

Zoning Regulations

Town of Tolland, Connecticut



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Cover photo taken in Tolland by resident Seema Kohli. Entry in 2020 Conservation Commission Photo Contest.

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Article 1: Introduction

Section 1-1. Authority and Purpose

A. Authority

The Planning and Zoning Commission of the Town of Tolland, Connecticut, in accordance with the provisions of Chapter 124 of the 1958 Revision of the General Statutes of the State of Connecticut, as amended, hereby adopts the following Zoning Regulations for the Town of Tolland, Connecticut.

B. Purposes

The purpose and intent of the following regulations are to promote the coordinated development of the town for the public health, safety and welfare of the community. The ultimate objectives of the Zoning Regulations are to:

- Confine certain classes of buildings and uses to designated localities or zones.
- Regulate and restrict the use of land and the use, location, height and bulk of buildings and structures and determine the area of yards and other open spaces surrounding them.
- Prevent activity detrimental to the environment and the town's natural resources.
- Provide for adequate solar radiation, light, air, privacy and access to property.
- Protect the existing and potential public surface and ground water drinking supplies.
- Divide the town into zoning districts for such purposes.
- Adopt maps of said town showing the boundaries and the classification of such districts.
- Prescribe penalties for the violation of its provisions.

It has among its purposes the stabilization of property uses, the maintenance of property values, the elimination of nonconforming uses, the control of population density in residential neighborhoods and the prevention of overcrowding of land to allow space for adequate water and sewage systems.

Section 1-2. Zones and Map

A. Zones

1. Residential Design District	RDD
2. Village Center Zone	VCZ
3. Tolland Village Area	TVA
4. Neighborhood Commercial Zone - G	NCZ-G
5. Neighborhood Commercial Zone-T	NCZ-T
6. Community Commercial Zone	CCZ
7. Gateway Design District	GDD
8. Technology Campus Zone	TCZ
9. Commercial / Industrial Zone	CIZ
10. Tolland Business Park	TBP
11. Aquifer Protection Overlay Zone	APO
12. Flood Plain/Stream Belt	FP/SB

B. Historic and Conservation Sites

It is the intent to preserve as many of these structures and sites identified as possible through private ownership, donation to the town, Historical Society, land trust or other appropriate agency or, in the event of subdivision, by asking for the land under Section 8-25 of the Connecticut General Statutes.

The following areas have been identified as Historic or Conservation Sites on the Zoning Map:

1. Pulpit Rock (Cook Road)
2. Settler's Rock (Gehring Road)
3. Tolland Marsh (including 200 feet from high water and contiguous wetlands)
4. Charter Marsh (State-owned)
5. Cedar Swamp
6. Kendall Mountain cliff outcropping
7. Animal Pound (Cider Mill Road)
8. Donkeyville Mill (Weigold Road)
9. Silk Mill (Route 74)
10. Brook's Mill dams and stone culvert (Johnson Road)
11. Skungamaug Village
12. Benton Homestead
13. The historic portions of North, East, South and Grant Hill cemeteries
14. Tolland Green Historic District
15. Shenipsit Lake

C. Town Center Pathway Area

This is a designated area with a goal to provide for a pathway for non-motorized alternative transportation modes and link the Municipal Center, Tolland Green, town schools, Crandall Park, commercial areas, the Post Office, Senior Housing, the Senior Center and other areas in the Town Center.

Section 1-3. Zoning Map and Zone Boundaries

A. Zoning Map

Such zones are shown or shall be shown on a map entitled "Zoning Map of Tolland, Connecticut," as amended, which accompanies these regulations and, as now or hereafter duly amended, is declared to be part hereof. The original map and all amendments shall be filed in the office of the Town Clerk.

B. Determining Boundaries

1. Zone boundary lines for all zones are intended to follow lot lines or center lines of streets, rights-of-way or watercourses wherever possible. Boundary lines are fixed by dimensions as shown on the zoning map.
2. For undivided property or where a zone boundary divides a lot, the location of the zone boundary shall be determined by the use of the map scale, unless shown by dimensions on the zoning map.
3. All dimensions to or from streets shown on the zoning map shall be taken from the center line of the street right-of-way where such right-of-way has been established or from the center line of the traveled portion of the street where the right-of-way has not been established.
4. Measurements shown to the intersection of two or more streets shall be deemed to be taken from the intersection of the center lines of such streets.
5. Any interpretation of the zoning map as to zone boundaries or dimensions shall be made by the Planning and Zoning Commission.

C. Land Under Waterbodies

Zoning districts shall include land under any river, stream, lake or pond lying within them.

Article 2: Definitions

Section 2-1. Interpretation and Word Usage

A. Definitions to be Applied

In the construction and interpretation of these regulations, the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise.

B. Word Usage

In the construction and interpretation of these regulations, the following rules shall be observed and applied, except where the context clearly indicates otherwise.

1. Words used in the singular may include the plural, and the plural the singular.
2. Words used in the present tense may include the future tense.
3. The word "shall" is mandatory and not discretionary or directory.
4. The word "may" is permissive.
5. The word "lot" shall include the words "piece," "plot" and "parcel."
6. The words "zone," "zoning district" and "district" shall have the same meaning.
7. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for" and vice versa.
8. The phrase "these regulations" shall refer to the entire Zoning Regulations of the Town of Tolland.
9. The word "Section" or "Article" shall refer to a Section or Article of these regulations, unless otherwise specified.
10. The word "person" or "applicant" shall include any individual, firm, partnership, corporation, association, organization or other legal entity.
11. The word "building" shall include the word "structure" and any part thereof.
12. The word "built" shall include the words "erected," "constructed," "reconstructed," "altered," "enlarged" or "occupied."
13. The "town" means the Town of Tolland, Connecticut.
14. The "state" means the State of Connecticut.
15. The "Commission" means the Planning and Zoning Commission of the Town of Tolland, unless otherwise specified.

16. Any official, agency, commission, board or department is that of the Town of Tolland, unless otherwise specified.
17. The "General Statutes" means the General Statutes of the State of Connecticut, as amended.
18. Any reference to engineers, architects, landscape architects, soil scientists or other similar professionals shall mean those licensed and registered to conduct business in Connecticut.
19. The "zoning map" means the latest officially adopted zoning map of the Town of Tolland.

Section 2-2. Terms Defined

As used in these regulations, the following terms shall have the meanings indicated:

ACCESSWAY, PRIVATE – An accessway that is not owned by the town and is intended to provide public access.

ACRE – One acre shall mean 43,560 square feet.

AFFORDABLE UNIT or AFFORDABLE HOUSING – See "workforce housing unit".

AGRICULTURE – The cultivation of ground, including the harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and forestry. Agriculture shall not include the cultivation or production of medicinal or recreational marijuana.

ALTERATION – As applied to a structure: a change or rearrangement in the structural parts; an enlargement or reduction, whether horizontally or vertically; or the moving from one location or position to another on a lot.

ANTENNA – A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip, panel and dish antennas.

AQUIFER – A geologic formation capable of yielding usable amounts of water.

AQUIFER PROTECTION OVERLAY ZONE (AP) – All material, liquid and solid, natural and man-made, overlying stratified drift aquifers and their primary recharge areas, identified or to be identified for the purpose of developing regulations to facilitate the management of activities that may degrade, pollute or permanently destroy the quality of groundwater, as shown on the map entitled "Aquifer Protection Zones (AP), Town of Tolland, CT, Effective March 1, 1988," as amended.

AREA DEVELOPMENT PLAN – A generalized plan of proposed development which becomes the formally adopted master plan upon approval by Special Permit by the Commission.

ASSISTED LIVING FACILITY – A managed residential community having support services that encourage residents primarily age 55 years or older to maintain a maximum level of independence. It may include on-site 24-hour nursing services, recreational services, and food services. The included services shall provide an alternative for elderly and/or handicapped persons who require some help or aid with activities of daily living in order to remain in their independent, private residential units within the managed community.

BARN – A farm accessory structure for the storage of agricultural tools, products, equipment or vehicles or the stabling of livestock.

BASE FLOOD – The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT – The portion of a building below the first story.

BED AND BREAKFAST ACCOMMODATIONS – An establishment offering transient lodging accommodations to the general public, with the owner residing on-site.

BEDROOM – A private room planned and intended for sleeping, separable from other rooms by a door, containing a closet, and accessible to a bathroom without crossing another bedroom.

BREWERY – A facility where beer or alcoholic cider is manufactured, stored, bottled and sold in sealed containers at wholesale. A brewery may include on-site retail sales for consumption off premises or offered for on the premises consumption.

BREW PUB – A restaurant with an on-site micro-brewery.

BUFFER ZONE, BUFFER AREA or BUFFER STRIP – A strip of land free of any building, structure or use other than natural woody growth, landscaping, fencing or screening, designed to shield or block noise, light or other annoyance.

BUILDABLE AREA – The contiguous area of a lot containing a minimum 100 foot square, exclusive of wetlands, watercourses, waterbodies, wetland buffers, detention areas, utility or drainage easements, steep slopes of over 20% as measured over a distance of 50 or more lineal feet, ledge outcroppings over 200 square feet and principal structure setback areas.

"BUILDING" TERMS

BUILDING – A structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any persons, animals, process, equipment, goods or materials.

BUILDING, ACCESSORY – A subordinate building of which the use is incidental to that of the principal building and which is located on the same lot as the principal building.

BUILDING AREA – The aggregate or maximum horizontal cross-section area of the main building on the lot, excluding cornices, eaves, gutters or chimneys projecting not more than 24 inches, steps, one-story open porches, balconies and terraces.

BUILDING COVERAGE – The percentage which the aggregate area of principal and accessory structures on a lot bears to the lot area.

BUILDING, DETACHED – A building separated on all sides from any adjacent building(s).

BUILDING HEIGHT – The vertical distance of a structure measured from the mean elevation of the finished grade at the foundation along the side(s) of the building facing the street(s) to the highest point of flat or mansard roofs or the mean level between the eaves and the ridge of gable, hip or gambrel roofs, except as waived in accordance with these Regulations.

BUILDING LINE, FLOATING – A line parallel to a street at a distance from the street line not less than the required front yard.

BUILDING, PRINCIPAL – A building in which is conducted the principal use of the lot on which it is situated.

CELLAR – See "basement."

CHANGE OF USE – Any proposed use which differs from the existing use of a structure or lot.

CHILD DAY CARE CENTER – A facility providing daytime care or instruction for 13 or more children.

CLUB – A structure occupied by an organization of persons incorporated pursuant to the provision of the Membership Corporation Law or the Benevolent Orders Law which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain, and includes the establishment so operated. A club shall cater only to its members or guests accompanying them. A "member of a club" is a person who, whether as a charter member or admitted in agreement with the bylaws of the club, has become a

bona fide member thereof, who maintains membership in accordance with such bylaws and whose name and address are entered on the list of membership.

COMMERCIAL – Any use facilitating the barter, sale or exchange of things of value, of sale of services or exchange of services, and includes the storage of goods.

COMMERCIAL CAMPGROUND – Any area devoted to camping by means of tents, camp trailers (either self-propelled or without motor power), two-wheel tent trailers or any other object used for camping where a charge is made to the camper for the use of the area on a limited basis.

COMMUNITY CENTER – A structure occupied by a public or not-for-profit private organization or group for recreational, social or civic purposes and containing no dwelling units, sleeping accommodations or public merchandising facilities.

CONSERVATION – The planned maintenance, protection and preservation of all natural resources, wildlife and historic sites and structures.

CONTRACT CONSTRUCTION SERVICES – A use, other than a farm use, involving the outside storage of one or more construction or excavation vehicles or vehicles having a gross vehicle weight exceeding 20,000 pounds.

CONVALESCENT HOME (NURSING HOME) – A building or portion thereof for the lodging, care or treatment for remuneration of five (5) or more persons and which shall comply with any state requirements applicable to such facilities.

CURB CUT – The opening along the curb line of a street where vehicles may enter or leave the roadway.

DECK – A porch-like structure or portion of a structure usually without a roof, usually constructed of wood with structural supports and having a floor height of more than eight (8) inches above the ground.

DEVELOPABLE AREA – The area of a parcel, exclusive of wetlands, watercourses, water bodies, steep slopes over 20% as measured over a distance of 50 or more lineal feet and ledge outcroppings over 200 square feet in area.

DISTILLERY – A facility where alcoholic liquor is manufactured, stored, bottled and sold in sealed containers at wholesale. A distillery may include on-site retail sales for consumption off premises or offered for on the premises consumption.

DRAINAGE – The controlled removal of surface water or groundwater from land by drains, grading or other means and includes runoff controls to minimize erosion and sedimentation during and after construction or development.

DRIVE-THROUGH – Service to customers seated in motor vehicles, not including gasoline service stations.

DRIVEWAY – A private roadway providing access to dwellings or commercial, agricultural or industrial enterprise(s).

DUMPSTER – A receptacle usually located outdoors for the temporary storage of garbage, rubbish or solid waste materials.

“DWELLING” TERMS

DWELLING – A building or portion thereof which is designed or used exclusively for residential purposes by human occupants and containing one (1) or more dwelling units.

DWELLING, ATTACHED – A dwelling unit attached to one (1) or more dwelling units by a continuous vertical party wall, without openings except for utilities, which walls extend from basement or cellar to roof.

DWELLING, DETACHED – A dwelling surrounded on all sides by yards and which does not have any roof, wall or floor in common with any other dwelling unit.

DWELLING, MULTI-FAMILY – A building containing separate dwelling units for three (3) or more families.

DWELLING, SINGLE-FAMILY – A detached building used or designed exclusively as a dwelling for one (1) family.

DWELLING, TOWN HOUSE – A single-family attached dwelling in a row of at least three (3) such units and each unit has its own direct access to the outside and no unit is located over another unit.

DWELLING, TWO-FAMILY – A detached building containing two (2) separate dwelling units.

DWELLING UNIT – A room or group of rooms located within a building and forming a single habitable unit with facilities which are used for living, sleeping, cooking, eating and sanitary facilities.

EARTH – Any material of which the ground is composed, including but not limited to soil, loam, sand, gravel, rock, stone and clay.

EROSION – The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice or gravity.

EXCAVATION – The digging out, extraction, regrading or removal of earth, whether exposed or covered by water, so as to alter its contour.

EXCAVATION OPERATION – Any operations involving excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss or any other earth products in the town.

FAMILY – One (1) or more person(s) occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, marriage, legal adoption or legal guardianship, no such family shall contain more than six (6) persons.

FAMILY DAY-CARE HOME – A single-family home caring for not more than six (6) children, including the provider's own children not in school full-time, where the children are cared for not less than three (3) nor more than 12 hours during a 24-hour period, where care is given on a regularly recurring basis and where the principal provider of the service resides on the premises.

FARM – A tract of two (2) acres or more, used principally for agricultural activities, forestry, nursery or truck gardening or for raising, keeping or sale of livestock and fowl, but excluding the raising of fur-bearing animals. The cultivation or production of medicinal or recreational marijuana shall not be considered a farm.

FARM BREWERY – A facility located on a farm in which beer is manufactured, stored, and sold.

FARM CIDERY – A facility located on a farm in which alcoholic cider is manufactured, stored, and sold.

FARM DISTILLERY – A facility located on a farm in which alcoholic liquor is manufactured, stored, and sold.

FARM WINERY – A facility located on a farm in which wine is manufactured, stored, and sold.

FENCE – A barrier of any human-made or processed material or combination of materials erected to enclose, separate, screen or buffer areas of land.

FILLING – The process of depositing fill such as soil, sand, gravel, rock or clay.

FLEXIBLE RESIDENTIAL DEVELOPMENT – A residential development with three (3) or more dwelling units in which a tract of land is divided into compact lots for constructing dwellings and common open space.

FLOOD HAZARD AREA – The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year, as identified as the one-hundred-year floodplain as designated on the Flood Boundary and Floodway Map as a Zone A (A1-A30).

FLOOD PLAIN or FLOOD-PRONE AREA – Any land susceptible to being partially or completely inundated by water from a river, stream or body of water.

FLOOR AREA – The sum of the gross horizontal interior areas of all floors contained within a structure, measured from the exterior face of outside walls or from the center line of a common wall separating two (2) structures. Floor area includes below grade areas except for mechanical space, parking or storage related to the principal use of the building. Floor area excludes stairwells, open porches, balconies, garages and utility rooms.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of all floors contained within a structure, measured from the exterior face of outside walls or from the center line of a common wall separating two (2) structures. Gross floor area excludes any space where the floor-to-ceiling height is less than six (6) feet.

FOOTPRINT – The maximum horizontal cross-section area enclosed by and including the outside walls of a building.

FORESTRY – The science of developing, caring for, harvesting or cultivating forests, including the management of growing timber and cordwood.

FRONTAGE – The length measured along that side of a lot abutting on a street.

FUR-BEARING ANIMAL – An animal such as mink, chinchilla or fox which is customarily bred and raised for the use of its pelt for clothing or decoration of clothing.

GARAGE – An accessory building or portion of the principal building used for parking and storage of vehicles belonging to the occupants of the premises.

GASOLINE SERVICE STATION – See “motor vehicle or gasoline service station”.

GOLF COURSE – A tract of land laid out for at least nine (9) holes for playing golf and that may include accessory uses as per these regulations. The definition excludes miniature golf courses.

GRADE, FINISHED – The final elevation of the ground surface after development compared to a given reference datum.

GRADING – Any excavating, stripping, cutting, grubbing, filling (including hydraulic fill) or stockpiling of earth, or any combination thereof, which results in a change of contour or elevation.

GROUP DAY-CARE HOME – An establishment which offers or provides a program of supplementary care to not fewer than seven (7) nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one (1) or more days in the week.

HAZARDOUS WASTE or HAZARDOUS MATERIAL – Substances as defined by Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended.

HISTORIC OR MONUMENT SITES – Locations set aside for no other purpose than to commemorate an historical event, activity or person.

HOME OCCUPATION – A business use or combination of business uses which is clearly incidental and secondary to the residential use of the premises and conducted for profit by one or more residents within a dwelling or within an accessory building on the same lot.

HOOKAH LOUNGE (Shisha Bar) – An establishment where patrons share flavored tobacco or molasses from a communal hookah.

HOTEL – An establishment providing transient lodging accommodations to the general public for compensation and which may provide additional accessory services such as rooms for public assembly, the serving of food and recreational facilities. "Hotel" is not a multi-family dwelling.

JUNK – Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion.

JUNKYARD – The use of any area of any lot, whether inside or outside a building, for the storage, keeping or abandonment of junk or scrap or discarded materials other than for officially recognized recycling centers; or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, and includes any business and any other place of storage or deposit which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in the condition for legal use on the public highways.

