

SECTION 7 ACCESSORY USES AND STRUCTURES

7.1 Accessory Uses And Structures

Accessory uses and structures associated with residential uses located in the residence zones or on lots in non-residence zones on which permitted or non-conforming residential uses are situated shall be subject to the condition that no such use or structure shall involved the conduct of a business or sale of a project, or a service, except a home occupation, a boarding, rooming or lodging house or a roadside stand, all as hereinafter limited, and to the following conditions:

- a. Customary Accessory Uses and Structures
 1. Permitted customary accessory uses and structures. Customary accessory uses and structures are permitted in the residence zones and on lots on non-residential zones on which permitted or non-conforming residential uses are situated, and may include but are not limited to: dog house, greenhouse, tool shed or storage building, children's playhouse, tennis court, laundry room, hobby room or mechanical room, playground or recreation area, and garden.
 2. Height and location of customary accessory structures. AMENDED EFFECTIVE JULY 27, 1976.
 - a.) Except as provided in the following two paragraphs, any customary accessory structure shall conform to the same front, rear and side yard requirements as apply to a principal building for the zone in which the accessory structure is located.
 - b.) Any customary accessory structure fifteen (15) feet or less in height and located seventy-five (75) feet or more back from the street line may be located a minimum distance of five (5) feet from any rear lot line and minimum distance of five (5) feet from any side lot line.
 - c.) On corner lots, all customary accessory structures shall be located a minimum of fifty (50) feet from any street line. AMENDED EFFECTIVE AUGUST 14, 1981.
 3. Maximum floor area of customary accessory structures. AMENDED EFFECTIVE JUNE 13, 1975.
 - a.) Maximum floor area. Customary accessory structures, except pools and private automobile parking garages, shall have a combined maximum floor area not greater than twenty-five (25) percent of the floor area of the principal building on the same lot as such accessory structures. In determining the floor area of the principal building for the purpose of this section, basement and attic floor area shall not be included. AMENDED JUNE 13, 1975*. All accessory structures existing as of the date of this amendment and used specifically for the storage of farm products and/or farm equipment shall be allowed on lots with at least 80,000 square feet. The use of these structures shall be limited to those person(s) engaged in agricultural operations as defined by Section 12-91 of the Conn. General Statutes and recorded with the Town Assessor. * EFFECTIVE AUGUST 1, 1987.

b. Special Accessory Uses and Structures

1. Permitted special accessory uses and structures. Special accessory uses and structures are permitted in the residence zones and on lots in non-residence zones on which permitted on non-conforming residential uses are situated as set forth in Section 4 of these Regulations and shall be subject to such additional conditions as are set forth herein. Special accessory uses and structures shall include: customary home occupation, garage or carport and the parking of a commercial vehicle, the parking or storage of a boat, trailer or mobile home, guest house, bathing or swimming pool and bath house, roadside stand, the stabling of horses (and) the keeping and housing of livestock or poultry for domestic purposes on, and traditional professional medical/dental care facility. EFFECTIVE OCTOBER 11, 1992.
2. Conditions for special accessory uses and structures. In addition, the requirements for height, location and maximum land area for customary accessory uses and structures, special accessory uses and structures shall be subject to the following conditions:
 - a.) Customary home occupation. A customary home occupation shall be subject to the following provisions:
 1. A customary home occupation shall be carried on entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit.
 2. A customary home occupation shall be carried on by the inhabitants of such dwelling unit and shall involve the employment on the premises of only any member of the immediate family residing in such dwelling unit plus one person, full or part time, not residing in such dwelling unit.
 3. A customary home occupation shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes.
 4. A customary home occupation shall not change the residential character of such dwelling unit and lot.
 5. A customary home occupation, whether contained in a dwelling unit or in an accessory building, shall occupy and area not to exceed twenty-five percent (25%) of the gross floor area of such dwelling unit.
 6. A customary home occupation shall not offer, display or advertise any commodity or service for sale or rental on the premises.
 7. A customary home occupation shall not store any materials or products on the premises outside of the dwelling unit or the permitted accessory building in which it is located.
 8. A customary home occupation shall not create any objectionable noise, odor, vibrations or unsightly conditions.
 9. A customary home occupation shall not create a health or safety hazard.
 10. A customary home occupation shall not create interference with radio and television reception in the vicinity.

