that up to one foot above the 100-year recurrence-interval flood level (rather than the 500-year recurrence-interval flood level) is either dry flood proofed or wet flood proofed.

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES

Sheet #4

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

BUSINESS SERVICES, except warehousing and storage and motor vehicle rental services	Sp	Sp	Sp	Sp	Sp				Sp	Sp	Sp
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*(if existing on the effective date of these Regulations – VC Zone 2nd floor dwelling requires special permit, see regulations)

Prmt – Permitted Use or Use Category

Sp – special permit use/category

Acc – accessory use or use/category

Sx – special exception use/category

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES

Sheet #5

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

RETAIL TRADE – food	Sp	Sp			Sp				Sp	Sp	
RETAIL TRADE – furniture, home furnishing and equipment	Sp	Sp			Sp				Sp	Sp	
RETAIL TRADE – general merchandise	Sp	Sp			Sp				Sp	Sp	
RETAIL TRADE - hardware		Sp			Sp				Sp	Sp	

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

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

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

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES

Sheet #6

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

in the future is likely to be a hazard or nuisance to adjacent property or the community at large, as determined by the Building Official, Fire Marshal or Director of Health

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

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

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES Sheet #7

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

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

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

COMMERCIAL, INDUSTRIAL AND OTHER ZONES PERMITTED USES

Sheet #8

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

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

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

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 09-26-2008

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 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 or 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.

	<i>Agricultural</i>		<i>Farm</i>		<i>Historic and monumntal Sites</i>		<i>Parks</i>		<i>Aircraft Landing Fields</i>		<i>Golf Courses</i>		<i>Governmental Service</i>	
P - Permit														
SP - Special Permit														
Flood Zone	P	P*	P	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
	<i>Public and Private Roads</i>		<i>Marina</i>		<i>Recreation Area: Non-Profit</i>		<i>Sewage and Solid Waste Disposal</i>		<i>Utility: Electric, Gas, Water</i>		<i>Bazaars, Carnivals, Similar Uses</i>		<i>Golf Driving Range</i>	
Flood Zone	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

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

c. Special Permit Requirements:

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

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

1. Certification from a civil engineer, registered in the State of Connecticut, that floodway functions will not be adversely affected by the proposed activity.
2. A favorable report on the engineering design of the project from the Town Engineer/Director of Physical Services.
3. Preparation and submission by the applicant of an environmental and flood area impact statement indicating that the proposed activity will not have a significant adverse impact upon the environment or on the flood storage capacity or flow.

4.11.6 Flood Zone Area Requirements:

a. General Requirements:

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

1. Anchoring:
 - a.) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of any structure.
2. Construction Materials and Methods:
 - a.) All new construction and substantial improvements shall be constructed with materials and equipment resistant to flood damage or at an elevation above the base flood elevation;
 - b.) All new construction and substantial improvements, including public facilities/utilities projects, shall be constructed using methods and practices that minimize flood damage;
 - c.) Electrical, heating, ventilation, plumbing air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities:
 - a.) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, by appropriate flood proofing or by elevation above the base flood elevations.
 - b.) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and
 - c.) On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
4. Standards for streams without established base flood elevations, floodways and/or flood mapping:
 - a.) The Town Plan and Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to Section 4.11.3.b. or 4.11.6.1.d. of these

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

- b.) In a zone where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
 - c.) The Town Plan and Zoning Commission may request floodway data of an applicant for watercourses without FEMA published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the request of the Town or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.
5. Compensatory Storage: the water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
6. Equal Conveyance: within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
7. Above-ground Storage Tanks: above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
8. Portion of Structure in Flood Zone: if any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
9. Structures in Two Flood Zones: if a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks

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

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

b. Specific Requirements:

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

1. Residential Construction:

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

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

2. Nonresidential Construction:

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

- a.) Be flood proofed so that below the 500-year recurrence-interval flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b.) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy; and
- c.) Be certified by a registered professional engineer or architect who shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of these Regulations.

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

- a.) Designs for complying with this requirement must either be certified by a professional engineer or architect, or meet the following minimum criteria:
 - i.) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii.) The bottom of all openings shall be no higher than one foot above grade;

- iii.) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Other coverings must be designed and certified by an engineer or approved by the Town Plan and Zoning Commission;
- iv.) Electrical, plumbing, and other utilities are prohibited below the base flood elevation;
- v.) Use of the enclosed area shall be limited to parking of vehicles, limited storage of maintenance equipment used in connection with the premises, and access to the building.