KENNEL – One (1) pack or collection of dogs, consisting of more than six (6) dogs over six (6) months old, kept on a single premise.

KENNEL, COMMERCIAL – An establishment where dogs are boarded, treated or groomed.

LEDGE OUTCROPPING – A portion of bedrock protruding through the soil.

LICENSED MEDICAL MARIJUANA DISPENSARY – A place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21a-408 et seq. as they may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

LICENSED MEDICAL MARIJUANA PRODUCTION FACILITY – A secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

“LIGHTING” TERMS

DIRECT LIGHT – Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

FULL CUT-OFF TYPE FIXTURE – A luminaire or light fixture that by design of the housing does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design is defeated, and disability glare will result.

FULLY SHIELDED LIGHTS – Light fixtures that allow the control of glare in any direction.

GLARE – Light emitting from a luminaire with intensity great enough to reduce a viewer’s ability to see, and in extreme cases, causes momentary blindness.

HEIGHT OF LUMINAIRES – The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

INDIRECT LIGHTING – Direct light that has been reflected or has scattered off of other surfaces.

ISODIAGRAM – A graphical representation of points of equal illuminance drawn as single line circular patterns or computer generated spot readings in a grid pattern on a Site Plan. These diagrams show the level and evenness of a lighting design and how light fixtures will perform on a site.

LAMP – The light source component of luminaires that produces the actual light.

LIGHT POLLUTION – Stray or reflected light emitted into the atmosphere beyond the 90-degree horizontal plane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

LIGHT TRESPASS – Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

"LIGHTING" TERMS (continued)

LUMEN – A unit of luminous flux. One (1) foot candle is one (1) lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp.

LUMINAIRE – A complete lighting system including a lamp or lamps and a fixture.

OUTDOOR LIGHTING – The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

RATIO – Uniformity ratio describing the average level of illumination in relation to the lowest level of illumination for a given area. For example, a uniformity ratio of 4:1 means the lowest level of illumination would be no less than one fourth ($\frac{1}{4}$) the average level of illumination.

UPLIGHTING – Any light source that distributes illumination above a 90 degree horizontal plane.

LIVESTOCK – Animals other than usual household pets which are kept or raised on a residential lot or kept, raised or offered for sale on a farm. Livestock includes horses, donkeys, mules, cattle, pigs, sheep, goats, alpacas and poultry.

LIVING QUARTERS – That portion of a dwelling unit designed for living, sleeping, cooking, eating or sanitary purposes, including customary rooms, halls and closets. Excludes rooms for heating equipment, garages, open or closed outside vestibules, porches or verandas, breezeways or terraces, stairways and public halls, basements and cellars. In addition, living quarters shall mean those portions of the building permanently constructed and finished with materials and methods conforming to the State Building Code.

LOADING SPACE – An off-street area or berth for the loading or unloading of commercial vehicles.

"LOT" TERMS

LOT – A parcel of land occupied or capable of being occupied by a principal building or, where permitted, a group of buildings and the accessory buildings or uses customarily incidental to it, including such open spaces as required by these regulations.

LOT AREA – The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER – A lot at the intersection of and abutting on two (2) or more streets.

LOT COVERAGE – The percentage which the aggregate area of all structures and impervious surfaces on a lot bears to the lot area.

"LOT" TERMS (continued)

LOT, FRONT – A lot which is not a rear lot.

LOT FRONTAGE – The shortest continuous distance measured along the street line between the points where the street line intersects with the side property line of a lot or the shortest continuous distance measured along an established building line between side property lines. If any portion of the street line or established building line is on a curve, the frontage measurements shall be measured along said curve, unless the floating building line provision applies.

LOT LINE – A line bounding the area of a lot.

LOT LINE, FRONT – A lot line separating a lot from a street right-of-way.

LOT LINE, REAR – A lot line which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

LOT LINE, SIDE – A lot line which is not a front lot line or a rear lot line as defined herein.

LOT OF RECORD – A lot which conforms to current sewerage and water regulations and was established and recorded in the town land records:

1. Prior to November 16, 1962; or
2. Subsequent to the enactment of zoning and/or subdivision regulations of the town and conforming to all the zoning and/or subdivision regulations applying to said lot at the time said lot was established and recorded in the office of the Town Clerk, or which has unexpired preliminary subdivision approval.

LOT, REAR – A lot located generally to the rear of a front lot(s) and served by an access way typically located between front lots and owned by the owner of the rear lot.

LOT, SUBSTANDARD – Lot of record which does not meet one (1) or more of the current frontage or area requirements.

LOT, THROUGH – A lot having both front and rear yards abutting on a street; front yard requirements shall be maintained on both street frontages.

LOT WIDTH – The horizontal distance between the side lot lines of a lot, measured in a straight line at but not in front of the required front yard setback line.

LOW IMPACT DEVELOPMENT – An ecologically friendly approach to site design and storm water management, whose goal is minimize the impacts of development on the land and water resources.

MAIN STREET SETTING – An arrangement of buildings, streets, sidewalks, open spaces, plazas, and other elements of the built environment which emphasizes access to each building and space by foot, creates a focal point for a variety of uses and activities, creates a cohesive business or mixed use neighborhood, and encourages the interaction among activities.

MANUFACTURING – The making, processing, fabrication or assembling of goods or wares by manual labor or by machinery.

MEMBRANE STRUCTURE / HOOP HOUSE – A structure that consists of supporting structures constructed of tubular metal, fiberglass or other similar structural tent-like supports which are affixed to the ground and covered by a flexible poly or fabric-like material stretched over and secured to the supporting structure.

MICRO-BREWERY – A brewery where no more than 6,000 barrels per year is manufactured.

MICRO-DISTILLERY – A distillery where no more than 6,000 barrels per year may be produced.

MICRO-WINERY – A winery where no more than 6,000 barrels per year may be produced.

MOBILE HOME – Any vehicle designed so that it can be drawn by or carried on a vehicle, is equipped with bath facilities and flush toilet, is designed to be connected to a public water supply and to sewer connections, and can be used for permanent human habitation, whether resting on wheels, jacks, piers or other foundations of any kind.

MOTOR VEHICLE GENERAL REPAIR AND SERVICES – The general business of repairing, overhauling, removing, adjusting or replacing parts of any motor vehicle and body repairing of any motor vehicle, including the business of a "repairer" as defined by the General Statutes, Section 14-51.

MOTOR VEHICLE LIMITED REPAIR AND SERVICE – The general business of minor repairs to any motor vehicle, such as repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing and repair and replacement of shock absorbers, excluding anything covered in the definition of "motor vehicle general repair and services" above, including the business of a "repairer" as defined by the General Statutes, Section 14-51.

MOTOR VEHICLE OR GASOLINE SERVICE STATION – A building or structure designed or used primarily for the retail sale or supply of fuels, lubricants, air, water and other operating commodities

for motor vehicles, aircraft or boats, including the customary space and facilities for the installation of such commodities on or in such vehicles, but does not include body repair.

NONCONFORMING BUILDING OR STRUCTURE – A building or structure of which the dimensions or location does not conform to all the applicable provisions of these regulations but which was legally existing at the effective date of the adoption of these regulations or of any pertinent amendment thereto.

NONCONFORMING USE – A use of land or of a structure which does not conform to the applicable use provisions of these regulations but which was legally existing at the effective date of these regulations or of any pertinent amendment thereto.

NURSERY – Land or one (1) or more greenhouses devoted to the commercial raising and sale of trees, plants, flowers or shrubs.

NURSING HOME – See "convalescent home".

OFFICES, GENERAL – A room, group of rooms or a building used primarily for conducting the affairs of a business, profession, service, industry or government but excluding any medical services and facilities related to the practice of medicine.

OFFICES, MEDICAL – A room, group of rooms or a building used primarily for conducting the affairs related to the practice of medicine but excluding any overnight facilities for patients.

OFFICE, PROFESSIONAL – An office of professionals such as doctors, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, clergy and others who, through training or experience, are qualified to perform services of a professional, as distinguished from a business, nature.

OPEN SPACE – Land to be set aside, as provided for in Section 8-25 of the General Statutes, for open space, parks or playgrounds.

OPEN SPACE, PRIMARY – Land to be dedicated to the Town of Tolland in conjunction with a flexible residential development. At the option of the Planning and Zoning Commission, land may be dedicated to a nonprofit organization established for the purposes of land preservation and/or conservation.

OPEN SPACE, SECONDARY – Land to be protected, set aside or used for recreation in conjunction with flexible residential developments and may include conservation easements, vegetation easements and buffer areas.

ORIGINAL – The conditions existing at the effective date of an application to the Commission or Zoning Board of Appeals for permission to change conditions on a piece of property or structure.

OUTDOOR WOOD BURNING FURNACE – An accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. It does not include a fire pit, wood-fired barbecue or chiminea.

PARK – Land and/or water primarily in its natural state or a human-made recreation facility dedicated and used for recreation, scenic, leisure or ornamental purposes.

"PARKING" TERMS

PARKING AREA – Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally assigned areas on public streets.

PARKING GARAGE – An accessory building or portion of a principal building used for parking or storage of vehicles belonging to premise's occupants, tenants, visitors, employees or patrons.

PARKING LOT – An off-street ground level area used for the parking of more than four (4) motor vehicles to accommodate occupants, tenants, visitors, employees or patrons, but not including private driveways.

PARKING SPACE, OFF-STREET – A temporary storage area for a motor vehicle, directly accessible to a street or by means of a driveway or access aisle and not located within a street right-of-way.

PATIO – See "terrace."

PEAK DISCHARGE – The maximum instantaneous flow of water from a given storm at a given location.

PERSONAL SERVICE – An establishment that primarily provides domestic services rather than the sale of products. Examples include barbershop, salon, tailor, dry cleaning, pet grooming and training, exercise facility and similar uses. Such establishment might entail the sale of limited products related to the service offered.

PET – An animal that is domesticated and ordinarily kept in the home for personal use or enjoyment.

PLACE OF WORSHIP – A structure intended for the conduct of religious services and which is maintained and controlled by a religious body organized to sustain public worship and recognized as such for nonprofit status by the Internal Revenue Service.

PLAN OF CONSERVATION AND DEVELOPMENT – The adopted Plan of Conservation and Development, as amended, and all the land use studies and fact sheets leading to it and all adopted detail portions of the Plan of Conservation and Development referred to in Section 8-23 of the General Statutes.

PREMISES – A lot together with any structures thereon.

PRIMARY RECHARGE AREA – That area immediately overlying the stratified drift aquifer and adjacent areas of stratified drift that may not have sufficient thickness to be part of the aquifer. The boundary of the primary recharge area is the contact between stratified drift and adjacent till or bedrock.

PRIVATE – Confined to or intended only for the person or persons immediately concerned, not for the general public.

PUBLIC – Belonging or available to all the people.

PUBLIC AND SEMIPUBLIC USE – A nonprofit or quasi-public use or institution, such as a place of worship, library, post office, hospital, school or facility of the town, state or federal government.

RECONFIGURATION – Any adjustment, change or modification in the location of any portion of the boundary of a lot or other tract or parcel of land, regardless of whether such reconfiguration would create a subdivision or resubdivision under these regulations.

RECREATIONAL VEHICLE (RV) – A vehicle manufactured for temporary living accommodations, to be self-propelled or towed by a motor vehicle, including but not limited to travel trailer, motor home, collapsible tent trailer, truck-mounted unit or van camper but excluding mobile home.

RECREATION FACILITY OR STRUCTURE – A facility or structure including recreational activities such as but not limited to a swimming pool more than 24 inches deep, tennis, platform tennis or handball court and all appurtenances thereto, including fences, walls, screening or lighting.

RENT – The amount paid by a tenant for a dwelling inclusive of utilities but exclusive of optional services provided by the landlord.

RESTAURANT – An establishment where the principal use is the preparation and sale of food and beverages for immediate consumption where customers are served at counters or while seated at

tables or counters. The primary seating area shall be inside the building, but a restaurant may include food takeout and outdoor seating. Unless otherwise permitted by these Regulations, no customers are served in motor vehicles.

RETAIL FOOD / SERVING ESTABLISHMENT – Any establishment that entails one of the following:

- An accessory use which sells packaged and prepared foods and beverages primarily for consumption off the premises. It may have limited seating for on-site consumption as determined by the Commission.
- A principal or accessory use in which food service providers or caterers prepare food on site, and sell on-site for off-site consumption, deliver, and / or serve the food off premises.

This definition does not apply to mobile food vendors ("food trucks"). This definition does not supersede any portion of the Building Code or the Public Health Code and seating allowances may be reduced by the requirements of those codes.

ROADSIDE STAND – A facility for the sale of seasonal agricultural products grown on the premises, a portion of which may be grown on other land owned or leased by the operator of the stand.

ROADSIDE STAND, REGIONAL – A facility for the sale of seasonal agricultural products, at least 50% of which must be grown on the premises or on other land owned or leased by the operator of the roadside stand and up to 50% can be regionally grown in the state. A maximum of 20% of gross sales may be farm related products (i.e. birdhouses, maple syrup, birdseed) subject to approval by the Zoning Enforcement Officer (ZEO).

ROOM – That portion of a dwelling unit in which functions of domestic life are carried on. A room does not include closets, stairways, hallways, laundry rooms, bathrooms and other similar spaces.

SETBACK – The distance between a structure and any lot line.

SCHOOL, PRIVATE – Any building or group of buildings, the use of which meets the state's requirements for primary, secondary or higher education and which is not operated by the town or state.

SCHOOL, PUBLIC – Any building or group of buildings, the use of which meets the state's requirements for primary, secondary or higher education and which is operated by the town or state.

SETBACK LINE – The line parallel to a street or lot line at a distance established by the minimum yard requirements of these regulations, behind which buildings and structures may be legally erected.

"SIGN" TERMS

SIGN – Any object, device, display, or structure, or part thereof, situated outdoors or indoors but intended to be visible outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, design, symbols, fixtures, colors, or illumination. The word sign does not include the flag, pennant or insignia of any national, state, municipal or other geographical unit or official traffic control sign or notice required by law.

AREA OF SIGN – The smallest rectangular area which encompasses all letters, designs, symbols, logos or other sign features. It shall include any background material if such material is designed to be an integral part of the sign because of its texture, color or arrangement. Supports which affix a sign to the ground or building shall not be included unless such supports are obviously designed to be part of the sign. When attached to a wall, the area of the sign shall not include the wall itself unless the background is different from the balance of the wall and is designed as an integral part of or is obviously related to the sign. The area of any sign shall be determined by actual measurement.

Only one face of a double-faced sign shall be counted provided that both sign faces are equal in area and only one face can be seen at a time. If one face of a double-faced sign is larger than the gross area shall be the area of largest face. For multiple-faced signs, the gross area shall be the combined area of all faces.

BUSINESS SIGN – A sign which directs attention only to a business, commodity, service, activity or product sold, conducted or offered upon the premises where such sign is located.

CONSTRUCTION SIGN – A temporary sign located on the premises on which construction is taking place during the period of such construction which may indicate the names of the design professionals, contractors, owners, financial supporters, sponsors and/or similar individuals or firms having a role or interest with respect to the structure or project.

DIRECTIONAL SIGN – A sign which guides or directs pedestrian or vehicular traffic to a point of interest, historical sites, recreational and educational facilities and similar locations or for the control of traffic and parking.

"SIGN" TERMS (continued)

FACE, SIGN – A plane defined by the continuous perimeter enclosing the extreme limits of the message of the sign, including other representation or material or color lying within said plane that draws attention to a message. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

SINGLE-FACED SIGN – A sign with one face.

DOUBLE-FACED SIGN – A sign with two faces where the faces are mounted back to back not more than 18 inches apart and parallel to one another.

MULTIPLE-FACED SIGN – A sign with two or more faces, except a double-faced sign.

FREESTANDING SIGN – Any non-portable sign not affixed to a building.

IDENTIFICATION SIGN – A sign on the premises bearing the name of a subdivision, a group housing project, school, college, park, place of worship, other public or quasi-public facility or a professional or firm nameplate or the name of the person, firm or corporation occupying the premises but bearing information pertaining only to the premises on which such sign is located.

ILLUMINATED SIGN

CHANNEL LIGHTING – Individual letters and symbols with a translucent face illuminated from within.

DIRECTLY ILLUMINATED SIGN – A sign emitting any artificial light directly or through any transparent or translucent material from a source of light in the interior of such a sign. A channel letter sign and an internally illuminated sign are examples of direct illumination.

HALO LIGHTING – A sign consisting of individual letters and symbols with an opaque face where lighting within illuminates the surface behind the letter or symbol.

INDIRECTLY ILLUMINATED SIGN – A sign illuminated with an artificial light external to the sign.

INTERNAL LIGHTING – An internal light source illuminates the sign face.

PORTABLE SIGN – A sign which is not permanent and not affixed to a building, structure or the ground.

MOVING SIGN – A sign which has any visible revolving or rotating parts or any visible mechanical movement of any description, excepting clocks and thermometers.

"SIGN" TERMS (continued)

NAMEPLATE SIGN – A sign located on the premises that indicates the name and occupation or profession of each occupant of the premises.

OFF-PREMISE SIGN – A sign which directs attention to a business, community, service or activity which is generally sold, offered or conducted elsewhere.

OVERHANGING SIGN – A sign extending from a building which is its sole support.

POLITICAL SIGN – A sign pertaining to the election of candidates in a municipal, state or federal election or primary, fundraising event, or pertaining to a referendum question in conjunction with an election.

ROOF SIGN – A sign erected, constructed or maintained upon the roof of a building.

TEMPORARY SIGN – A sign intended to advertise on a non-permanent basis.

WALL SIGN – A sign or poster on any surface or plane that may be affixed to the front, rear or side wall of any building or any sign painted directly on any such wall.

SIMILAR USE – A use that has the same characteristics as the specifically cited use in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impact, physical space needs, and clientele.

SMALL STOCK – Limited to sheep, goats and poultry, which require less land for keeping than large animals.

SMALL WIND ENERGY SYSTEM (WINDMILL) – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion of electronics, which has a rated capacity of not more than 100 kilowatt and which is intended to primarily reduce on-site consumption of utility power.

“SOIL AND EROSION” TERMS

SOIL – Any unconsolidated mineral or organic material of whatever origin.

SOIL EROSION AND SEDIMENTATION:

CERTIFICATION – Approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

DISTURBED AREA – An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

INSPECTION – The review of sediment and erosion control measures shown on the approved plan.

REGULATIONS – Any regulations adopted by a municipality pursuant to Sections 8-2 and 8-25 of the General Statutes.

SEDIMENT – Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SOIL EROSION AND SEDIMENT CONTROL PLAN – A plan that indicates necessary treatment measures to minimize soil erosion and sedimentation resulting from development, and includes, but is not limited to, a map and a narrative.