11. Signs associated with customary home occupation shall be limited to one identification sign per dwelling unit, such sign not to exceed for than two (2) square feet in area.
 12. The Building Official may, at his discretion, for good cause such as a non-customary use, potential excessive noise, storage of materials or parking, refers any question concerning a customary home occupation to the Town Plan and Zoning Commission for its review and recommendations. The Town Plan and Zoning Commission shall have thirty (30) days from its receipt of the application from the Building Official within which to forward its report of findings and recommendations to the Building Official. Said report of the Town Plan and Zoning Commission shall be advisory only, and the failure of the Town Plan and Zoning Commission to submit its report within the prescribed thirty (30) day period shall not prevent the Building Official from reaching a decision on the application for the customary home occupation after the prescribed thirty (30) day time period has expired .
- b.) Attached or detached garages and/or carports shall be a permitted use in accordance with the following standards:
1. Dwellings containing less than 4,500 sq. ft. of gross finished floor area (excluding basements) may have a maximum of 3 garages and/or carport bays, except that the Zoning Board of Appeals may, as a special exception, grant approval for 1 additional garage and/or carport.
 2. Dwellings containing more than 4,500 sq. ft. of gross finished floor area (excluding basements) may have a maximum of 4 garage and/or carport bays.
AMENDED EFFECTIVE 6/12/2002
 3. A maximum of one commercial vehicle may be parked on the lot, provided such commercial vehicle shall have a maximum capacity of one and one-half (1 1/2) tons, shall be owned by the owner or permanent resident of the property which it is to be parked and shall be parked in the garage, barn or the rear yard of the property.
- c.) Parking or storage of a boat, trailer or mobile home. A maximum of one (1) such vehicle may be parked or stored outside on the lot, provided such vehicle is parked in the rear yard and is owned or leased by the owner or permanent resident of the property on which such vehicle is parked. No such boat, trailer or mobile home shall be occupied for living, sleeping or cooking purposes or for carrying on business except as provided in Section 6.10 of these Regulations.
- d.) Guest House. A guest house shall require a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations.
- e.) Boarding, rooming or lodging house. There shall be a combined total maximum of two (2) boarders, roomers or lodgers, whichever the case may be, except that more than two (2) such boarders, roomers or lodgers or any combination thereof may be permitted as a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations.
- f.) Bathing or swimming pool and bath house. The pool and bath house, if any, shall be located in the rear yard, a minimum of fifteen (15) feet from any side or rear property line. In the case of a corner lot, the side yard abutting the street shall require a minimum yard depth of fifty (50) feet in CR Zone and forty (40) feet in RR, AAA, AA, and A

zones. A bathing or swimming pool may be installed and maintained only after the issuance of a proper permit by the Building Official subject to, any and all applicable codes or ordinances regarding safety, sanitation, drainage, and the like. AMENDED EFFECTIVE AUGUST 14, 1981.