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

c. Deficiencies:

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

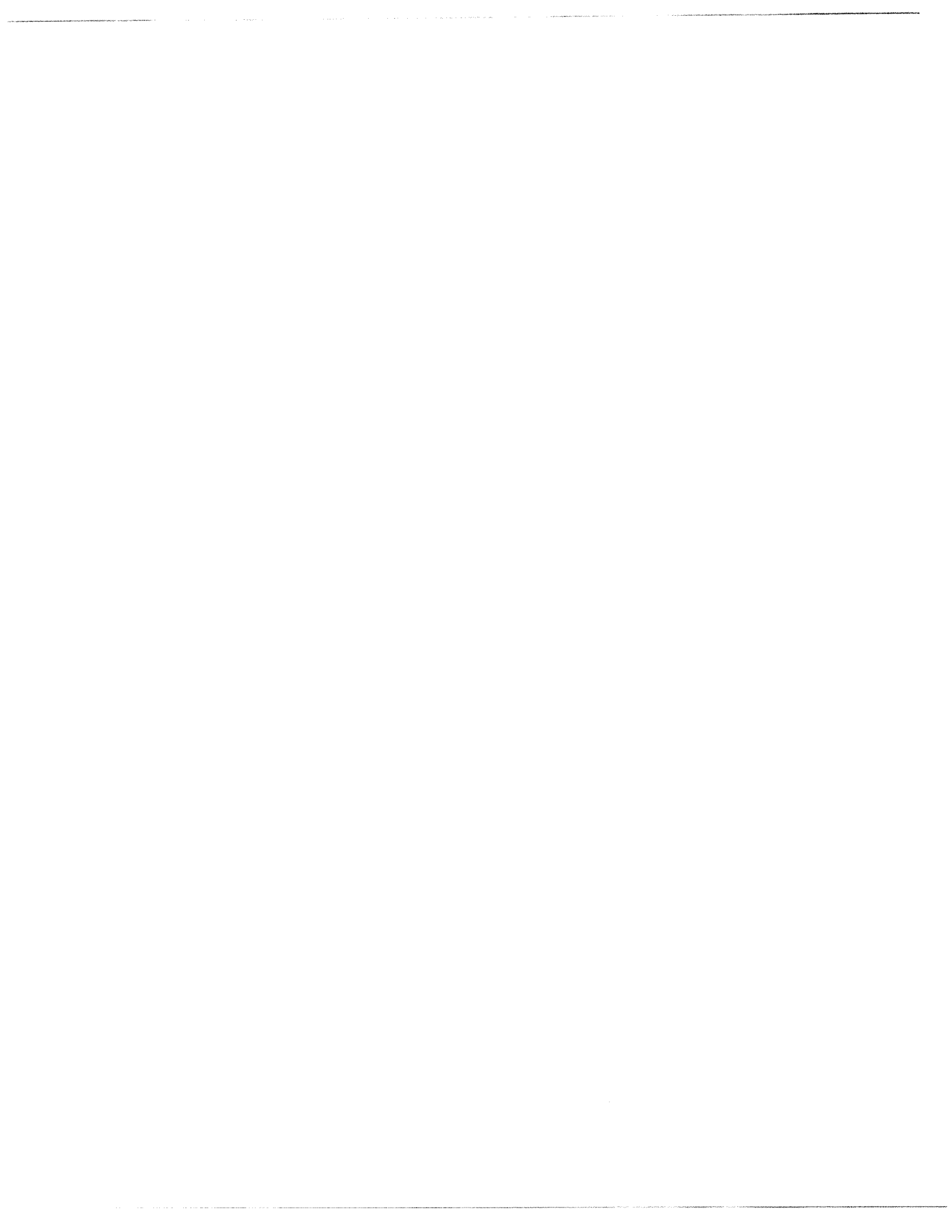
4.11.7 Waivers

- 1. A waiver can be granted from all or any portion of the requirements of these Regulations after notice and public hearing before the Commission:
- 2. Waivers shall not be issued within any designated floodway if any increase in flood levels during a 100-year recurrence-interval flood would result.
- 3. Waivers shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.
- 4. Waivers shall only be issued upon:
 - a.) a showing of good and sufficient cause;
 - b.) a determination that failure to grant the exception would result in unusual financial or other hardship to the applicant; and
 - c.) a determination that the granting of the exception will not result in significant increased flood heights, any additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing state or local laws or ordinances.
- 5. Waivers are normally limited to property having an area, in the aggregate, of one-half acre or less, but may be issued for larger parcels if the technical justification, in terms of preservation of flood storage capacity and minimization of flood heights, increases to an extent which is commensurate with the added risk of granting the exception on the larger lot.
- 6. Any applicant to whom a waiver is granted shall be given written notice by the Commission's staff that (i) the issuance of an exception to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all waiver actions.