“SOLAR” TERMS

FIXED RACK – Structure which holds solar modules stationary at a fixed angle and orientation.

FIXED RACKS TRACKER – Structure that senses the direction of the sun and tilts the modules as needed for maximum exposure to the light.

GROUND-MOUNTED SOLAR ARRAY – A free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, including commercial solar facilities.

ROOF-MOUNTED SOLAR ARRAY – Any accessory solar energy collection system, photovoltaic or thermal, that is mounted on a building and can be interconnected to the local utility grid on the customer side of the electric meter.

SPECIAL PERMIT – A use which is subject to special regulations, which regulations may be more restrictive than those in effect for any particular zone. A Special Permit is considered a permitted use only when all of the requirements set forth for the particular Special Permit are met.

STABLE – A place where horses are kept, ridden, fed, bred or housed.

STABLE, COMMERCIAL – Livery, boarding or riding stables for more than three (3) horses, which may include facilities for showing and training horses.

STOOP – Any raised building entrance platform with one (1) or more steps leading up to it.

STORY – A part of a building or structure between the finished floor of one level to the finished floor of the next level, or, in the case of the upper floor, the ceiling or roof above. A basement shall be counted as a story if the ceiling is more than three (3) feet above the level from which the height of the building is measured. An attic is a story if the height of the attic is five (5) feet or greater.

STORY, HALF – A part of a building which is an attic where between 30% and 60% of the ceiling area is less than the minimum ceiling height required for the appropriate use and occupancy code of the building, as required by the current Connecticut State Building Code, as it may be.

STRATIFIED DRIFT – Unconsolidated, sorted sediment composed of layers of rocks, sand, gravel, silt or clay deposited by meltwater from glaciers.

“STREET” TERMS

STREET – A road, highway, lane, avenue, boulevard or any other public way, which provides a principal means of access to a lot. Street shall include the entire width of the right-of-way but shall not include private driveways and private rights-of-way.

STREET, ACCEPTED – A street which has become public by virtue of dedication to and formal acceptance by the town.

STREET LINE – A common line between a street right-of-way and a lot.

STREET RIGHT-OF-WAY – The area of a street between the parallel boundary lines of that street.

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground or water or attachment to something having location on the ground or water. A structure shall include, but not be limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, signs, permanent awnings, ground-mounted antennas, ground-mounted solar panels and satellite dishes and fences or walls more than eight (8) feet in height, other than retaining walls.

STRUCTURE, ACCESSORY – A structure, the use of which is customarily incidental and subordinate to that of the principal structure or use on the same lot.

SWIMMING POOL – A water-filled structure, permanently constructed or portable, with a depth of more than 24 inches and a water surface area of more than 60 square feet, used for bathing or swimming.

TERRACE or PATIO – An improved, surfaced or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located not more than eight (8) inches above grade shall not be deemed a structure.

TILL – Unconsolidated, unsorted material composed of a mixture of rock sizes ranging from clay to boulders that were deposited by glacial ice.

TRAILER – Any vehicle which is or can be used for short-term human occupancy or carrying materials, goods or objects and which is, has been or can be mounted on wheels or can be towed or hauled by another vehicle, excluding recreational vehicles.

“USE” TERMS

USE – The specific purpose or activity for which a building, structure or lot is intended.

USE, ACCESSORY – A use subordinate and customarily incidental to the principal use, structure or land and located on the same lot.

USE, PRINCIPAL – The primary or predominant use of a lot, structure or building.

USE, TEMPORARY – A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VEHICLE, BUSINESS – A motor vehicle bearing a commercial registration or business lettering.

VEHICLE, COMMERCIAL – A motor vehicle over 20,000 pounds in gross vehicle weight.

VOCATIONAL REHABILITATION – An establishment that provides a process for enabling persons with functional, psychological, developmental, cognitive and / or emotional impairments or health disabilities to overcome barriers to accessing, maintaining and / or returning to employment or other useful occupations.

WATERCOURSE – As defined in Section 22a-38(16) of the General Statutes.

WETLAND – As defined by Section 22a 38(15) of the General Statutes.

WINERY – A facility where wine is manufactured, stored, bottle and sold in sealed containers at wholesale. A winery may include on-site retail sales for consumption off premises or offered for on the premises consumption.

WIRELESS TELECOMMUNICATION SERVICES – Licensed wireless telecommunication services, including but not limited to, cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services marketed to the general public.

WORKFORCE HOUSING UNIT or AFFORDABLE HOUSING UNIT – Dwelling unit affordable to a household with an annual income that does not exceed 80% of the median income, adjusted for family size, as published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD). The median income shall be the lesser of the state median income or the area median income for the area in which Tolland is located, as determined by HUD.

"YARD" TERMS

YARD – An open space between the facing wall of a structure and the nearest lot line and which is unoccupied except as may be specifically authorized by these regulations. Any measurement shall be taken at a right angle from the nearest lot line to the nearest point of the structure.

YARD, FRONT – An open space extending across the full width of a lot and lying between the closest edge of the street right-of-way and the nearest facing wall of a principal structure on the same lot.

YARD, REAR – An open space extending across the full width of a lot and lying between the rear lot line of the lot and the nearest facing wall of a principal structure on the same lot.

YARD, REQUIRED – An open space between a lot line and the permitted buildable area within which no structure shall be located except as specifically permitted by these regulations.

YARD, SIDE – An open space parallel to a side lot line extending from the front yard to the rear yard and lying between the side line of the lot and the nearest facing wall of a principal structure on the same lot. Any yard not a rear yard or a front yard shall be deemed a side yard.

YARD WIDTH or YARD DEPTH – The width of side yards and the depth of front and rear yards, measured perpendicularly to the respective lot lines.

Article 3: General Regulations

Section 3-1. Conformance Required

No building or structure shall be erected or enlarged except in conformity with the height, area, yard, lot coverage and other provisions of the zone in which the building or structure is located.

Section 3-2. Prohibited Uses

A. Uses Not Listed

All uses not listed as permitted or otherwise clearly provided for in these regulations are prohibited.

B. Underground Heating Oil Storage

Underground storage of heating oil for one- and two-family dwellings shall be prohibited.

C. Outdoor Wood Burning Furnace

The Commission feels that, by their very nature, outdoor wood burning furnaces cannot be regulated in such a fashion as to protect the health, safety and welfare of the general public and are therefore prohibited in all zones.

Section 3-3. Conflicting Regulations

When any provision of these regulations imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other ordinance, statute or law, the provisions of these regulations shall apply and govern. In the case of any conflict or inconsistency between sections of these regulations themselves, the more stringent section shall apply and govern unless the regulations specify otherwise. The invalidity of any word, clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.

Section 3-4. Covenants or Easements Not Affected

These regulations are not intended to abrogate or annul any easement, covenant or other private agreements.

Section 3-5. Rights-of-Way

All rights-of-way or easements, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such rights-of-way or easements. Where the center line of a right-of-way or easement serves as a zone boundary, the zoning of such right-of-way

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

Section 3-6. Construction Under Permits Issued Prior to Regulations

Nothing in these regulations shall be deemed to require any change in the place, construction or designed use of a building or structure or premises for which a building permit has been heretofore issued or plans for which are on file with the Building Official at the time of the enactment of these regulations, and the construction of which, in either case, shall have been diligently prosecuted within one (1) year of the date of issuance of such building permit, and the ground-story framework of which, including the second tier of beams, shall be completed within such year, and which entire building or structure shall have been completed according to such plans as filed within two (2) years from the date of adoption of these regulations.

Section 3-7. Restoration of Unsafe Structures

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

Section 3-8. Modification of Commercial or Industrial Uses or Buildings

Any proposed change of use in or enlargement to a commercial or industrial building, structure or development shall require an informal review, assessment and decision by the Town Planner and, if deemed necessary, the Commission. If the Commission finds that the proposed use or structure modification shall have no substantial impact on the parking, drainage or sewage disposal requirements or traffic flow it may, at its discretion, direct the Zoning Enforcement Officer (ZEO) to issue a zoning permit, if one is required. If the Commission determines that the proposed use or modification shall require substantial site changes or shall have a significant impact on parking requirements, drainage structures, sewage disposal requirements or traffic flow, it shall deem the proposal a use which requires Site Plan and/or Special Permit review and approval by the Commission done in accordance with Article 20.

Section 3-9. Lot Frontage

Every principal residential structure shall be located on a lot which fronts upon an approved public street unless otherwise approved by the Commission as part of a subdivision plan or Site Plan.

Section 3-10. Corner Lot Yard Requirements

Each corner lot shall have two (2) front yards, at least one (1) side yard and one (1) rear yard. The side and rear yard shall be designated when the zoning permit for the principal structure is issued. Exceptions may apply for accessory structures, as per Section 17.

Section 3-11. Height Restrictions

A. Principal Structure

In all zones, the maximum principal building height shall be 35 feet or 40 feet to ridge, whichever is more restrictive. The following exceptions apply:

1. In the Tolland Business Park:
 - a. Maximum principal building height shall be 45 feet or 50 feet to ridge, whichever is more restrictive.
 - b. The Commission may grant a Special Permit for an air supported building up to 80 feet in height after considering visibility and impact from properties not in the Tolland Business Park including topography and elevation of the building site and vegetative buffering.
2. The applicant may request and the Commission may grant a height up to 55 feet in the Gateway Design District by four (4) votes depending on the building design, Site Plan and topography of the site.
3. In the Tolland Village Area: see height exceptions in Article 7.

B. Appurtenant, Roof Top, and Miscellaneous Structures

1. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building and fire or parapet walls, skylights, towers, domes, bulkheads, individual domestic radio and television antennae, church steeples, spires, belfries, cupolas, stage lofts and screens may be erected above the height limits herein prescribed provided that such roof structure:
 - a. Shall not be erected to exceed the height limits of the zone in which it is located by more than 15 feet.
 - b. Shall not have a total area greater than 10% of the horizontal roof area of the building or structure on which it is located.
 - c. Shall not be used for any purpose other than a use incidental to the principal use of the building or structure on which it is located.

2. Flagpoles, chimneys, smokestacks, water tanks or similar structures may be erected above the height limits herein prescribed.

C. Agricultural Structures

1. Structures used for the storage or protection of agricultural crops may not exceed 40 feet in any zone.
2. The Commission may allow agricultural structures to exceed this height limit, in any zone, by Special Permit.

Section 3-12. Minimum Yards / Setbacks

The minimum yards required by these regulations for each and every building or structure existing at the time of the adoption of these regulations or for any building or structure hereafter erected and/or by reason of change in ownership shall not be encroached upon or considered as yard requirements for any other building or structure.

Section 3-13. Projections into Yards

A. Architectural Features

Architectural features such as pilasters, chimneys, belt courses, sills and cornices, but not including any vertical projections, may extend into a required yard not more than two (2) feet.

B. Fence or Wall

A fence or a wall used as a fence may be erected in any required yard if not over eight (8) feet high. Where a fence is placed on top of a wall, the height of both structures shall be cumulative when determining the height.

C. Deck, Stoop, Steps and Terraces

A deck not over eight (8) inches high, stoops not over four (4) feet high, and steps and terraces may be erected in any required yard.

D. Handicap Ramp

Handicap ramps may extend into a required yard to reach finished grade or to meet ADA requirements.

Section 3-14. Building Grades and Elevations and Drainage

All buildings shall be located at such an elevation that a minimum sloping grade of two percent (2%) shall be maintained 25 feet around a building to cause the flow of surface water to run away from the walls of the building and the septic drainage fields. Footing drains, curtain drains, and roof

drains from a residential or commercial structure shall be discharged to a low impact development storm water treatment system wherever possible. If a low impact development system is not feasible due to physical constraints, said footing, curtain and roof drains shall be connected to a municipal storm drainage system. Any exception from this must be approved by the Director of Public Works or the town engineer.

Section 3-15. Visibility at Intersections

No wall, fence, structure, planting or obstruction to vision shall be erected, created, maintained, placed or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve, street, driveway or at any street intersection. The minimum vision clearance shall permit a height not exceeding two (2) feet above the street grade within the triangular area formed by the intersecting street lines and straight line connecting points on said street lines, each of which points is 50 feet distant from the point of intersection.

Section 3-16. Outdoor Storage or Display of Goods and Merchandise

In all nonresidential zones, any goods or merchandise shall be displayed behind the building setback line. Such goods or merchandise shall be stored in buildings, except for permitted roadside stands, garden centers, motor vehicle sales and lumberyards and similar uses, in which the goods and merchandise shall be located behind the established street line, subject to approval by the Commission.

Section 3-17. Voting Places

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

Section 3-18. Lot Line Change

No lot line shall be reconfigured or relocated (other than a subdivision as defined in the Subdivision Regulations) or any activity performed that affects soil characteristics or hydraulic conditions that reduce the potential septic system repair area, unless the Town Planner or ZEO have affirmed compliance with the Zoning Regulations and the Director of Health or Sanitarian has determined that a code complying area exists on the lot for the installation of a sub-surface sewage disposal system.

Section 3-19. Use of Residentially Zoned Land for Nonresidential Purposes

No residentially zoned land shall be used to satisfy an area or dimensional requirement for any adjacent use in a nonresidential zone and access to any use in a nonresidential zone other than by public street shall be prohibited on or across land in a residential zone.

Article 4: Soil Erosion and Sediment Control

Section 4-1. Applicability

A soil erosion and sediment (E&S) control plan (hereinafter called an "E&S Plan") shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre. A single-family dwelling that is not a part of the subdivision of land shall be exempt from these E&S Plan regulations.

Section 4-2. Plan Contents and Requirements

A. General Requirements

To be eligible for certification, an E&S Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the current Connecticut Guidelines for Soil Erosion and Sediment Control.

B. Specific Plan Requirements

The plan shall contain at a minimum the requirements in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, specifically, pages 3-10 thru 3-13, but not be limited to:

1. A narrative describing the development project and time schedule for:
 - a. All major construction activities, indicating the anticipated start and completion of development.
 - b. Creating and stabilizing of disturbed areas.
 - c. Grading operations.
 - d. Applying erosion and sediment control measures and facilities on the land.
2. Design criteria, construction details, detailed installation/application procedures and maintenance program.
3. A Site Plan map showing:
 - a. Existing and proposed topography.
 - b. Proposed area alterations.
 - c. Disturbed areas, identifying the extent of all proposed clearing and grading activities.

- d. Location of and other detailed information concerning erosion and sediment control measures and facilities.

Section 4-3. Certification

The Commission, through its designated agent, shall either certify that the E&S Plan complies with the requirements and objectives of this Section or deny certification when the development proposal does not comply with this Section. Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the General Statutes.

Section 4-4. Installation and Maintenance

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified E&S Plan. All control measures and facilities shall be maintained in effective condition to ensure compliance with the certified E&S Plan.

Section 4-5. Inspection

A. All Development

Municipal inspections during development shall ensure compliance with the certified E&S Plan and that control measures and facilities have been properly performed, installed and maintained.

B. Subdivisions

1. In the case of a subdivision in which individual lots are to be sold and developed over a period of time and in which the cumulative effect of developing all lots and related improvements will result in a disturbed area of more than one-half (1/2) acre, said certified E&S Plan shall be submitted on a lot-by-lot basis to the designated agent for review and approval prior to the issuance of a zoning permit for each lot.
2. A note shall be added to the map for said subdivision stating that no development shall take place on any lot until the E&S Plan for said lot has been approved by the designated agent.

Section 4-6. Performance Guarantee

The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified E&S Plan and/or as required as part of a Site Plan approval, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 20-9.F.

Article 5: Residential Design District (RDD)

Section 5-1. Purpose

The purpose of the Residential Design District (RDD) is to:

- A. Encourage flexible site design and housing construction to provide a variety of housing opportunities and amenities to meet community needs, including single-family, two-family, multi-family, village type cluster and affordable housing.
- B. Promote the most appropriate use of the land, considering its particular topography, size, shape, soils, natural features, historic assets and other similar features.
- C. Promote the preservation and growth of agriculture and encourage the production and sale of locally produced agricultural products.
- D. Preserve wetlands and otherwise control new developments so as to minimize hazards resulting from stormwater runoff, stream flooding and erosion through the implementation of low impact development strategies.
- E. Protect the natural scenic, semi-rural character and ecologically important features of the Town's remaining undeveloped land.
- F. Provide the maximum land area for open space, park and recreation purposes, including trails.
- G. Provide greater protection in the Natural Resource & Wildlife Protection Areas (as designated on the Zoning Map). Development plans should be designed to provide as much protection as possible by:
 - 1. Protecting large blocks of diverse contiguous land.
 - 2. Protecting critical stream corridors to protect and enhance surface water and groundwater quality and to provide important connections in the life cycles of wildlife.
 - 3. Keeping watersheds intact to provide the greatest diversity of wildlife resources.

Section 5-2. Uses

A. Permitted Uses

The following uses are permitted as of right, subject to these and any other applicable regulations.

- 1. Single-family dwelling.
- 2. Single-family mobile home with a 750 square foot minimum floor area for original structure. A permanent foundation, well and septic system are required and it shall meet

livability standards of the United States Department of Housing and Urban Development or any other applicable agency.

3. Agriculture except as might otherwise be prohibited or regulated by these regulations, or roadside stands for the sale of seasonal agricultural products.
4. Temporary amusement, fair or bazaar by a nonprofit organization.
5. Government service: federal or state services permitted; local services permitted if in compliance with General Statutes Section 8-24.
6. Historic or monument site.
7. Temporary use (not to exceed six (6) months) of a mobile home, trailer or other temporary housing on a lot by the owner of such lot during construction or repair of a dwelling under valid permit. Under special circumstances, six (6) month extensions may be granted by the ZEO.
8. Temporary use (not to exceed six (6) months) of a trailer other than for human habitation by the builder, contractor or architect on a lot during construction on said lot. Under special circumstances, six (6) month extensions may be granted by the ZEO.
9. Telephone exchange, substation, sewer or water pumping station, water tank, standpipe or similar public utility use less than 100 square feet in size with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.

B. Special Permit Uses

The following uses require a Special Permit:

1. Multi-family development – See Section 5-5.
2. Elderly housing or assisted living facility – See Section 5-5.
3. Two-family dwelling.
 - a. The minimum lot size shall be three (3) acres for a conventional lot and seven and a half (7.5) acres for a rear lot.
 - b. The Commission may reduce the minimum lot size to no less than two and a half (2.5) acres for a conventional lot or six (6) acres for a rear lot, if:
 - 1) There are no wetlands, water bodies or water courses on the parcel; and,
 - 2) The Commission finds that there will be minimal visual impact to the neighborhood based on the location of the parcel or the layout of the site. Factors to consider may include: location at the end of a cul-de-sac road or minimal visibility from the road

and abutting parcels due to tree cover, topography, or distance to abutting residences.