- g.) Roadside stand. A temporary seasonal road side stand shall be used for the sale of produce or products grown or produced completely on the premises. Such stand shall have a maximum area of one hundred (100) square feet, shall be located a minimum distance of twenty (20) feet from any street and one hundred (100) feet from any street or road intersection. Such roadside stand shall not be a structure and shall also abide by the side yard requirements for a principal building for the zone in which it is located and shall be removed within ten (10) days after its use is discontinued for that particular year.
- h.) Non-Commercial stabling of horses. The non-commercial stabling of horses shall require a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 13 of these Regulations. In addition, such stabling of horses shall meet the following conditions:
 - 1. The portion of the lot or parcel upon which any horse or horses are stabled, pastured or exercised shall have a minimum area of two (2) acres in addition to the minimum lot area required for the dwelling on the lot or parcel.
 - 2. Such portion of the lot or parcel shall contain one (1) additional acre for each horse being stabled, pastured or exercised after the first two (2) horses.
 - 3. If any horse or horses are kept on the premises, an appropriate building shall be provided for the stabling of such horse or horses. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all stable cleanings shall be confined.
 - 4. All buildings and structures for the stabling and exercising of horses shall be located at a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line and, In addition, one hundred (100) feet from any dwelling located on an adjacent property. AMENDED EFFECTIVE APRIL 23, 1974.
- i.) Keeping of livestock or poultry for domestic purposes only. If any livestock or poultry are kept on the premises, the following conditions shall be met:
 - 1. The portion of the lot or parcel upon which livestock are kept or pastured shall have a minimum area of two (2) acres in addition to the minimum lot area required for the dwelling on the lot or parcel.
 - 2. Such portion of the lot or parcel shall contain one (1) additional acre or each livestock kept or pastured after the first two (2) livestock.
 - 3. If any livestock or poultry are kept on the premises, an appropriate building shall be provided for the keeping of such livestock or poultry. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all clearing shall be confined.
 - 4. All areas, buildings and structures for the keeping, housing and pasturing of livestock or poultry shall be located a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property

line and, in addition, one hundred (100) feet from any dwelling located on an adjacent property.

- j.) Traditional professional medical/dental care facility. A traditional professional medical/dental care facility shall be subject to the following provisions:

Said facility shall be operated in accordance with 7.1.b.2 (a) by the inhabitant of such dwelling who shall be a properly licensed medical/dental practitioner. In the event that the facility shall employ a greater number of non-residents than permitted under 7.1.b.2.(a)(2), then such increased personnel shall be permitted only after the issuance of a Special Permit in accordance with Section 12 of the Building-Zone Regulations.

In addition to the standards of Section 12.4, the applicant shall satisfy all of the applicable standards of 7.1...2.(a) in order to secure said Special Permit. EFFECTIVE OCTOBER 11, 1992.

- k.) Storage Containers EFFECTIVE MARCH 15, 2003

The use or installation of storage containers shall not be permitted within the Town of Glastonbury except those storage containers that meet one of the following standards:

- are duly registered and being actively used for the transit of goods on public highways and are located only on a commercial or industrial property
- are being used for solid waste disposal or recycling and are located only on a commercial or industrial property
- are located on properties in the Planned Industrial Zone that provide contract construction services
- are located on properties in Planned Industrial Zone that retail or wholesale farm products that are harvested (straw, hay, or like products, etc.)
- are located on properties that have an active construction or reconstruction project and only during the term of such construction
- are located on bona fide farms that are regulated by Sections 7.2.a and 7.2.b of these regulations
- are located adjacent to Town-owned athletic fields and are utilized for the storage of athletic equipment

Any storage containers that do not meet one of the above-listed standards shall be permanently removed from the subject property not later than 7 years following adoption of this regulation. In order to maintain a storage container as a legal nonconforming use during this phase-out period, a registration form shall be completed at the Town Building Official's Office no later than 90 days following adoption of this regulation. Any storage containers not registered within this time frame shall be deemed in violation of this regulation and shall be subject to enforcement action by the Town.

For the purposes of this regulation, a storage container is defined as a portable enclosure that is mounted, or can be mounted on wheels or can be transported over a public highway that is utilized for the storage of goods only.

7.2 Accessory Uses & Structures Associated With Principal Farming Uses In Any Zone.

- a. Permitted Accessory Uses and Structures. Farm markets, buildings or structures used for the storing, processing and manufacturing of agriculture and forestry products produced on the farm, necessary motor

vehicles and equipment used on the farm, and the buildings or structures used for the storage of such vehicles and equipment, and buildings used for the housing of farm animals and poultry.