7. Waivers may be issued from all or any portion of the requirements of these Regulations for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places of the State Inventory of Historic Places, without regard to compliance with the procedures set forth hereinabove. No renovations or alterations may be made to a historical structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the building, will also serve to reduce the potential for future flood damage and threat to human life and property.
8. In issuing a waiver, the Town Plan and Zoning Commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these Regulations, and:
 - a.) the danger that materials may be swept onto other lands to the injury of others;
 - b.) the danger to life and property due to flooding or erosion damage;
 - c.) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d.) the importance of the service provided by the proposed facility to the community;
 - e.) the necessity of the facility to waterfront location, in the case of a functionally dependent facility;
 - f.) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g.) the compatibility of the proposed use with existing and anticipated development;
 - h.) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i.) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j.) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k.) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges. Upon consideration of the factors listed above, the Town Plan and Zoning Commission may grant a waiver.

Land located in the Flood Zone may be removed from that zone only after 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.



Susan Lauzier

From: Ifkovic, Diane <Diane.Ifkovic@ct.gov>
Sent: Monday, July 24, 2023 10:36 AM
To: Gary Haynes
Cc: Shelley Caltagirone
Subject: Re: Proposed Zoning Map and Regulation Change

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Gary,

I can see where you are going with this and I do remember these discussions. You are still meeting FEMA's minimum requirement of elevation or floodproofing to the 100 year standard so the town remains compliant while allowing some leeway for these commercial properties. The only problem I see is that residents may want to roll back all your regulations to the 100-year standard, but I can only hope the flooding this year gives them pause. Residential construction should be elevated higher.

One note to mention, if any of these businesses take state funds for development (example DECD, OPM, etc.) then a Flood Management Certification (FMC) would be required from our agency that could result in higher standards being applied to the project. Housing is the development with the highest standard but isn't allowed in this zone anyway. For commercial we would require elevation to 100 year +1 ft but again this would be a rare circumstance if state or federal money is used and we supersede your local regulations, but I just wanted to mention it as it happens from time to time. <https://portal.ct.gov/DEEP/Permits-and-Licenses/Factsheets-Inland-Water/Flood-Management-Certification-Fact-Sheet>

For any projects using fill in the floodplain, you may want to read through the new FEMA Technical Bulletin 10: https://www.fema.gov/sites/default/files/documents/fema_nfip-technical-bulletin-10.pdf.

In the definition of "Cost", please remove septic systems and water supply wells from the definition. Since you are opening up the regulations anyway please make this correction. These should not be excluded items. FEMA gave some recent guidance on this to us.

diane

Diane S. Ifkovic
 State of Connecticut
 Department of Energy & Environmental Protection
 79 Elm Street
 Land & Water Resources Division, 3rd floor
 Hartford, CT 06106
 Phone: (860) 424-3537
 Email: diane.ifkovic@ct.gov

From: Gary Haynes <gary.haynes@glastonbury-ct.gov>
Sent: Friday, July 21, 2023 3:47 PM
To: Ifkovic, Diane <Diane.Ifkovic@ct.gov>
Cc: Shelley Caltagirone <shelley.caltagirone@glastonbury-ct.gov>
Subject: Proposed Zoning Map and Regulation Change

You don't often get email from gary.haynes@glastonbury-ct.gov. [Learn why this is important](#)

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Diane,
The Town of Glastonbury is making an amendment to the Zoning Map and Regulations to create a new flood zone along commercial corridor on Main Street. Please see attached documents and feel free to contact me with any questions or comments. Public Hearing for Planning and Zoning is scheduled for 8/8/23. They will give recommendation to the Zoning Authority which is the Town Council who will tentatively have their Public Hearing on the proposed Zoning Map and Regulation Changes on 8/15/23. Thank you.

Gary Haynes
Planner
Town of Glastonbury
(860) 652-7513
gary.haynes@glastonbury-ct.gov

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TOWN PLAN AND ZONING COMMISSION

FOR: RECOMMENDATION TO
TOWN COUNCIL IN REGARDS TO
PROPOSED AMENDMENT TO THE
ZONING MAP AND BUILDING ZONE
REGULATIONS TO CREATE SECTION
4.20 and AMENDMENT TO SECTION
4.11

MOVED, that the Town Plan and Zoning Commission provides a favorable recommendation to the Town Council regarding the proposed amendment to the Zoning Map and Building-Zone Regulations to create a new zone Section 4.20 Main Street Corridor Flood Zone (MSCC) & amendment to sec 4.11

APPROVED: TOWN PLAN & ZONING COMMISSION

AUGUST 22, 2023

ROBERT J. ZANLUNGO JR, CHAIRMAN

APPROVED 6-0