- c. Two-family dwelling units shall meet the following standards. The Commission may waive a standard if it determines there will be minimal visual impact to abutting residences and from the road.
 - 1) The architecture of the structure shall be in harmony with the immediate neighborhood;
 - 2) The overall size of the structure shall not substantially exceed that of the residential structures in the immediate neighborhood; and,
 - 3) The placement of garage doors and entry doors generally shall resemble that of a single-family dwelling unit.
 - d. No more than one curb-cut shall serve the parcel.
 - e. Two-family dwelling units shall not be allowed in the State Aquifer Protection Area, as designated on the Zoning Map.
 - f. For any two-family dwelling approved under this provision, expansions in height or to the dwelling footprint shall require a new Special Permit, unless the Commission determines that the proposed expansion is minimal.
- 4. Private school or private college, when located on a lot of at least five (5) acres and having at least 400 feet of frontage on one street.
 - 5. A privately operated hospital, clinic, nursing or convalescent home or similar institution, provided the lot shall have at least five (5) acres and 400 feet of frontage on a public street.
 - 6. Place of worship, parish house, convent or similar use when located on a lot of at least two (2) acres.
 - 7. Telephone exchange, substation, sewer or water pumping station, water tank, standpipe or similar public utility use, 100 square feet or over, with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.
 - 8. Private nonprofit club including sportsman's club.
 - 9. Community center.
 - 10. Campground, youth camp or resort, with a minimum lot size of 40 acres. All recreational or other camp facilities shall be located not less than 100 feet from any street line or other lot line. All requirements of Section 16-3 shall also apply.

11. Private, public or commercial golf course, with a minimum lot size of 40 acres; no building located less than 200 feet from any street line or other lot line; and, no part of the course shall be illuminated for night play. All requirements of Section 16-4 shall also apply.
12. Commercial/agricultural use. Such facility cannot exceed 5,000 square feet gross floor area and must meet all the setback requirements for the RDD zone.
 - a. Retail sales of agricultural produce, farm stores, storage, packing, processing or bottling of Connecticut grown farm products, provided a portion of the product is produced on land owned or leased by the proprietor.
 - b. Carriage, wagon or sleigh rides or animal petting areas.
 - c. Seasonal "pick your own" fruit or vegetables.
 - d. Roadside stands, regional.
 - e. Accessory food service.
13. Veterinary hospital for the treatment and care of animals. The minimum lot area shall be two (2) acres. Five (5) acres shall be required if animals will be placed in outside enclosures. All buildings used for boarding and outside enclosures shall have a minimum front, side and rear setback of 75 feet. All animal enclosures shall be constructed to attenuate animal noises sufficient to comply with the Tolland Noise Ordinance.
14. Day-care center or group day-care home, caring for children or adults, provided that no play equipment shall be located in any required setback areas.
15. A sales office located on the premises where a group of dwellings under construction or recently constructed are offered for sale. Only one sign not to exceed four square feet in area shall be permitted; no banners or other advertising devices shall be permitted. Permit approval shall be limited to not more than one (1) year; one (1) or more six (6) month extensions may be granted by the Commission.
16. Bed and breakfast accommodations within an existing dwelling not to exceed eight (8) bedrooms for paying guests and the serving of breakfast only for guests.
17. Cemetery.
18. Orphanage or children's home.
19. Domestic animal service
 - a. The keeping of six (6) or more dogs or a commercial kennel, with a minimum lot area of five (5) acres. All buildings and enclosures housing the animals shall have a

minimum front, side and rear setback of 75 feet. All animal enclosures shall be constructed to attenuate animal noise. Animals may be allowed to exercise in outdoor fenced in areas.

- b. Domestic animal grooming or domestic animal day care. The required acreage and setback may be reduced by the Commission to not less than two (2) acres and not less than the normal setback required for the zone, provided the facilities are used only for grooming or day care of animals and the following conditions are maintained:
 - 1) Animals, other than those owned by a resident of the premises, shall not be kept overnight.
 - 2) All animals, other than those owned by a resident of the premises, shall be kept inside a building constructed to attenuate animal noises to comply with levels allowed by the Tolland Noise Ordinance.
 - 3) No more than five (5) animals, not including those owned by a resident of the premises, shall be allowed on the premises at the same time.
- 20. Excavation or removal of earth products; filling operations in accordance with the requirements of Section 16-1.
- 21. Commercial stable, provided that it shall be located on a lot of at least five (5) acres and that all buildings or enclosures where animals are kept shall have a minimum front, side and rear yard setback of 75 feet. Such use may also include instructing, training, riding and driving, if approved by the Special Permit.
- 22. Solar array as a principal use, with a minimum lot size of 10 acres, per Section 16-12.
- 23. Farm brewery, farm cidery, farm distillery or farm winery as an accessory use to a farm. Should the farm cease operation, such accessory uses also shall cease operation. See Section 16-13 for detailed standards.

C. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 5-3. Traditional Residential Development

A. Dimensional Requirements:

1. Minimum lot area: two (2) acres (see density requirement in Section 5.3.B if creating a new lot).
2. Minimum buildable area: 19,000 square feet, containing a 100 foot square. This provision may be altered on an individual lot basis by four (4) concurring votes of the Commission if the Commission determines that, due to topographic or other site features or other unusual or unique lot features, the lot can be developed without violating the intent or integrity of this Section.
3. Minimum lot frontage:
 - a. 200 feet at street line.
 - b. For a lot in which the side lot lines converge toward the street (e.g., a lot at the end of a cul-de-sac), a minimum of 100 feet of road frontage is required and 200 feet is required at the floating building line.
4. Maximum building coverage: 15%.
5. Minimum front yard setback for principal structure.
 - a. Main arterial or collector road:
 - 1) Applies to:
 - a) State Routes
 - b) Old Stafford Road
 - c) Goose Lane
 - d) Old Post Road
 - e) Grant Hill Road
 - f) Browns Bridge Road
 - g) Grahaver Road
 - 2) 60 feet from street line or at established floating building line, whichever is greater.
 - 3) Expansions or additions to the size or height of a single-family dwelling which was in existence prior to August 1, 2000 shall not be required to meet the 60 foot setback. Instead, the 40 foot setback requirement shall apply.
 - b. Other road: 40 feet from street line or at established floating building line, whichever is greater.
6. Minimum side yard setback for principal structure: 25 feet.

7. Minimum rear yard setback for principal structure: 50 feet.
8. Dwelling units per lot: one (1) except as provided elsewhere in these regulations.

B. Density

Any lot divided into three (3) or more lots after December 1, 2005 shall comply with the following density requirement. The maximum number of lots into which a parcel may be divided shall be determined by:

1. Deducting 20% from the acreage of the total parcel for open space and then deducting each of the following:
 - a. Wetlands, watercourses and waterbody areas.
 - b. Land with slopes greater than 20%, as measured over a distance of 50 or more lineal feet.
 - c. Ledge outcropping areas of more than 200 square feet.
2. The resulting acreage is then multiplied by the following density factor to determine the number of building lots permitted, rounded down to a whole number. This number represents the theoretical maximum number of lots allowed. This number of lots may not be achievable due to constraints of the Public Health Code, the configuration of the parcel and other constraints imposed by natural conditions. The density factors are:
 - a. 0.40 in the Residential Design District.
 - b. 0.36 in Natural Resource & Wildlife Protection Areas.
3. Lots created under this Section shall not be further subdivided unless otherwise specified by the Commission at the time of approval.

Example

Total area of parcel	100 acres
Minus:	
Open space (20%)	-20 acres
Wetlands, watercourses, waterbodies	-15 acres
Areas with slopes greater than 20%	-5 acres
Areas of ledge greater than 200 square feet	-2 acres
	<hr/>
	58 acres

RDD Zone: 0.40 density factor x 58 acres = 23 building lots

NRWP Areas: 0.36 density factor x 58 acres = 20 building lots

C. Rear Lot

1. One (1) single-family dwelling and appurtenant accessory structures shall be permitted on a rear lot.
2. Special Permit Uses in the RDD may be permitted by the Commission depending on appropriateness of the location, impact to adjacent single family dwellings and the neighborhood, traffic and accessibility. This Section shall not be subject to variance from the Zoning Board of Appeals.
3. Standards and Requirements:
 - a. Minimum lot area: five (5) acres. The accessway may count towards the minimum lot area requirement.
 - b. Buildable area required: A rear lot shall contain a single undivided buildable area of at least 19,000 square feet and such buildable area shall contain a square that is a minimum of 100 feet by 100 feet.
 - c. Setbacks: Principal structures shall have a minimum setback of 50 feet from the side and rear property lines and 100 feet from the front line of the rear lot. The front line shall be the lot line from which the accessway starts at the rear lot leading to the street, not the streetline.
 - d. Each rear lot shall have an accessway which has a continuous width of at least 35 feet, is owned in fee simple by the owner of the rear lot, and has frontage on a public road.
 - e. All accessways shall be used to provide access to the area of the lot on which the dwelling is to be constructed unless otherwise approved by four (4) concurring votes of the Commission.
 - f. Up to two (2) rear lots may share a driveway or a rear lot may share a driveway with non-rear lot, provided each rear lot has an accessway that meets the requirements of this regulation.
4. The owner of the rear lot shall provide and maintain the driveway, drainage and utilities installation in the accessway. Where two rear lots share a driveway, staff shall determine which lot shall be responsible for providing and maintaining the driveway.
5. The Commission shall not approve a rear lot unless it finds that such lot provides the best development of the land, taking into consideration drainage, land configuration, accessibility, topography, utility lines and traffic.

D. Utilities

All public utilities installed in any new nonresidential or multi-family development shall be placed underground unless otherwise stated.

Section 5-4. Flexible Residential Development

A. Special Permit

1. The Commission may, by Special Permit, make the following modifications when additional open space will be preserved in perpetuity in the parcel being subdivided:
 - a. Modify certain dimensional requirements (without affecting permitted density) for any lot or lots in a residential subdivision or resubdivision.
 - b. Round up the permitted density as calculated in Section 5-3.B.
2. Prior to modifying any such requirements, the Commission shall make findings on the record that:
 - a. The open space will not result in small or fragmented open space parcels that do not provide community benefits.
 - b. There will be a significant or community benefit resulting from the open space that is being preserved in perpetuity, such as:
 - 1) Protection of important natural resources.
 - 2) Protection of scenic resources.
 - 3) Preservation of a sizable area of open space.
 - 4) Preservation of areas along Town or State roads that will protect rural appearance or character.
 - 5) Establishment of an open space corridor or greenway or interconnection of existing open spaces.
 - 6) Provision for public access and/or recreation.
3. The Commission may reduce the following requirements on frontage lots by up to one and a half (1.5) times the increase in the amount of open space preserved in perpetuity on the parcel that exceeds the minimum open space requirement (i.e. if 40% of the parcel is preserved as open space and the minimum open space requirement is 20%, a requirement may be modified by up to 30%). This provision shall not apply to rear lots.

- a. The minimum lot area requirement may be decreased provided that the lot shall meet the Public Health Code requirements and that the lot area shall not have less than 40,000 square feet.
- b. The minimum lot frontage may be decreased provided that, in no event, shall a frontage lot in a residential subdivision have less than 125 feet of frontage.
- c. The minimum setback and yard dimensions may be reduced provided that, in no event, shall minimum setback and yard dimensions be less than:
 - 1) Minimum front setback on a proposed public street: 30 feet. Front setbacks on existing public streets may not be reduced.
 - 2) Minimum side setback: 20 feet.
 - 3) Minimum rear setback: 25 feet.

Required Open Space		Minimum Lot area (square feet [sf] / acres)	Required Frontage	Required Front Setback	Required Rear Setback	Required Side Setback
20%		87,120/2.0	200 ft	40 ft	50 ft	25 ft
Increased Open Space		Reduced Lot area (sf / acres) (40,000 sf min.)	Reduced Frontage (125 ft min.)	Reduced Front Setback (30 ft min.)	Reduced Rear Setback (25 ft min.)	Reduced Side Setback (20 ft min.)
% Total	Increase (in percentage points)					
25%	5%	80,586 / 1.85	185 ft	37 ft	46.25 ft	23.125 ft
30%	10%	74,052 / 1.7	170 ft	34 ft	42.5 ft	21.25 ft
35%	15%	67,518 / 1.55	155 ft	31 ft	38.75 ft	20 ft
40%	20%	60,984 / 1.4	140 ft	30 ft	35 ft	20 ft
45%	25%	54,450 / 1.25	125 ft	30 ft	31.25 ft	20 ft
50%	30%	47,916 / 1.1	125 ft	30 ft	27.5 ft	20 ft
55%	35%	41,382 / 0.95	125 ft	30 ft	25 ft	20 ft

Section 5-5. Multi-Family Development

A. Purpose

The purpose of multi-family development is to provide for groups of dwelling units on a single lot, including apartment and village style housing, in a manner that:

1. Is consistent with the character of the town.
2. Provides housing needs for the town's present and projected populations.
3. Provides controls and standards in strict conformance with the intent of these regulations.
4. Protects against congestion in the streets, undue concentration of population and overcrowding of land.
5. Preserves buildings and property values.
6. Provides adequate disposition of buildings and off-street parking on the land.
7. Protects established single-family residential areas.
8. Provides varied housing opportunities for different economic levels.

B. Special Permit Uses

The following uses require a Special Permit:

1. Multi-family dwellings, which may consist of apartments, condominiums, affordable housing, elderly or assisted living facilities.
2. Accessory uses as provided in Article 17.

C. Location Criteria

The following location criteria may be waived in the RDD Zone by four (4) votes of the Commission if the proposed multi-family development is 20 units or less:

1. Proposed sites shall be located at the edge of residential and non-residential zones so that such multi-family development will serve as a transitional use and intensity between single-family and commercial or industrial development, or,
2. Proposed sites shall be located on a state road with access located in a manner that does not negatively impact established single-family neighborhoods.

D. Site, Density and Other Requirements

1. Minimum lot area: 10 acres.

2. Minimum lot frontage: 125 feet. Minimum lot frontage can be reduced to 50 feet by four (4) votes of the Commission for multi-family developments with less than 20 units.
3. Maximum building coverage, all principal and accessory structures: 15%.
4. Minimum front setback: 100 feet.
5. Minimum side and rear setbacks and buffers: 100 feet abutting a residential zone; 50 feet abutting a nonresidential zone or existing nonresidential use.
6. Maximum density:
 - a. To be served by onsite septic systems: six (6) bedrooms per acre of developable area.
 - b. To be served by sewer: eight (8) bedrooms per acre of developable area.
7. Maximum number of dwelling units per building: 12.
8. Multi-family developments may include two-family dwellings, which shall be constructed side by side rather than vertically.
9. Single-family dwelling units are permitted with a maximum of 50% of total dwelling units. Elderly or assisted living facilities do not have a restriction for percentage of single-family dwelling units.
10. Minimum open space: A minimum of 20% of the parcel shall be set aside as open space and subject to the following conditions:
 - a. Open space may contain no higher percentage of wetlands than remaining land unless approved by four (4) votes of the Commission.
 - b. Open space shall be owned by a homeowners association or designee approved by the Commission.
11. A minimum of 1,000 square feet of useable open space for recreation purposes for each dwelling shall be set aside. A minimum of one play area shall be provided for children. If the complex is for adults only, alternative recreation facilities shall be provided subject to approval by the Commission. Recreation areas shall be located so as not to disturb residents of the complex or adjacent properties.
12. Increased building lines and buffer strips. If the Commission determines that adherence to the minimum side and rear yard requirements will cause a lack of privacy, impair light or air circulation, cause undue noise or in any other way adversely affect the usage of nearby property, the Commission shall require the applicant to provide larger setbacks. Buffers shall be planted as required in Section 19-3.

13. Minimum buffers may be reduced to no less than 25 feet by the Commission due to existing or proposed evergreen buffer, topography or other circumstances.

E. Affordable Housing

The purpose is to promote the development of affordable housing to meet local housing needs and to increase the diversity of housing within the town in accordance with Section 8-2g of the General Statutes.

1. Maximum permitted density. The maximum permitted density for multi-family affordable developments may be increased by up to 40% subject to approval by the Commission.
2. To receive the additional density, residential developments shall be in conformance with the following conditions:
 - a. For each dwelling unit constructed in excess of the number permitted by applicable density limits, the developer shall construct one (1) unit of affordable housing within the proposed development.
 - b. The affordable units shall be reserved for sale or rental to persons and families of low and moderate income, as defined in Section 8-39a of the General Statutes for a period of at least 30 years.
 - c. In conjunction with an application for approval of a Site Plan and Special Permit, the applicant shall submit an affordability plan.
3. Certification. The developer or his or her successors shall certify to the town on an annual basis that the units developed as affordable housing are being leased or have been sold to eligible persons or families, at prices or rents consistent with the regulations of the General Statutes.

F. Elderly Housing

1. Housing for the elderly shall be defined by the provisions of the United States Fair Housing Act, as amended, and General Statutes Section 46a-64b, as amended as it pertains to "housing for older persons." This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern the implementation of such act. The Fair Housing Act permits housing intended for persons age 55 years or older, provided that all of the following are met:
 - a. At least 80% of the occupied units are occupied by at least one (1) person who is age 55 years or older.
 - b. The community publishes and adheres to policies demonstrating the intent to be age-restricted.

- c. The community meets certain rules for verifying the age restrictions of the community. Thus, up to 20% of the units may be occupied by individuals all of whom are under 55 years of age.
2. As long as is required by the Zoning Regulations, as may be amended from time to time, the permanent occupancy of any unit is restricted to:
 - a. Any person of the age 55 or older, ("age qualified person").
 - b. A spouse or companion, over the age of 18 years, residing with the age qualified person.
 - c. Children residing with the age qualified person or residing with the husband, wife or companion of the age qualified person, provided the children are over the age of 18 years.
 - d. An individual, over the age of the 18 years, residing with and providing physical or economic support to the age qualified person.
 - e. Any person who was permitted to and did occupy a unit with an age qualified person may continue to occupy the unit after the death of age qualified person.
 - f. Any person considered to be totally disabled under the Federal Security Act.
3. The constituent documents of the common interest ownership community shall contain provisions requiring the declarant, in connection with the initial sale of units, and the association, as to all subsequent sale of units, to enforce the declaration so that at all times the common interest community will qualify for the age 55 years or older housing for older persons exemption under the Fair Housing Act. The town shall not be responsible for ensuring compliance with the Fair Housing Act unless the town is the provider. Permanent occupancy of any unit shall not be permitted or allowed to continue if such occupancy violates the provisions of the declaration or these zoning regulations or results in the loss of the common interest community's age 55 years or older housing for older persons exemption under the Fair Housing Act. Persons may not transfer, sell, gift, lease, assign, grant, buy, rent or occupy any unit, except for the sale of the unit by declarant, or a transfer by an eligible mortgagee who shall acquire title to such unit by foreclosure or by deed in lieu of foreclosure until such person receives the approval of the board to insure compliance with the use and age restrictions in accordance with the provisions of the declaration.