- b. Location. All buildings and structures containing livestock of poultry shall be located a minimum distance of one hundred (100) feet from any street line or the property line of any property under separate ownership. All other accessory buildings and structures associated with the principal farming uses shall conform to the required side, rear and front yards for that zone. AMENDED EFFECTIVE JUNE 13, 1975.
- c. Farm Market. The intent of this section shall be to continue and promote the orderly growth of farming in Glastonbury in accordance with Section 12 of these Regulations. Farm markets shall be located on the premises of a farm. They shall be located a minimum distance of twenty-five (25) feet from any street line and one hundred (100) feet from any street or road intersection. Such farm market shall also meet the side yard requirements for a principal building for the zone in which it is located. Any enlargement or alteration of an existing farm market shall be deemed a minor change as defined in Section 12.9. New farm markets shall be subject to Section 12 of this Regulation and shall sell only perishable items (such as fruits and vegetables) some of which must be grown on the premises of the farm. The addition of non-perishables to a new farm market shall be subject to Special Permit in accordance with Section 12.9 of these Regulations.

Farm markets registered with the Office of Community Development (as of June 30, 1981) shall be considered conforming uses as shown and defined in the application form approved by the Town Plan and Zoning Commission as a Special Permit. AMENDED EFFECTIVE MAY 30, 1981.

7.3 Accessory Uses And Structures Associated With Excavation Operation In Any Zone

Any accessory use or structure associated with excavation operation in any zone shall abide by the conditions set forth in Section 6.2 of these Regulations.

7.4 Principal Non-Residential Uses, Except Excavation Operations, In Residence Zone

Any accessory use or structure associated with any principal non-residential uses in the residence zone (excepting excavation operations) shall abide at a minimum by the requirements set forth in this Section 7 for residential accessory uses and structures and, in addition, to any other conditions which may be required in their review of the principal use by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be, because of the nature of such accessory use or structure and the principal use with which it is associated.

7.5 Non-Residence Zones

Any accessory use or structure associated with any principal use in the non-residence zones shall be subject to such conditions as may be required in their review of the principal use by the Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, because of the nature of such accessory use or structure and the principal use with which it is associated.

7.6 Attached Accessory Building Or Structure

Any accessory building or structure attached or connected to the principal building by walls or roofs shall be considered a part of such principal building and shall abide by the provisions for principal buildings for the zone in which it is located.

7.7 Height Of Accessory Building Or Structure

Any accessory building or structure, except as provided in Section 3.5 of these Regulations, exceeding a height of fifteen (15) feet shall be considered as a principal building or structure and shall abide by the provisions for principal buildings for the zone in which it is located.

7.8 Accessory Fences And Walls

Accessory fences and walls used as fences with a maximum height of four (4) feet or less, shall be exempt from the provisions of this Section 7 except as may be otherwise required by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be.

7.9 Review And Approval

Whenever a principal use or structure is subject to the review and approval of the Town Council, the Town Plan and Zoning Commission or the Zoning Board of Appeals, whichever the case may be, any accessory use or structure associated with such principal use or structure shall be subject to the same review and approval.

7.10 Use

No accessory building or structure shall be used for residential, living or cooking purpose except as provided in these Regulations.

7.11 Agribusiness – Special Permit

a. Purpose:

The Town of Glastonbury recognizes that the preservation and support of the limited amount of agricultural lands and business is important to the Town, the State and the Nation, and is also necessary for the provision of adequate, healthful and nutritious foods for present and future citizens. It is also recognized that the survival and process of development of agricultural operations usually requires that several farms be operated or managed as one, and thus the farming activities on one property may be directed from a central office located on another. Therefore, it is the purpose of this regulation to permit the Town Plan and Zoning Commission to grant a Special Permit with Design Review for the construction of, addition to and/or renovation of non-farm buildings on properties where a farm operation is a permitted use under these Regulations.

b. Standards:

The construction of, addition to and/or renovation of non-farm buildings shall be subject to a Special Permit with Design Review in accordance with the criteria established by Section 12 of these Regulations. Non-farm buildings shall include all customary accessory buildings for hatching, breeding, rearing and keeping of poultry/animals; research and development activities related thereto; office and similar uses related to the farm operation; and storage and maintenance of equipment.