4. The provisions for multi-family development shall apply with the following exceptions:
 - a. Maximum density:
 - 1) To be served by onsite septic system: 10 bedrooms per acre.
 - 2) To be served by sewer: 12 bedrooms per acre of developable area.
 - b. Maximum number of dwelling units per building shall be 12. The Commission may, at its discretion, allow more units per building, but in no case shall the number of units exceed 40 per building.
 - c. The Commission may permit accessory uses, support services and the sale of goods and services that are deemed incidental and appropriate in elderly housing on the site.

G. General Regulations

1. Buildings shall be designed to avoid monotonous patterns of construction or repetitive spaces or modules between buildings.
2. Roofs shall have adequate pitch and flat roofs shall not be permitted.
3. The location of structures shown on the Site Plan shall be arranged to be harmonious and compatible with the adjacent existing structures and with the general development of the neighborhood.
4. The Commission may require changes in the Site Plan to meet the specific requirements of the development type and may make additional requirements to promote and protect the sound and orderly growth of the community.
5. Streets shall be designed to discourage through traffic on the site and shall conform with applicable sections of these regulations.
6. The owner of the multi-family complex shall be responsible for all maintenance and snow removal from drives and mowing, upkeep and maintenance of all grounds.
7. Safe pedestrian and bicycle circulation shall be provided to safely interlink the development with its own facilities and with nearby shopping, service, institutional and government facilities and in accordance with pathways designated on the zoning map. The Commission shall determine the composition and location of sidewalks.
8. The entrance to the development shall be landscaped in accordance with Section 19-3.
9. School and public transportation shelters may be required, if appropriate.

10. Two (2) off-street parking spaces per unit with suitable provisions for guest parking shall be provided.
11. Parking shall not be permitted in front of any unit facing a street within 200 feet of the streetline or in required setback areas. By a majority vote of members present, the Commission may waive this requirement if the parking area is sufficiently buffered from view from a public way.
12. Garbage, refuse and recycling facilities shall be provided for residents and kept in enclosed areas convenient to each building. Periodic pick-up of garbage, refuse and recycling shall be the responsibility of owner or association, as well as maintaining the area in a sanitary and attractive condition.
13. Roof-mounted satellite dishes over one (1) meter in diameter and individual television and radio antennas shall not be permitted.
14. No common hallway shall serve more than two (2) dwelling units on each floor.
15. Minimum noise standards of the Federal Housing Administration shall be met or exceeded.
16. No part of a building which is below grade shall be used for dwelling purposes except as approved by the Commission.
17. Each dwelling unit shall have individual utilities and metering.

H. Evaluation for Special Permit Approval

In evaluating the appropriateness and proposed density of the multi-family development, consideration shall be given to:

1. Conformance with the Plan of Conservation and Development.
2. Conformance with the standards and conditions of these regulations.
3. Impact on highways and public facilities.
4. Preservation and character of existing single-family neighborhoods.
5. Streets and drives suitable to carry anticipated traffic and that increased densities will not generate traffic in such amounts as to overload the area's streets.
6. Access and distance to commercial, recreational or community facilities.
7. Transitional character of the development to existing or potential developments.
8. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities.

9. Preservation of the character of existing neighborhoods.
10. Impacts to surface or groundwater public drinking water supplies within a public drinking water supply watershed or aquifer area.

I. Application Requirements

1. All Special Permit and Site Plan requirements in Article 20.
2. Number of units proposed.
3. Density of proposed development in terms of bedrooms per developable acre.
4. Acreage of buildings and parking.
5. Acreage of open space and recreational areas.
6. Breakdown of dwelling unit types if more than one type is planned.
7. Projected dwelling unit floor areas.
8. A phasing plan if the development is to be constructed over a period of years.
9. Traffic impact data when requested by the Commission or required by these regulations.
10. Building elevations.

Article 6: Village Center Zone (VCZ)

Section 6-1. Purpose

The purpose of the Village Center Zone is to protect the traditional New England village atmosphere of the existing residential, municipal, cultural and religious uses in the village center area.

Section 6-2. Uses

A. Permitted Uses

The following uses are permitted as of right, subject to these and any other applicable regulations:

1. All permitted uses in the RDD Zone, pursuant to Section 5-2.A.
2. Agriculture.
3. Telephone exchange, substation, sewer or water pumping station, water tank, standpipe, or similar public utility use less than 100 square feet in size with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.

B. Special Permit Uses

The following uses require a Special Permit:

1. Place of worship, parish house, convent or similar use.
2. Day-care center or group day-care home, caring for children or adults. No play equipment shall be located in any required setback areas.
3. Community center.
4. Elderly nonprofit housing development.
 - a. The purpose of elderly nonprofit housing development is to provide affordable housing for seniors within the community and in a manner that:
 - 1) Is consistent with the historic architecture of the Village Center Zone and recognizes the importance of diversity and variety in the exterior design of structures.
 - 2) Provides housing needs for the town's present and projected populations.
 - 3) Provides controls and standards in strict conformance with the intent of these regulations.
 - 4) Preserves buildings and property values.

- 5) Uses visual space planning for all site development elements, such as parking, open areas, adjacent streets, accessory buildings and lighting.
 - 6) Protects established single-family neighborhoods.
- b. Site, density and other requirements.
- 1) The development shall be served by public sewers.
 - 2) Minimum lot area: five (5) acres.
 - 3) Minimum lot frontage: 50 feet. It may be reduced to 40 feet by four (4) concurring votes of the Commission.
 - 4) Maximum impervious coverage: 50%.
 - 5) Minimum front setback: 15 feet. May be reduced to 10 feet by four (4) concurring votes of the Commission.
 - 6) Minimum side and rear setbacks and buffers: 25 feet.
 - 7) Maximum density: 12 bedrooms per acre.
 - 8) Minimum open space: A minimum of 20% of the parcel shall be set aside as open area or for outside seating, gazebos or other similar amenities.
 - 9) The Commission shall require the applicant to provide landscaping and/or buffers to be planted as required in Section 19-3.
- c. General regulations.
- 1) Buildings shall be designed to avoid monotonous patterns of construction or repetitive spaces or modules between buildings and be consistent with the historic architecture of the zone.
 - 2) Flat or mansard roofs shall not be permitted.
 - 3) The location of structures shown on the Site Plan shall be arranged to be harmonious and compatible with the adjacent existing structures and with the general development of the neighborhood.
 - 4) The Commission may require changes in the Site Plan to meet the specific requirements of the development type and may make additional requirements to promote and protect the sound and orderly growth of the community.
 - 5) The owner of the multi-family complex shall be responsible for all maintenance and snow removal from drives and mowing, upkeep and maintenance of all grounds.

- 6) Safe pedestrian and bicycle circulation shall be provided, to safely interlink the development with its own facilities and with nearby shopping, service, institutional and government facilities and in accordance with pathways designated on the zoning map. The Commission shall approve the composition and location of sidewalks.
 - 7) The entrance to the development shall be landscaped in accordance with Section 19-3.
 - 8) School and public transportation shelters may be required, if appropriate.
 - 9) One and a half (1.5) off-street parking spaces per unit with suitable provisions for guest parking shall be provided.
 - 10) Garbage, refuse and recycling facilities shall be provided for residents and kept in enclosed areas convenient to each building. Periodic pick-up of garbage, refuse and recycling shall be the responsibility of the owner or association, as well as maintaining the area in a sanitary and attractive condition.
 - 11) Roof mounted satellite dishes over one (1) meter in diameter are not permitted unless the applicant can demonstrate that such an installation is the only feasible size and location to receive a signal.
 - 12) Minimum noise standards of the Federal Housing Administration shall be met or exceeded.
 - 13) No part of a building that is below grade shall be used for dwelling purposes except as approved by the Commission.
 - 14) By a majority vote of members present, the Commission may modify or waive portions of this subsection based on topography of the site, architectural enhancements and innovative low impact development techniques.
- d. Evaluations for Special Permit approval. In evaluating the appropriateness and proposed density of the elderly nonprofit housing development, consideration shall be given to:
- 1) Conformance with the Plan of Conservation and Development.
 - 2) Conformance with the standards and conditions of these regulations.
 - 3) Capability of streets and drives to carry anticipated traffic.
 - 4) Preservation of the historic character of the existing neighborhood.
 - 5) Impacts to surface or ground water resources.

- e. Requirements of submission.
 - 1) All Special Permit and Site Plan requirements in Article 20.
 - 2) Number of units proposed.
 - 3) Density of proposed development in terms of bedrooms per acre.
 - 4) Acreage of buildings and parking.
 - 5) Acreage of open space.
 - 6) Breakdown of dwelling unit types if more than one type is planned.
 - 7) Projected dwelling unit floor areas.
 - 8) A phasing plan if the development is to be constructed over a period of years.
 - 9) Traffic impact data when requested by the Commission or required by these regulations.
 - 10) Building elevations.
 - 11) Low impact development stormwater treatment.
- 5. Telephone exchange, substation, sewer or water pumping station, water tank, standpipe, or similar public utility use 100 square feet or more in size with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.
- 6. Bed and breakfast accommodations within an existing dwelling limited to eight (8) bedrooms for paying guests and serving meals only for such guests.
- 7. Cultural or educational facility.
- 8. Cemetery.
- 9. Roadside stand, regional.

C. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 6-3. Dimensional Requirements

- A. Minimum lot area: one (1) acre.
- B. Minimum buildable area: 19,000 square feet.
- C. Minimum lot frontage: 150 feet at established building line or street line.
- D. Minimum front setback: 40 feet.
- E. Minimum side setback: 15 feet.
- F. Minimum rear setback: 50 feet.
- G. Maximum building coverage: 20%.
- H. Dwellings per lot: one (1), except as provided elsewhere in these regulations.

Article 7: Tolland Village Area (TVA)

Section 7-1. Preamble

The Tolland Village Area (TVA) zone is a gateway to Tolland's historic town center. The development will consist of architecture and land use patterns that are based on a traditional New England village. Accordingly, the development will complement existing land uses surrounding the Tolland Green and Historic District and adjacent residential development. It will also provide for a mix of complementary land uses arranged in compact and attractive districts in order to optimize developability and create walkable neighborhoods while preserving environmentally sensitive areas and protecting natural resources.

The development vision will create and protect development patterns that are compact, walkable and mixed use and ensure that development enhances the economic base of the Town and the quality of life of residents.

These regulations provide flexibility in lot sizes, coverage, setbacks, parking, and other standards; developers can propose standards that he/she feels will work best for the site and still meet the overall design objectives for this area. In return for this flexibility, the Commission has broader discretion in approvals.

Section 7-2. Purpose and Intent

A. Purpose

The purpose of the Tolland Village Area is to:

1. Implement the Tolland Plan of Conservation and Development.
2. Enhance the gateway to the Tolland Green National and Local Historic District and preserve the character in areas near the Historic District.
3. Expand opportunities for economic development and housing within a framework where a mix of uses can coexist for the benefit of stakeholders and the community at large.
4. Plan for transitional use and density between Tolland Green and Interstate 84.
5. Plan for progressively more intensive development in the Tolland Village Area as it approaches Interstate 84.

B. Intent

It is further intended that the TVA zone and approval process will:

1. Be consistent with the Plan of Conservation and Development.

2. Encourage property owners to coordinate development.
3. Provide flexibility in design, placement and layout of sites.
4. Provide buffers to adjacent residential development.
5. Protect important natural resources (especially surface and groundwater).
6. Provide guidelines so that development is consistent with New England village architecture.
7. Provide safe streets for motorists, pedestrians and bicyclists.
8. Incorporate open space, parks and/or greenways.
9. Promote sustainable design, high performance buildings and "green" technology.

Section 7-3. Reference Documents

The following documents and materials provide guidance for land uses and design in the TVA:

- A. Tolland Plan of Conservation and Development, 2009 and as amended.
- B. Tolland Village Area Concept Sketches (October 2010 and November 2010).
- C. Tolland Village Area 3-D Model.
- D. Tolland Village Area Design Guidelines, which is an advisory document that cannot be used for denial of an application.

Section 7-4. General

C. Area Development Plan and Site Plan Required

1. Except as otherwise provided for in this section, no new building, structure or use shall be permitted in the TVA until each of the following has occurred:
 - a. An Area Development Plan has been approved pursuant to this Section and Section 20-8, Special Permits. The purpose of the Area Development Plan is to establish a viable development concept for a tract or tracts of land which may be developed in phases.
 - b. A Site Plan has been approved in accordance with the standards in the approved Area Development Plan and Site Plan Standards contained in this Section and in Section 20-9, Site Plans. Site Plans will be used to implement the Area Development Plan and will provide the level of analysis and engineering design required to obtain a building permit. An Area Development Plan may require several Site Plan approvals over time to reach build out.

2. Once an Area Development Plan has been approved, any development within the Plan area shall be subject to standards contained in the approved Plan.
3. An Area Development Plan may be modified by submitting a revised Area Development Plan and Special Permit Application for approval in accordance with this section.

D. Lots and Uses Existing as of July 1, 2011

1. For the purpose of the TVA zone, an existing use or structure is a use or structure in existence as of the effective date of these regulations (July 1, 2011).
2. Existing uses and structures in the Tolland Village Area that are conforming as of July 1, 2011 shall be considered conforming uses and structures after the effective date of this Section.
3. Changes in use or modifications to existing structures shall be subject to Section 3-8 of these regulations.
4. Special Permits and, in some cases, Area Development Plans for modifications to existing uses, shall be required under the following conditions:
 - a. Expansions equal to or less than 10% of the gross floor area in existence as of the effective date of this regulation shall require a Special Permit.
 - b. Expansions that result in a gross floor area that is 10% greater than the gross floor area in existence as of the effective date of this regulation shall require the submittal of an Area Development Plan and Special Permit application.
 - c. Major site or building exterior renovations to the extent that more than 10% of the site will be modified or where more than 10% of the building exterior will be structurally altered shall require the submittal of a Special Permit application. The Commission may require submittal of an Area Development Plan if it determines that the proposed site renovations might not meet the purposes and intents in Section 7-2. For example, the addition of a large parking area might warrant submittal of an Area Development Plan.

Section 7-5. Special Permit Uses

An Area Development Plan will designate use areas. Such use areas shall generally reflect the Tolland Village Area Use Diagram included in the Plan of Conservation and Development. As part of the Area Development Plan approval process, the Commission may approve deviations from the Use Diagram if it finds the proposed plan meets the purposes and intents of the TVA as outlined in the Plan of Conservation and Development and Section 7-2 of these regulations. The following uses shall be permitted in each of the designated use areas subject to the Tolland Village Area regulations and Special Permit and Site Plan approvals in Article 20 of the Zoning Regulations.

A. Mixed Use Areas

The purpose of this area is to allow a mixture of uses, organized in a “main street” and village setting.

Permitted uses are:

1. Store or shop for the conduct of retail or personal service business, excluding drive- through service.
2. Bank or financial institution, excluding drive-through service.
3. Restaurant, with or without liquor sales, including drive-through service, provided that such facility is in accordance with Section 16-5 of the Zoning Regulations and further provided that such restaurant exists at its current location as of the date of the adoption of this amendment (October 19, 2020).
4. Retail food / serving establishment, excluding drive-through service.
5. Offices, including general, medical and professional.
6. Hotel, bed and breakfast establishment, in which all guest rooms are accessed through an internal corridor.
7. Club, community center, place of worship, municipal or other public and semipublic use.
8. Art or music center, museum, dance studio or other cultural activity.
9. Pharmacy, including drive-through service, provided that such facility is in accordance with Section 16-5 of the Zoning Regulations and the Tolland Village Area Design Guidelines.
10. Multi-family dwelling units, except that no housing unit shall be located on the first floor in the areas identified for ground floor commercial space as described in Section 7-8.D.
11. Townhouse dwelling units, except that no townhouse dwelling shall be located in the areas identified for ground floor commercial space as described in Section 7-8.D.
12. Parking lot or garage including a public parking lot serving off-premise uses.
13. Brewpub, micro-brewery, micro-distillery, or micro-winery.

B. Residential Areas

The purpose of this area is to provide a range of housing opportunities. Permitted uses are:

1. Single-family dwellings, attached and detached.
2. Two-family dwellings.
3. Multi-family townhouse dwellings.

4. Other multi-family dwellings, including those located on upper floors of a mixed use building.
5. Accessory dwelling unit in a single-family detached dwelling.

C. Open Space Areas

The purpose of this area is to preserve natural resources and enhance the TVA by providing enjoyment of open space. Permitted uses are:

1. Open space.
2. Recreation amenities such as trails, picnic area, and wildlife viewing area.
3. Low impact development facilities providing storm water management for the Tolland Village Area.

D. Zone-Wide

By Special Permit, the Commission may approve Pre-Development Site Grading. An Area Development Plan is not required.

Section 7-6. Workforce Housing Required

These regulations are enacted in part under the authority of Section 8-2i of the General Statutes. The purpose is to promote the development of housing at prices that are affordable to the region's workforce, to meet local housing needs and to increase the diversity of housing in Tolland by creating mixed-income neighborhoods.

A. Requirements

1. At least 20% of all dwelling units shall be workforce housing units. As a voluntary incentive offered to the applicant, the Commission may reduce the required percentage to no lower than 12% if the applicant demonstrates that the development will include additional amenities that provide a community-wide benefit and are not required as part of these Tolland Village Area regulations. The provisions for open space, trails and sidewalks shall not be considered an additional benefit that allows a reduction in the percentage. Examples of benefits include interior public meeting space or upgrades to existing infrastructure beyond what is required for the development itself.
2. The workforce housing units shall be subject to a deed restriction or other mechanism acceptable to the Commission containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the proposed development, such dwelling

units shall be sold or rented at, or below, prices which will preserve the units as affordable to the workforce.