Buildings shall meet the yard requirements for a principal building for the zone it is located within and lots shall contain a minimum of fifty (50) acres. Buildings shall not cover more than twenty-five percent (25%) of the property.

c. Duration:

A special permit granted under this Section 7.11 shall be valid only for so long as the use permitted thereby remains related and accessory to an existing farm operation being conducted on the same parcel.

d. Separability:

This regulation shall not supersede or replace the farm-related portions of the existing regulations; and the expansion of farming as presently controlled shall continue under the existing regulations. All farm expansion purely limited to farm operations occurring on said farm shall continue to be a permitted use under existing regulations. EFFECTIVE DATE MAY 8, 1989.

SECTION 8

NONCONFORMING USES, BUILDINGS OR STRUCTURES

8.1 Nonconforming Uses

- a. Any nonconforming use lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provision of these Regulations or any amendment hereof.
- b. Change: A nonconforming use may be changed only to a conforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a use, which does not conform to these Regulations.
- c. Extension or Enlargement: No nonconforming use shall be extended or enlarged inside or outside a building or structure unless as otherwise provided herein. AMENDED EFFECTIVE JUNE 13, 1975.
- d. Moving: No nonconforming use of a building or structure may be moved to any part of the parcel of land upon which the use was conducted.
- e. Alterations and Repairs: A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by wear and tear or deterioration.
- f. Restoration: Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months of such damage or destruction.
- g. Discontinuance or Abandonment: Any nonconforming use of land, building to structure which has ceased by voluntary discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of these Regulations. Voluntary discontinuance or abandonment shall be determined on the basis of objective evidence rather than subjective evidence.

8.2 Nonconforming Buildings Or Structures

- a. Any nonconforming building or structure lawfully existing as of the effective date of these Regulations or any amendment thereof shall be permitted to continue notwithstanding any other provisions of these Regulations or any amendment hereof.
- b. Extension of Enlargement: No extension or enlargement of any nonconforming building or structure which increases the nonconformity of such building or structure shall be made, except that a nonconforming building or structure containing a permitted use may be extended or enlarged within the applicable yard requirements or, with the approval of the Zoning Board of Appeals after considering the criteria of Section 13.9 of these Regulations within as line which is not nearer to the lot lines than the existing building, provided such extension or enlargement provides for a permitted use containing no more dwelling units than the existing building.
- c. Restoration: Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area, cubic volume,

density, bulk and site location existing immediately prior to such damage or destruction, provided such restoration is commenced within six (6) months after such damage or destruction.

8.3 Illegal Use

Nothing in these Regulations, including the provisions of this Section 8 shall be interpreted as authorization for or approval of the continuation of the use of land, buildings, structures or premises in violation of the zoning regulations in effect up to the effective date of these Regulations or any amendment hereof.

8.4 Safety

Nothing in these Regulations, including the provisions of this Section 8, shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

8.5 Construction Begun And/Or Permits, Special Exceptions Or Variances Issues Prior To Adoption Or Amendment Or Regulations Or Zone Change

Nothing in these Regulations or any amendment hereof or in any subsequent change in zoning classification shall be deemed to require any change in the plans, construction or designated use of a building, structure, or premises for which a building permit has been issued on the effective date of these Regulations or such amendment or change in zoning classification and the substantial construction of which shall have been commenced and which entire building or structure shall have been completed within two (2) years from such effective date.

Nothing in these Regulations shall be deemed to require any change in the plans, construction or designated use of a building, structure or premises for which a special permit, special exception or variance has been issued by the Town Plan and Zoning Commission or Zoning Board of Appeals, whichever the case may be, prior to the effective date of these Regulations or any amendment hereto or subsequent change in zoning classification, provided a building permit shall be obtained from the Building Official within one (1) year from such effective date and substantial construction of which shall have been commenced within one (1) year of the date of issuance of such building permit, and which entire building or structure shall be completed according to the approved plans within two (2) years from the date of issuance of said building permit; if any of said provisions are not complied with, such special permit, special exception or variance shall become null and void.