3. An Affordability Plan, prepared in accordance with General Statutes 8-30g and RCSA (Regulations of CT State Agencies) 8-30g-7 of the State regulations, rules and guidelines shall be submitted. The Plan shall provide all of the necessary information and documentation to ensure the construction and continued operation of workforce housing, including the following:
 - a. The person or organization responsible for administering the plan, including administration of the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms.
 - b. Affirmative fair marketing procedures governing the sale or rental of the workforce housing units in accordance with General Statutes 8-30ee and regulations promulgated thereunder.
 - c. Proposed sale or rental prices of the workforce housing units and the basis for determination.
 - d. Identification and timetable for the completion and even distribution of the workforce housing units among the market-rate units in the development.
 - e. Other information as may be required by the Commission.
4. Workforce housing units shall meet the following standards:
 - a. Units shall be sited in no less desirable locations than the other units located on the same site.
 - b. The exterior appearance of the units shall be comparable with the other units on the same site.
 - c. The materials used and the quality of construction for the units, including heating, ventilation, and air conditioning systems, shall be comparable to those of the other units in the development.
 - d. Basic features of a housing unit, including but not limited to flooring, plumbing fixtures, and appliances, shall be provided in the workforce housing units, but amenities or optional upgrades, such as designer or high end appliances and fixtures, need not be provided for workforce housing units.
 - e. Units shall be provided pro rata so that the percentage of affordable units for each phase does not fall below percentage required for the full project.

B. Post Approval Procedures

1. A binding deed restriction or other mechanism acceptable to the Commission containing covenants and restrictions in conformance with General Statutes 8-30g shall be recorded in the Tolland Land Records and said covenants and restrictions shall be subject to review and approval by the Commission's attorney.
2. The developer or his or her successors shall certify to the Town on an annual basis that rental units developed as workforce housing units are being leased or have been sold to eligible persons or families at prices or rents consistent with the regulations of the General Statutes.

Section 7-7. Consolidated Parcels

The provisions of Section 10-5, Consolidated Parcels, in the GDD shall apply in the TVA zone.

Section 7-8. Standards for Area Development Plans

A. Purpose

The purpose of an Area Development Plan is for the applicant to present a conceptual plan for the development of the site and to determine whether the proposed uses and layout conform to the Plan of Conservation and Development and to applicable requirements in these regulations.

B. Applicable Standards

In addition to other applicable standards contained in the Tolland Zoning Regulations, all Area Development Plans must meet the standards contained in these regulations.

C. General Standards

1. Open space shall be provided for all development applications as follows:
 - a. In Mixed Use areas, preferred types of open space include pocket parks, greens, gardens or small vegetated areas, public plazas or other outdoor public gathering areas. Open space shall also be designed to accommodate LID stormwater treatment systems.
 - b. In residential areas, preferred types of open space include parks and playgrounds intended to serve the residents of the neighborhood, greens, community gardens, and walking trails.
 - c. For privately owned open space, provisions shall be made for the maintenance and upkeep of such open space and amenities.

2. At a minimum, vegetated buffers shall be provided in areas depicted on the Conceptual Use Diagram for the Tolland Village Area in the Plan of Conservation and Development.
3. Sidewalks and pathways shall be provided to connect uses within the TVA and to existing or planned sidewalks and pathways that abut the TVA.
4. Applicants must demonstrate vehicular connectivity within the TVA and to adjacent areas. Cul-de-sac streets are strongly discouraged.
5. Off-premise private accessways may be used to access development in the TVA, provided:
 - a. The applicant has submitted a letter from the owner of the private accessway agreeing to its use for access and egress from the proposed development,
 - b. A draft legal agreement for use of the private accessway has been submitted for Commission review and approval, and,
 - c. The private accessway can accommodate expected traffic and emergency vehicles.
6. New private accessways proposed in an Area Development Plan shall be located and designed to facilitate future use by adjacent properties in the TVA. The Commission encourages shared access and the construction of internal links between the parking lots of adjacent properties to promote access management and lessen traffic and congestion on the public street. As part of the application process, the Commission may require an owner or applicant to file easements on the land records providing access to abutting property owners.
7. Developments shall comply with Article 19, Parking, Loading, Driveways and Access except that the Commission may reduce the number of required parking and loading spaces. The applicant may propose a reduction in the minimum required number of parking spaces where at least one of the following conditions is met:
 - a. On-street spaces along the frontage of a commercial or mixed use building can be counted toward the overall requirement.
 - b. Analysis of peak usage for different uses demonstrates the ability of non-competing uses to share parking spaces over the course of the day.
 - c. Underutilized parking areas may be used to serve uses in the building within 300 feet measured from the nearest point of the parking area to the nearest point of the building that will be served.
 - d. Parking services such as valet will be used to increase access and allow for the use of more remote parking areas.

- e. Target residential demographics justify a reduction in the number of minimum parking spaces per residential units.
- 8. Stormwater management shall comply with goals and standards in the Tolland Low Impact Development Design Manual. See Section 7-13 for specific requirements for the TVA.
- 9. All electrical, cable, telephone and other service utilities shall be placed underground.

D. Mixed Use and Commercial Development

- 1. Setbacks:
 - a. Buildings with frontage along a new public way should be no more than 10 feet from the building side of the edge of a sidewalk along that public way closest to the building.
 - b. The Commission may approve a greater setback if part of an approved Area Development Plan where the increased setback is necessary to provide a public enhancement such as streetscape amenities or public open space and the increased setback is the minimum necessary to achieve said purpose.
- 2. Building height:
 - a. Mixed use and commercial buildings. The minimum height is one and a half (1.5) stories and the maximum height is three (3) stories, while two and a half (2.5) stories is the preferred height. The Commission may allow four (4) stories or 56 feet in height, whichever is more restrictive if such building:
 - 1) Is located in an area where steep grades cause a large differential in building height on sides; or
 - 2) The building meets all of the following requirements:
 - a) The building is set back a minimum of 150 feet from Merrow Road,
 - b) The mean elevation of the finished grade of the building is less than the elevation of the closest segment of Merrow Road or the applicant has demonstrated that, due to topography, design strategies, or other factors, the negative visible height impact from Merrow Road is minimal, and
 - c) The Commission is satisfied that the building design and architecture minimize the visual impact of the increased height.
 - b. For a hotel, the Commission may allow an increase in maximum principal building height (as defined in Section 2-2) of up to fifty five (55) feet or four (4) stories, whichever is more restrictive. The applicant shall provide visual renderings, with accurate existing and

planned topography, including vantage points from Merrow Road and other locations identified by the Commission. Such an increased maximum principal height shall only be allowed for buildings and site designs that meet the following standards:

- 1) The building is set back a minimum of 150 feet from Merrow Road;
 - 2) The mean elevation of the finished grade of the building is less than the elevation of the closest segment of Merrow Road or the applicant has demonstrated that, due to topography, design strategies or other factors, the negative visible height impact from Merrow Road is minimal;
 - 3) The building has a vegetated roof that is compliant with Section 19-6, Low Impact Development or a pitched roof;
 - 4) The Commission is satisfied that the building design and architecture minimize the visual impact of the increased height; and,
 - 5) The visual impact of parking areas shall be minimized through the use of interior parking, low impact development techniques, screening or other methods.
3. Building width (excluding hotels): shall not exceed 240 feet. Spans greater than 75 feet shall provide variation through techniques identified in the Design Guidelines. For buildings greater than 200 feet, there shall be a minimum of one step perpendicular to the face of the building such that there are no contiguous flat façade planes greater than 120 feet. Such step shall be a minimum of six (6) feet deep.
4. Minimum Non-Residential Frontage: In Mixed Use areas, a configuration of buildings that mix commercial and residential use shall be achieved by developing a mixed use block as follows:
- a. Developing a mixed use block will require a minimum of 400 linear feet of non-residential use frontage along a newly established street. Each side of the street is counted separately. For example, if 200 linear feet is provided along one side of the street and 200 linear feet is provided directly across the street, the total linear feet is 400.
 - b. Buildings along this frontage may contain residential or commercial use in upper stories consistent with the provisions of the TVA regulations.
 - c. Buildings shall be set back from the new street in compliance with Section 7-8.D.1 and shall have minimal side yard setbacks to facilitate pedestrian access between buildings.
 - d. Except for on-street parking, surface parking lots shall not be located along these frontage lengths.

- e. The Commission may allow deviations from this standard where it finds at least one of the following:

- 1) A third party real estate market analysis demonstrates that market demand for non-residential use warrants a reduction in the amount of non-residential frontage.

- 2) An alternative street design, building configuration, or the strategic incorporation of public open space will yield a comparable amount of non-residential ground floor use and remain consistent with the goals of the TVA zone.

E. Residential Development – Single Family, Two-Family and Townhouses

- 1. The front yard setback shall be a minimum of 10 feet and a maximum of 25 feet.
- 2. Garages for single and two-family dwellings shall be located behind the dwelling unit. If this is not possible due to site constraints, the garage entry shall be recessed at least 15 feet behind the front façade of the dwelling.

F. Residential Development – Multi-Family

- 1. The maximum principal building height (as defined in Section 2-2) shall be 35 feet or 40 feet to ridge, whichever is more restrictive.
- 2. The Commission may allow increased maximum principal building height (as defined in Section 2-2) for multi-family housing of up to 40 feet or 45 feet to ridge, or three (3) stories, whichever is more restrictive. Where internal parking will be partially below grade, the Commission may increase the number of stories to three and a half (3.5). The applicant shall provide visual renderings, with accurate existing and planned topography, with vantage points from Merrow Road and other locations identified by the Commission. Such an increased maximum principal height shall only be allowed for buildings that meet the following standards:
 - a. The building is set back a minimum of 150 feet from Merrow Road;
 - b. The mean elevation of the finished grade of the building is less than the elevation of the closest segment of Merrow Road or the applicant has demonstrated that, due to topography, design strategies or other factors, the negative visible height impact from Merrow Road is minimal;
 - c. The building has a vegetated roof that is compliant with Section 19-6, Low Impact Development or pitched roof; and,
 - d. The Commission is satisfied that the building design and architecture minimize the visual impact of the increased height.

3. Setback: minimum of 25 feet from a public road.
4. Site Layout:
 - a. Parking areas shall not be located between a building and a public road nor along a public road.
 - b. At least two buildings shall be oriented toward the new public road.
5. Building Architecture:
 - a. Building width shall not exceed 240 feet. Spans greater than 60 feet should provide variations through techniques identified in the Design Guidelines. For buildings greater than 200 feet, there shall be a minimum of one step perpendicular to the face of the building such that there are no contiguous flat façade planes greater than 120 feet. Such step shall be a minimum of six (6) feet deep.
 - b. Facades shall use techniques in the design guidelines to provide vertical and horizontal variation.
6. Internal Parking:
 - a. Each building shall include internal parking areas that are at least partially enclosed.
 - b. Except for the entrances, the façade of internal parking areas shall be consistent with the remainder of the building.
 - c. Entrances to the internal parking areas shall not be located on facades facing a public road unless the entrance is screened from view by another building.

G. Signs

1. Sign lighting shall be non-glaring and comply with Section 19-2.
2. Each side of a building may have a total square footage of wall and over-hanging signs that is equal to that side's linear feet. For example, if a building's façade is 50 feet wide, the cumulative square footage of all wall and over-hanging signs on that wall should not exceed 50 square feet.
3. Temporary signs used to convey specific information, alert the public to special events or announce a new business shall be designed and placed in a manner closely related to existing sign systems, landscape improvements and building design to avoid visual clutter.
4. Wall signs:
 - a. Should be located within the frieze of the cornice, on a covered transom or other flat and unadorned surface that is suitable for sign location.

- b. Where there are multiple storefronts in one building, wall signs should be coordinated in terms of size, placement, color and overall design.
5. Overhanging signs:
 - a. Should hang perpendicular to the façade wall.
 - b. Upper story overhanging signs are not appropriate.
6. Roof-mounted signs are not appropriate, except in limited cases where such a sign is not visible from the main street and is the only means to convey the presence of the business.
7. Lettering or logos painted onto windows should not exceed more than 25% of the glass area and should not block views.

H. Project Phasing

1. Where an Area Development Plan is proposed to be constructed and occupied in phases, the applicant shall clearly identify the progression of phases including:
 - a. The physical extent of each phase.
 - b. For each phase, a written description of the infrastructure, buildings, number of residential units (market rate and workforce housing units), gross floor area of all buildings broken down by use (e.g., commercial, residential), and anticipated date of completed construction.
2. In areas identified as Mixed Use in the Area Development Plan, a minimum amount of commercial development is required pursuant to Section 7-8.D. The phasing plan shall not defer all required commercial or mixed uses to later phases. As part of the Area Development Plan approval process, the Commission may set a ratio of commercial square feet per dwelling unit per phase or other numerical standard to ensure that any required commercial space is built.
3. Pursuant to Section 7-4, each project phase shall require Site Plan review unless more than one phase shown on the original Area Development Plan are combined into a single future phase. Combining future phases shall not require a re-issuance of the original Special Permit.

Section 7-9. Procedures

A. Submittal Requirements for an Area Development Plan

1. The applicant shall submit a Special Permit application, accompanied by an Area Development Plan.
2. The application procedure shall be the same as that for a Special Permit.
3. The Area Development Plan shall include the following information, in addition to the requirements of Section 20-8:

- a. A description of the proposed development, including proposed uses.
 - b. A site diagram that conceptually delineates those areas to be used for mixed use, residential use, buffers, and open space and trails consistent with the POCD.
 - c. A site diagram that clearly shows the different phases of project development and a description of how phasing will likely occur. This description shall include a conceptual timeline for the completed construction of all buildings, streets and open space areas, which can be cross-referenced to the site diagram.
4. A map and preliminary plan of the area to be developed, prepared by a licensed professional engineer, a licensed land surveyor, or a licensed landscape architect or architect at a scale of not more than 100 feet to the inch. The preliminary plan shall include the following, unless an item is waived by a majority vote of members present:
 - a. Existing buildings, structures, open space, watercourses, wetlands, topography and easements.
 - b. Proposed site access.
 - c. Proposed uses and their proposed locations on the parcel.
 - d. Proposed square footage of buildings by use.
 - e. Location of proposed open space, as required.
 - f. Location of parking areas and loading areas.
 - g. Description of vehicular and pedestrian circulation on the site.
 - h. Location and description of how uses, streets and sidewalks in the development are oriented; in addition, possible connections to future development on adjacent parcels shall be shown where feasible.
 - i. A signage plan, showing the locations, sizes, and types of signs proposed. If sandwich board signs are proposed, the signage plan shall provide for separating distances, a limit on the total that may be displayed at one time, and a process for allocating space and amount among tenants.
5. The following additional information shall be provided by the applicant:
 - a. A report prepared by a professional engineer demonstrating the feasibility of proper management of stormwater and compliance with the Tolland LID Regulations and Design Manual. A description of ownership and maintenance of stormwater facilities shall be provided.

- b. A report prepared by a professional traffic engineer. In addition to the requirements of Section 20-8, the report shall describe the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets, private accessways, and traffic controls, and a description of proposed improvements to accommodate projected traffic.
 - c. A description of ownership and maintenance for private accessways, parking areas, sidewalks and other common areas.
 - d. A report by a professional engineer demonstrating the feasibility of sewerage disposal to be generated by the proposed development.
 - e. A report prepared by a professional engineer demonstrating the feasibility of providing sufficient water volume, pressure and potability to the proposed development for daily and emergency needs.
 - f. Street perspective renderings of streetscapes, schematic architectural elevations of all sides of proposed buildings, and descriptions of building material, colors and other design-related aspects.
 - g. A discussion of proposed mitigation actions, such as buffering, traffic improvements and other actions.
6. Where the Area Development Plan is for only a portion of a parcel, the applicant shall submit a conceptual plan showing possible future development for the remainder of the parcel in conformance with these regulations. Such conceptual plan shall include general location of future roads, driveways, buildings and uses. Such a conceptual plan shall provide sufficient information for the Commission to determine that approval of the Area Development Plan shall not preclude the ability of future development on the remainder of the parcel to comply with these TVA regulations.
7. Upon receipt of the application, the Commission may require additional information deemed necessary to assist it in evaluating the application and performing its duties.

B. Evaluation for Approval

Based on evidence in the record, in addition to the Standards for Approval for Special Permits contained in Section 20-8, the Commission shall determine the following:

- 1. Whether the Area Development Plan is consistent with Section 7-2, Purpose and Intent of the Tolland Village Area.
- 2. Whether the proposed use or activity will have impacts upon the neighboring area resulting from the use of signs, lighting or noise.

3. Whether streets, private accessways and other rights-of-way shall be of such size, condition and capacity to adequately accommodate the traffic to be generated by the particular land use, while still meeting the pedestrian-friendly goals for the TVA.

C. Changes to an Approved Area Development Plan

1. Minor changes to an approved Area Development Plan may be approved by the Town Planner provided such changes shall not substantially affect the overall architecture and site design. Such minor changes may include, but are not limited to:
 - a. Locations of drainage infrastructure or other utilities in a manner that will not cause lack of compliance with the stormwater standards for the TVA district. The burden of proof to demonstrate compliance with the stormwater standards shall be on the applicant. Failure to successfully demonstrate compliance will necessitate a change in the Area Development Plan.
 - b. Slight alterations of streets, accessways, sidewalks, structures or buildings due to unforeseen topographic or geologic features.
 - c. Minor rearrangement of lighting, benches or other site amenities.
2. Any change not determined to be minor in addition to the following changes to an approved Area Development Plan shall require the submittal of a new Area Development Plan and Special Permit Application:
 - a. A change in use, if the Commission determines that such change in use might affect the nature of the original approved Area Development Plan.
 - b. A decrease by more than five percent (5%) in the gross floor area of commercial use included in the original Area Development Plan.
 - c. An increase in the approved gross floor area of any individual building by more than 20%.
 - d. An increase in the approved gross floor area of all buildings combined by more than 10%.
 - e. An increase in the number of approved housing units.
 - f. A change in the type of housing units. (A change in ownership type is not considered a change in the type of housing unit).
 - g. A change in the affordability component of Workforce Housing units.
 - h. A change in any approved area or dimensional requirement.
 - i. A change in layout, building orientation, or other change that deviates from the approved Area Development Plan in a manner that impedes pedestrian or automobile circulation,

substantially deviates from the design guidelines, increases visual impacts to adjacent properties, or requires an increase or decrease from the approved number of parking spaces by more than 15%.

D. Site Plan Approval for Buildings, Structures and Improvements Approved as part of Area Development Plan

The purpose of the Site Plan is to determine compliance with the approved Area Development Plan, with applicable requirements in these regulations, and with the Design Guidelines.

1. The applicant shall submit a Site Plan application, accompanied by a Site Plan.
2. The application procedure shall be the same as that contained in Section 20-9.
3. In addition to those Site Plan requirements in Section 20-9, the application shall also include:
 - a. A copy of the approved Area Development Plan and description of how the Site Plan complies with the approved Area Development Plan.
 - b. A phasing schedule for construction.
 - c. Architectural elevations of all sides of buildings including information on materials, colors and other design-related information
4. In addition to the decision considerations for Site Plans contained in Section 20-9, the Commission shall consider the compliance with the design principles that were approved in the Area Development Plan.

E. Design Review Required

Any application to the Commission for an Area Development Plan, Special Permit or Site Plan shall be subject to review and comment by the Design Advisory Board. Applicants are encouraged to submit an application for design review prior to submitting an application to the Planning and Zoning Commission.

Section 7-10. Conflicting Regulations

Where any provision of these regulations for the TVA imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by provisions found elsewhere in these regulations, the provision of the TVA regulations shall apply and govern.

Article 8: Neighborhood Commercial Zones (NCZ-G and NCZ-T)

Section 8-1. Purpose

A. Neighborhood Commercial Zone G (NCZ-G)

The purpose of the Neighborhood Commercial Zone-G is to promote smaller scale commercial, government and community uses which will serve the residents of the community; ensure the architectural styles of new development will complement the traditional New England appearance of the nearby Tolland Green; and provide pedestrian connectivity between uses in the zone, Tolland Green and nearby government buildings.

B. Neighborhood Commercial Zone T (NCZ-T)

The purpose of the Neighborhood Commercial Zone-T is to provide for smaller scale, less intense commercial and office uses which will serve as a transition between the Technology Campus Zone and residential areas.

Section 8-2. Uses

A. Permitted Uses

The followings principal uses are permitted and considered to be a confirming use and structure, if legally existing at the time of the effective date of these regulations, January 1, 2018:

1. Single-family dwelling. Modifications to the structure shall comply with these regulations and shall require a zoning permit.

B. Site Plan Approval

The following uses require Site Plan approval:

1. Agriculture, nursery, forestry or forest management, including barns and other structures associated with bona fide agricultural operations, but excluding sawmills and other major processing facilities (NCZ-G zone only).
2. Store or shop for the conduct of retail or personal service businesses, excluding drive-through service.
3. Bank or financial institution, excluding drive-through service.
4. Office for business, medical or professional use.
5. Child or adult day-care center or group day-care home.

6. Public or semipublic use (NCZ-G zone only).
7. Art or music center, museum, dance studio, theater or other cultural activity.
8. Bed and breakfast establishment not to exceed eight (8) bedrooms for paying guests.
9. Place of worship, parish house, convent or similar use.
10. Veterinary hospital without outside animals. (NCZ-G only)

C. Special Permit Uses

The following uses require a Special Permit:

1. Bank or financial institution, including drive-through service subject to Section 16-5 of the Zoning Regulations.
2. Recreational or sporting facility (tennis, bowling, etc.).
3. Restaurant, with or without liquor sales, excluding drive-through service, and including the expansion of an existing restaurant by more than 20% of the gross floor area.
4. Retail food / serving establishment, excluding drive through service.
5. Utilities, public or private: structure, substation or office.
6. Roadside stand, regional.
7. NCZ-G Only.
 - a. Bazaar or fair (organizations).
 - b. Mixed use of residential and commercial (the above-listed Site Plan or Special Permit uses).
8. NCZ-T Only.
 - a. Motor vehicle repair, subject to the requirements of Section 16-2.
 - b. Expansion or modification of a gasoline service station existing at the time of adoption of these regulations, subject to the requirements of Section 16-2.
 - c. Motor vehicle or trailer rental, subject to the following conditions:
 - 1) Vehicles and trailers for rent shall be parked in side and rear yards only unless waived by a majority vote of members present due to existing or proposed buffers.
 - 2) A total maximum of five (5) vehicles and trailers for rent shall be located on the premises at any time.

D. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 8-3. Requirements

A. Dimensional Requirements

1. Minimum lot area: one (1) acre.
2. Minimum lot frontage: 200 feet. The frontage of two (2) or more lots which share a single joint entrance and a single joint exit to a public street may be computed as a single frontage.
3. Minimum front yard setback: 50 feet. May be reduced by the Commission per Section 8-3.B.
4. Maximum lot coverage: 50%. The Commission may approve up to 60% impervious coverage when special attention has been given to utilizing landscaped areas for low impact development stormwater treatment.
5. Minimum side yard setback: 25 feet. This requirement may be reduced by the Commission per Section 8-3.B. Required side yard setback may be eliminated if the parcels that share that side property line share a single joint entrance and single joint exit to a public street or share parking facilities and do not contain a residential use.
6. Minimum rear yard setback: 35 feet. May be reduced by the Commission per Section 8-3.B.
7. Maximum size of individual business establishment: 15,000 square feet.
8. All business establishments shall conform to the environmental and performance standards specified in Section 19-7, lighting standards in Section 19-4 and to the requirements of all other applicable town regulations.
9. Buffering to existing single family residential neighborhoods may be required based on existing vegetation, topography and nature of the proposed use.
10. The Commission encourages shared access and the construction of internal links between the parking lot of adjacent properties to promote access management and lessen traffic and congestion on the public street.

B. Reductions in Dimensional Requirements

Reductions in dimensional requirements will be considered by the Commission only in special instances when the development pattern will do at least one (1) of the following:

1. Provide pathway connections and promote walkability within the area,
2. Improve overall compatibility of the site to surrounding or connecting property, and
3. Give special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and other site amenities.

Article 9: Community Commercial Zone (CCZ)

Section 9-1. Purpose

The purpose of the CCZ is to:

- A. Promote small scale neighborhood businesses, with design standards to create a "sense of place" and avoid strip development patterns.
- B. Ensure new development provides pathways or sidewalks connecting land uses and nearby neighborhoods.
- C. Preserve a greenway connection to Shenipsit Lake.
- D. Allow mixed uses, new single-family dwellings at existing densities, and multi-family development that will address the housing needs of the community and promote and maintain a balance of small scale commercial businesses, offices and dwellings.

Section 9-2. Uses

A. Permitted Uses

The following principal uses are permitted, if legally existing on or before July 9, 2012:

- 1. Motor vehicle or motor vehicle trailer sales or rental.
- 2. Motor vehicle repair, subject to the requirements of Section 16-2.

B. Site Plan Approval

The following uses require Site Plan approval:

- 1. Agriculture, nursery, forestry or forest management, including barns and other structures associated with bona fide agricultural operations, but excluding sawmills or other major processing facilities.
- 2. Store or shop for the conduct of retail or personal service businesses, excluding drive-through service.
- 3. Bank or financial institution, excluding drive-through service.
- 4. Office for business, medical or professional use.
- 5. Child or adult day-care center or group day-care home.
- 6. School, public or private.
- 7. Public or semipublic use.

8. Art or music center, museum, dance studio, theater or other cultural activity.
9. Bed and breakfast establishment not to exceed eight (8) bedrooms for paying guests.
10. Place of worship, parish house, convent or similar use.
11. Kennel, commercial kennel, commercial stable, veterinary hospital and related activities.
The minimum lot size is five (5) acres. Veterinary hospitals without outside animals shall have a one (1) acre minimum lot area.
12. For-profit hospital, clinic, nursing or convalescent home or similar institution.
13. Retail food / serving establishment.
14. Roadside stand, regional.

C. Special Permit Uses

The following uses require a Special Permit:

1. Mixed use of residential and commercial (Site Plan or Special Permit uses).
2. Single-family dwelling.
3. Multi-family dwellings, in accordance with Section 9-4.
4. Bank or financial institution, including drive-through service provided that such facility is in accordance with Section 16-5 of the Zoning Regulations.
5. Amusement, arcade or game room.
6. Bazaar or fair (organizations).
7. Expansion or modification of motor vehicle or motor vehicle trailer sales or rental establishment existing on or before July 9, 2012.
8. Expansion or modification of motor vehicle repair establishment, existing at the time of adoption of these regulations on or before July 9, 2012, and subject to the requirements of Section 16-2.
9. Recreational or sporting facility (tennis, bowling, etc.).
10. Retail food / serving establishment, excluding drive-through service.
11. Restaurant, with or without liquor sales, excluding drive-through service, including the expansion of an existing restaurant by more than 20% of the gross floor area.
12. Utilities, public or private: structure, substation or office.
13. Brewpub, micro-brewery, micro-distillery, or micro-winery.

14. Licensed Medical Marijuana Dispensary.

D. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 9-3. Requirements

Requirements for uses, except multi-family, shall be in accordance with the following.

A. Dimensional Requirements

1. Minimum lot area: one (1) acre.
2. Minimum lot frontage: 200 feet. This requirement may be reduced by the Commission if the lot is sharing access with an adjacent lot.
3. Minimum front yard setback: 50 feet. This requirement may be reduced by the Commission per Section 9-3.B.
4. Minimum side yard setback: 25 feet, except that:
 - a. This requirement may be reduced by the Commission per Section 9-3.B.
 - b. A required side yard setback may be eliminated if the parcels that share that side property line share a single joint entrance and single joint exit to a public street or share parking facilities and do not contain a residential use.
5. Minimum rear yard setback: 35 feet. This requirement may be reduced by the Commission per Section 9-3.B.
6. Maximum lot coverage: 50%. The Commission may approve up to 60% impervious coverage when special attention has been given to utilizing landscaped areas for low impact development stormwater treatment.
7. No business establishment may exceed 15,000 square feet. The Commission may approve a larger business based on the design and massing of the building, view from a public street or parking area or characteristics of the site.
8. All business establishments shall conform to the environmental and performance standards specified in Section 19-7, lighting standards in Section 19-4 and to the requirements of all other applicable town regulations.
9. Buffering to existing single family residential neighborhoods may be required based on existing vegetation, topography and nature of the proposed use.

10. The Commission encourages shared access and the construction of internal links between the parking lot of adjacent properties to promote access management and lessen traffic and congestion on the public street.

B. Reductions in Dimensional Requirements

Reductions in dimensional requirements will be considered by the Commission only in special instances when the development pattern will do at least one (1) of the following:

1. Provide pathway connections and promote walkability within the area,
2. Improve overall compatibility of the site to surrounding or connecting property, and
3. Give special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and other site amenities.

Section 9-4. Multi-Family Development

A. Purpose

The purpose of multi-family development is to provide for groups of dwelling units on a single lot, including apartment and village style housing, in a manner that:

1. Is consistent with the goals in the Plan of Conservation and Development.
2. Provides housing needs for the town's present and projected populations.
3. Provides safe access point(s) and traffic flow.
4. Provides a customer base for adjacent retail and services.
5. Provides pedestrian connections.
6. Buffers established single-family residential areas.
7. Provides varied housing opportunities for different economic levels.

B. Site, Density and Other Requirements

1. Minimum lot area: five (5) acres.
2. Minimum lot frontage: 125 feet.
3. Maximum lot coverage: 50%. The Commission may approve up to 60% impervious coverage when special attention has been given to utilizing landscaped areas for Low Impact Development stormwater treatment.
4. Minimum front setback: 50 feet. May be reduced to 25 feet by the Commission.

5. Minimum side and rear setbacks are 75 feet if abutting a residential zone and 50 feet if abutting a nonresidential zone or existing nonresidential use. May be reduced to 50 feet and 25 feet, respectively, by the Commission provided there is adequate buffering as needed.
6. Maximum density/bedrooms:
 - a. To be served by onsite septic systems: six (6) bedrooms per acre of developable area.
 - b. To be served by sewer: eight (8) bedrooms per acre of developable area.
 - c. The Commission may approve up to 10 bedrooms per acre of developable area in special instances when there will be offsite improvements that benefit the Tolland community at large.
7. Maximum number of dwelling units per building: maximum average of six (6) units per building, maximum of eight (8) units in any single building.
8. Multi-family developments may include two (2) family dwellings, which shall be constructed side by side rather than vertically.
9. Single-family dwelling units are permitted with a maximum of 50% of total dwelling units.
10. Open space, pathways and recreation areas:
 - a. A minimum of 20% of the parcel shall be set aside as open space and subject to the following conditions:
 - 1) The required open space may contain no higher percentage of wetlands than the entire parcel unless approved by the Commission in special instances when a pavilion, walking paths, recreational area, community garden or other usable community area is provided.
 - 2) Open space shall be owned by a homeowners association or designee approved by the Commission. The Commission may require a conservation easement on designated open space.
 - b. A minimum of 1,000 square feet of useable open space for recreation purposes for each dwelling shall be set aside. A minimum of one (1) play area shall be provided for children. If the complex is for adults only, alternative recreation facilities shall be provided subject to approval by the Commission. Recreation areas shall be located so as not to disturb residents of the complex or adjacent properties.
 - c. Pathways shall be provided to the recreation areas.

C. Affordable Housing

The purpose is to promote the development of affordable housing to meet local housing needs and to increase the diversity of housing within the town in accordance with Section 8-2g. of the General Statutes.

1. Maximum permitted density. The maximum permitted density (number of bedrooms) of multi-family affordable developments may be increased by up to 40% subject to approval by the Commission.
2. To receive the additional density, residential developments shall be in conformance with the following conditions:
 - a. For each dwelling unit constructed in excess of the number permitted by applicable density limits, the developer shall construct one (1) unit of affordable housing within the proposed development.
 - b. The affordable units shall be reserved for sale or rental to persons and families of low and moderate income, as defined in Section 8-39a of the General Statutes for a period of at least 30 years.
 - c. In conjunction with an application for approval of Site Plan and Special Permit, the applicant shall submit an affordability plan.
3. Certification. The developer or his or her successors shall certify to the town on an annual basis that the units developed as affordable housing are being leased or have been sold to eligible persons or families, at prices or rents consistent with the regulations of the General Statutes.

D. General Regulations

1. Buildings shall be designed to avoid monotonous patterns of construction or repetitive spaces or modules between buildings.
2. The roofs shall have adequate pitch and flat roofs shall not be permitted.
3. Buildings shall be harmonious and compatible with the adjacent existing structures and with the general development of the neighborhood.
4. The Commission may require changes in the Site Plan to meet the specific requirements of the development type and may make additional requirements to promote and protect the sound and orderly growth of the community.
5. All required improvements shall conform to applicable sections of these regulations.

6. The owner of the multi-family complex shall be responsible for all maintenance and snow removal from drives and mowing, upkeep and maintenance of all grounds.
7. Safe pedestrian and bicycle circulation shall be provided, to safely interlink the development with its own facilities and with nearby shopping, service, institutional and government facilities and in accordance with pathways designated on the Zoning Map. The Commission shall determine the composition and location of sidewalks.
8. The entrance to the development shall be landscaped in accordance with Section 19-3.
9. School and public transportation shelters may be required, if appropriate.
10. A minimum of one and a half (1.5) outdoor off-street parking spaces per unit with suitable provisions for guest parking shall be provided. Parking shall not be permitted in front of any unit facing a public street in required setback areas, except in special instances when approved by the Commission due to topography, buffering or retention of existing vegetation.
11. Garbage, refuse and recycling facilities shall be provided for residents and kept in enclosed areas convenient to each building. Periodic pick-up of garbage, refuse and recycling shall be the responsibility of owner or association, as well as maintaining the area in a sanitary and attractive condition.
12. Roof-mounted satellite dishes over three (3) feet in diameter and individual television and radio antennas shall not be permitted.
13. No common hallway shall serve more than two (2) dwelling units on each floor.
14. Minimum noise standards of the Federal Housing Administration shall be met or exceeded.
15. No part of a building, which is below grade, shall be used for dwelling purposes except as approved by the Commission.
16. Each dwelling unit shall have individual utilities and metering.

E. Application Requirements

1. All Special Permit and Site Plan requirements in Article 20.
2. Number of units proposed.
3. Density of proposed development in terms of bedrooms per developable acre.
4. Acreage of buildings and parking.
5. Acreage of open space and recreational area.

6. Breakdown of dwelling unit types if more than one type is planned.
7. Projected dwelling unit floor areas.
8. A phasing plan if the development is to be constructed over a period of years.
9. Traffic impact data when requested by the Commission or required by these regulations.
10. Building elevations.

F. Evaluation for Special Permit Approval

In evaluating the appropriateness and proposed density of the multi-family development, consideration shall be given to:

1. Consistency with the Plan of Conservation and Development.
2. Conformance with the standards and conditions of these regulations.
3. Impact on highways and public facilities.
4. Preservation and character of existing single-family neighborhoods.
5. Streets and drives are suitable to carry anticipated traffic and increased densities will not generate traffic in amounts that overload the area's streets.
6. Access and proximity to commercial, recreational or community facilities.
7. Transitional character of the development to existing developments.
8. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities.

Section 9-5. Special Permit Standards

In addition to the standards for approval for Special Permits contained in Section 20-8, the Commission shall consider the impact on water quality.

Article 10: Gateway Design District (GDD)

Section 10-1. Purpose

The purpose of the Gateway Design District is to create an attractive entrance to Tolland while encouraging coordinated commercial and office development with high design standards at the interchange gateway entrances to the community. The goal is to promote compact commercial development having scale and form consistent with the natural landforms of the site and the character of the town.

Section 10-2. General Concepts/Design Guidelines

These standards and guidelines require a basic level of architectural variety, compatible scale, and mitigation of negative impacts. They are not intended to limit creativity. The purpose of these standards and guidelines is to augment existing criteria with more specific interpretations that apply to the design of commercial developments. This district is intended to encourage smaller sites to combine with other sites in order to provide larger-scale sites and developments.

A. Siting

1. Depending on the overall site design, and where otherwise practicable, buildings should be sited toward the front of the lot and should maintain a pleasing spatial relationship with other buildings and public and interior-access roadways.
2. Structures should be sited in small groups wherever feasible.
3. The use of additive massing (the bulk of the building is broken into smaller sections and horizontally offset) to provide visual interest is desired.
4. All effort should be made to preserve and enhance historic structures, unique landforms, rock outcrops, stone walls, vegetation, views, etc. and incorporate them into site design.
5. Siting should not be detrimental to scenic vistas of the gateway from any public street including I-84. Items of special concern include the placement of dumpsters, loading docks, roof-mounted mechanical units, and antennas.
6. The design of the storm water treatment system shall contain strategies associated with low impact development to the maximum extent possible (MEP) as outlined in the Town of Tolland Design Manual. This provision shall also apply to improvements or redevelopment of existing commercial sites. If stormwater detention/retention basins are necessary, provisions shall be made for shared structures and shared maintenance to the maximum extent feasible.

B. Access

1. Access management will be required on all sites, in order to reduce the number of driveway cuts onto adjacent roads and mitigate the deterioration of traffic flow generally caused by driveways on public roads. Access management techniques include shared driveways (or provisions for future shared driveways for the first site in the area) or interconnected driveways.
2. Use shared parking with abutting properties wherever feasible.
3. Provide safe, convenient pedestrian circulation, which also provides access to off-site sidewalks, trails, parks and other public places.
4. Locate large parking areas at the side or rear of building where practical with landscaping designed to create visual assets.

C. Site Amenities

1. Create pedestrian spaces such as plazas, "greens", commons and terraces within the development.
2. Add or create amenities such as benches, fountains, sculptures, art, bike racks, sitting walls, planters, period-style lighting or banners.
3. Use creative landscaping design, with plantings of sufficient size and quantity to clearly enhance the site.

D. Architectural Guidelines

The purpose of architectural design review is to provide insights regarding Tolland's design objectives, to encourage aesthetically pleasing commercial structures, to reduce massive scale and uniform impersonal appearance, to provide visual interest and scale consistent with the Town's identity, size and character. All applications for Special Permit shall require design review with consideration given to the following guidelines:

1. Facades.
 - a. No uninterrupted length of any facade shall exceed 100 feet and shall incorporate wall plane projections or recesses.
 - b. The ground floor facade facing a public street should incorporate display windows, awnings or other such features to create visual interest.
 - c. Windows should be recessed and should include visually prominent sills, shutters or other such forms of framing.

- d. All building facades that are visible from a public street, including I-84 and its ramps, should be attractively designed with windows and other architectural elements so that no visible elevations looks like the back of a building.
2. Roofs.
 - a. Variations in roof lines should be used to add interest and complement the character of the Town.
 - b. Rooftop equipment such as HVAC units shall be screened from public view with parapets featuring three dimensional cornice treatments.
3. Materials, colors and detail features.
 - a. Building facades should include a repeating pattern including color, texture or change of materials.
 - b. Predominant exterior building materials should be high quality materials such as brick, wood, sandstone and other native stone or tinted textured, concrete masonry units.
 - c. Facade colors should be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is discouraged.
 - d. Predominant exterior building materials should not include smooth-faced concrete block or pre-fabricated steel panels.

Section 10-3. Uses

A. Permitted Uses

The followings principal uses are permitted, if legally existing on or before August 1, 2000:

1. Single-family dwelling.
2. Motor vehicle sales.
3. Motor vehicle repair.
4. Accessory uses subject to the provisions of Article 17.

B. Site Plan Approval

The following uses require Site Plan approval:

1. Additions to existing commercial buildings up to 10% of the gross floor area.
2. All major site or building exterior renovations to the extent that less than 10% of the site will be modified or where less than 10% of the building exterior is structurally altered.

C. Special Permit Uses

The following uses require a Special Permit:

1. All new buildings.
2. All building expansions of over 10% of the gross floor area of the existing building.
3. All changes of use. The Town Planner may waive this requirement when the new use is similar and of equal, or of less intensity than the previous use.
4. All major site or building exterior renovations to the extent that more than 10% of the site will be modified or where more than 10% of the building exterior is structurally altered.
5. Retail or personal service business, excluding drive-through sales or service.
6. Bank or financial institution including drive-through service provided that such facility is in accordance with Section 16-5 of the Zoning Regulations.
7. Pharmacy, including drive-through service, provided that such facility is in accordance with Section 16-5 of these Regulations.
8. General office.
9. Medical office.
10. For-profit assisted living facility.
11. Art or music center, museum, dance studio or similar uses (for-profit only).
12. Gasoline station, subject to the requirements of Section 16-2. The station may not include motor vehicle sales or service except as permitted in Section 10-3.A.
13. Gasoline station / convenience store with limited food service subject to the requirements of Section 16-2. No seating or drive-through service permitted except for fuel dispensing. Food service shall be subordinate and incidental to the gasoline station/convenience store use.
14. Veterinary hospital without outside facilities.
15. Restaurant, with or without liquor sales, including drive-through service, provided that such facility is in accordance with Section 16-5 of the Zoning Regulations, and including the expansion of an existing restaurant by more than 20% of the gross floor area.
16. Retail food / serving establishment, excluding drive-through service.
17. Theater, excluding drive-in theaters.

18. Hotel, motel, or inn.
19. Excavation or removal of earth products; filling operations in accordance with requirements in Section 16-1.
20. Adult-oriented business.
21. Mixed use of residential and Special Permit Uses provided total square footage of residential structure(s) shall not exceed 50% of total square footage of structure on the property.
22. Brewpub, micro-brewery, micro-distillery, or micro-winery.
23. Day-care centers and group day-care homes for children or adults, provided that no play equipment shall be located in any required setback areas unless approved by four concurring votes of the Commission.
24. Car wash, connected to the public sewer.

D. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 10-4. Requirements

A. Dimensional Requirements

1. Minimum lot area: one (1) acre.
2. Minimum lot frontage on a public street or private street with legal access and maintenance rights: 50 feet to 200 feet depending on existing or proposed development pattern and ability to provide safe access. The frontage of two (2) or more lots, which share a single joint entrance and a single joint exit to a public street, may be computed as a single frontage.
3. Minimum front yard setback: 50 feet. This requirement may be reduced to no less than 25 feet, by four (4) concurring votes of the Commission, per Section 10-4.B.
4. Maximum lot coverage: 50%, including principal and accessory structures and impervious surfaces. The Commission may, by four (4) concurring votes:
 - a. Permit lot coverage up to 65%. This increased coverage shall be permitted only in special instances where special attention has been given to access management through linkages to abutting properties, special provisions for non-motorized transportation or site sensitivity.

- b. Permit lot coverage up to 80%, not including the area of public access management roadways. This increased coverage shall be permitted in unique circumstances where a public roadway will be provided to link abutting properties to promote public safety and meeting the lot coverage requirement limits lot development design.
5. Minimum side yard setback: 50 feet. The side yard for parking areas and driveways may be reduced depending on the nature of the adjacent land-uses and the proposed landscaping/screening plan, by four (4) concurring votes of the Commission, per Section 10-4.B. Required side yard setback may be eliminated if the parcels that share that side property line share a single joint entrance and single joint exit to a public street or share parking facilities and do not contain a residential use.
6. Minimum rear yard setback: 35 feet. This requirement may be reduced to no less than 25 feet, by four (4) concurring votes of the Commission, per Section 10-4.B.
7. Minimum separation between buildings on the same site: 20 feet, unless sharing a common wall.
8. Minimum distance from residential zones (RDD & VCZ). All buildings, structures and uses shall be located at least 100 feet from the boundary of any residential zone, unless waived by a majority vote of members present due to the nature of adjacent land uses and the proposed landscaping/screening plan. The Commission shall require screening and landscaping of the setback area.
9. Minimum building floor area: 1,000 square feet.
10. No individual retail business establishment may exceed 52,000 square feet. The Commission may, by four (4) concurring votes, increase the maximum size up to 60,000 square feet, not including mezzanines that comprise no more than 10% of the total square footage, if the applicant provides one (1) or more of the following criteria: additional buffering, linkages to abutting properties, special site sensitivity and a special architectural design.

B. Reductions in Dimensional Requirements

Reductions in dimensional requirements will be considered by the Commission only in special instances when the development pattern will do at least one (1) of the following:

1. Provide pathway connections and promote walkability within the area.
2. Improve overall compatibility of the site to surrounding or connecting property.,
3. Give special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and other site amenities.

C. Other Requirements

1. All business establishments shall conform to the environmental and performance standards specified in Section 19-7 and to the requirements of all other applicable town regulations.
2. Except as otherwise permitted, all production, repair, treatment, storage and display of goods shall be accessory to the principal use of the premises.
3. No outside storage of goods or merchandise and no goods or merchandise shall be sold from a trailer or truck situated on a lot unless permitted by the Commission.
4. Loading docks and receiving areas shall be carefully located for accessibility and designed as an integral part of the building and shall not detract from the building and site.
5. All dumpsters shall be placed on a concrete pad, and suitably screened with trees, shrubs, fencing or other appropriate means (e.g., the building itself). Their placement with respect to buildings shall be as approved by Public Safety personnel.
6. Areas for truck parking, recycling, trash collection and compaction shall not be visible from abutting streets including I-84 and the ramps.
7. The areas and facilities listed in 4, 5 and 6 above, if not totally enclosed, shall be at least 50 feet from any public road, public sidewalk or pedestrian way.
8. Loading docks, truck parking, utility meters, HVAC equipment, trash collection, trash compaction and other service functions, shall be incorporated into the overall design of the building and landscaping.

Section 10-5. Consolidated Parcels

For the purpose of integrated development, any number of contiguous parcels may be consolidated and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements, and permitted uses, provided:

- A. The owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking and loading.
- B. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading, landscaping and common areas, etc.
- C. The Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in accordance with access management policies and plans.

Article 11: Technology Campus Zone (TCZ)

Section 11-1. Purpose

The purpose of the Technology Campus Zone (TCZ) is to position Tolland to benefit from economic activities anticipated at the planned University of Connecticut Technology Park. This zone allows uses that support or complement the Technology Park in a manner that fits with Tolland's character and is consistent with the Plan of Conservation and Development.

New development in the TCZ should:

- A. Emulate a campus form with multiple buildings sharing parking and other amenities and buildings generally facing internal drives and roads.
- B. Result in a minimal number of driveways on Merrow Road through access management and the use of shared driveways and parking areas.
- C. Encourage property owners to coordinate development.
- D. Protect important natural resources, especially surface and groundwater.
- E. Promote sustainable design, high performance buildings and "green" technology.
- F. Provide pedestrian connections and pathways within and between properties.
- G. Promote economic development that complements the UCONN Technology Park and technology corridor.
- H. Protect air quality, water quality, and the overall character of Merrow Road and neighboring areas.

Section 11-2. Uses

A. Existing Uses and Structures

1. Existing uses or structures in the TCZ that are conforming as of June 30, 2013 shall be considered conforming uses and structures after June 30, 2013 and may have extensions, alterations or changes provided no other zoning regulations are violated.
2. Changes in use or modifications to existing structure(s) shall be subject to Section 3-8.
3. If the Commission determines, pursuant to Section 3-8, that a Site Plan or Special Permit review is required for a proposed change in use or modification of a building it shall be in accordance with Article 20 of these regulations.

B. Site Plan Uses

The following uses require Site Plan approval:

1. General or professional office.
2. Medical, dental or optical office or laboratory.
3. Laboratory engaged in research, experimental or testing activities.
4. Educational, scientific or research activities.
5. Technology-dependent or computer-based facilities dedicated to the processing of data or analysis of information.
6. A combination of the above uses with a total of less than 5,000 square feet in gross floor area.

C. Special Permit Uses

The following uses require a Special Permit:

1. General or professional office greater than 5,000 square feet in gross floor area.
2. Medical office greater than 5,000 square feet in gross floor area.
3. Laboratory engaged in research, experimental or testing activities greater than 5,000 square feet in gross floor area.
4. Educational, scientific or research activities greater than 5,000 square feet in gross floor area.
5. Technology-dependent or computer-based facility dedicated to the processing of data or analysis of information greater than 5,000 square feet in gross floor area.
6. Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological or behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human or animal nutrition.
7. Training or conference center.
8. Public or private utility structure or substation.
9. Hotel.
10. Bed and breakfast establishment not to exceed eight (8) bedrooms for paying guests.
11. Personal service establishment in a structure that existed as of January 31, 2018 and was last used primarily as a residence as of January 31, 2018, provided:

- a. Such existing structure shall not be required to comply with dimensional requirements contained in Section 11-4.
 - b. Any addition to or expansion of an existing structure to accommodate the personal service establishment shall not exceed 10 percent of the total gross floor area existing as of January 31, 2018 and such addition or expansion shall comply with all dimensional requirements in Section 11-4.
 - c. Parking may be allowed in the front yard if the Commission determines that the visual impact is minimal or such impact is less than if the parking is located elsewhere on the lot.
 - d. A portion of the structure may continue as a residential use. However, any residential portion which is converted to a business use may not revert back to a residential use.
12. Licensed medical marijuana production facility.
13. Pre-development site grading

D. Accessory Uses

- 1. The following accessory uses are allowed with a Zoning Permit.
 - e. Building for the storage of tools, lawn or garden equipment or other supplies that does not exceed 400 square feet in gross floor area.
 - f. Cafeteria, fitness center, training or conference center, child day care center or other convenience service located entirely within the principal building, intended solely for the occupants of the principal building and with no evidence of the conduct of the accessory use from the street or any lot line.
 - g. Outdoor recreation facility intended for the occupants of the principal building.
- 2. The following accessory uses require a Special Permit:
 - a. Restaurant, coffee shop, retail / food servicing establishment, or brewpub with a maximum gross floor area of 3,500 square feet.
 - b. Child day care center not located within the principal building.
 - c. Store or shop for the conduct of retail or personal service business with a maximum gross floor area of 3,500 square feet.
 - d. Bank or financial institution.
 - e. Building for the storage of tools, lawn and garden equipment or other supplies that are greater than 400 square feet in gross floor area.

3. Accessory uses are subject to the following:
 - a. Accessory uses shall comply with size and setback standards for principal uses.
 - b. Accessory uses which require a Special Permit shall not cumulatively exceed more than 25% of the total square feet of gross floor area on the parcel.
 - c. Accessory uses shall utilize the access curb cut serving the principal use and shall not have separate curb cuts solely serving the accessory use unless required for emergency purposes.
 - d. Accessory uses shall be connected to the principal use with sidewalks or pathways.
 - e. Drive-through services are prohibited.

Section 11-3. Special Permit Standards

In addition to the standards for approval for Special Permits contained in Section 20-8, the Commission shall consider the following:

- A. Site layout, placement and height of buildings, landscaping or retention of existing vegetation to mitigate visual impacts as viewed from Merrow Road and Rhodes Road.
- B. Curb cuts along Merrow Road that are the minimum necessary to provide adequate access to the site.
- C. Site layout emulates a campus style setting to the degree feasible with shared amenities, shared parking and interconnections using sidewalks or pathways.

Section 11-4. Requirements

A. Dimensional Requirements

1. Minimum lot area: 5 (five) acres. Lot area may be reduced to 2 (two) acres by Special Permit provided a plan showing the potential for integrated development with proposed and potential building sites and multi-modal connectivity has been approved.
2. Minimum lot frontage: 200 feet. Frontage of two or more lots which share a single driveway entrance and single driveway exit to a public street may be computed as a single frontage.
3. Minimum front yard setback: 50 feet. The setback for frontage along a public road built after the effective date of these regulations and along private roads may be reduced if the applicant demonstrates a lesser setback better accomplishes the purpose of this zone.

4. Minimum rear yard setback: 35 feet. The Commission may reduce this if rear yard wholly abuts property located in the TCZ.
5. Minimum side yard setback: 35 feet. The Commission may reduce this if side yard wholly abuts property located in the TCZ.
6. Maximum building height: two and a half (2.5) stories or 38 feet, whichever is greater. Three (3) stories may be approved under the following conditions:
 - a. The building's visibility from Merrow Road and from adjacent residential zones is sufficiently buffered by vegetation or topography so that it is no more visible than a two story building and,
 - b. The building is set back a minimum of 300 feet from the property line along Merrow Road.
7. Maximum lot coverage: 50. The Commission may approve up to 60% impervious coverage in instances when special attention has been given to utilizing landscape areas for low impact development stormwater treatment and/or green roof technology.

B. Buffers

1. The development of the site shall conserve as much of the existing vegetation as possible. Vegetation in setback areas may be removed only as part of an approved Special Permit and Site Plan.
2. Driveway access points shall be landscaped and buffered from view from residential zones as much as possible while maintaining safe sight lines.

C. Access and Circulation

1. Access management will be required on all sites, in order to reduce the number of driveway cuts onto adjacent roads and mitigate the deterioration of traffic flow generally caused by driveways on public roads. Access management techniques will include shared driveways (or provisions for future shared driveways for the first site in the area) or interconnected driveways.
2. Use shared parking with abutting properties wherever feasible.
3. Provide safe, convenient pedestrian circulation, which also provides access to off-site sidewalks, trails, parks and other public places.

D. Parking

1. Parking requirements shall be in accordance with the provisions of Section 19-1.
2. Parking areas shall not be located within the front yard setback.

3. Locate large parking areas at the side or rear of building where practical with landscaping designed to create visual assets.

E. Other Requirements

1. All businesses shall conform to the environmental and performance standards in Section 19-7 of these regulations.
2. High performance water systems and fixtures designed to eliminate unnecessary use, including outside use of water shall be utilized, including grey water systems.
3. Uses shall be located entirely within enclosed structures, except for approved outdoor recreation areas and docking areas necessary for receipt of supply deliveries.
4. Stormwater management shall comply with goals and standards in the Tolland Low Impact Development Design Manual.

Article 12: Commercial/Industrial Zone A & B (CIZ-A, CIZ-B)

Section 12-1. Purpose

The purpose of the Commercial / Industrial Zones is to provide for larger scale and more intense commercial and light industrial uses.

Section 12-2. Uses

A. Permitted Uses

The followings principal uses are permitted, if legally existing on or before August 1, 2000:

1. Single-family dwelling.
2. Private nonprofit club.

B. Site Plan Uses

The following principal uses with a gross floor area of 30,000 square feet or less require Site Plan approval in CIZ A and B:

1. Research or development laboratory.
2. Office for business, medical or professional use.
3. Manufacturing, converting, altering, finishing, fabricating, assembling or other handling of products.
4. Wholesaling, warehousing or storage use.
5. Printing, lithography, photocopy or similar graphic arts services, or publishing.
6. Art or music center, dance studio, museum or other cultural activity.
7. Transportation facility (taxi headquarters, bus or train depot, etc.).
8. Utilities: public or private utility substation, office or plant.
9. Retail or personal service business, excluding drive-through service.
10. Retail food / serving establishment.
11. Bank or financial institution, excluding drive-through service.
12. Expansion or modification of private non-profit club.
13. Bed and breakfast establishment not to exceed eight (8) bedrooms for paying guests.

C. Special Permit Uses

The following uses require a Special Permit in CIZ-A and CIZ-B:

1. All permitted Site Plan uses with a gross floor area greater than 30,000 square feet.
2. Bank or financial institution including drive-through service provided that such facility is in accordance with Section 16-5 of these Regulations.
3. Retail/food service establishment excluding drive-through service.
4. Amusement, arcade or game room.
5. Contract construction services.
6. Motor vehicle or motor vehicle trailer sales or rental.
7. Motor vehicle repair, subject to the requirements of Section 16-2.
8. Gasoline service station, subject to the requirements of Section 16-2.
9. Recreational or sporting facility (tennis, bowling, etc.).
10. Restaurant, with or without liquor sales, excluding drive-through service, and including the expansion of an existing restaurant by more than 20% of the gross floor area.
11. Retail on-site dry cleaning or laundromat on public sewer.
12. Car wash on public sewer.
13. Roadside stand, regional.
14. Distribution center.
15. Vocational or trade school.
16. Self-storage facility.
17. Excavation or removal of earth products; filling operations in accordance with Section 16-1.
18. Day-care center or group day-care home for children or adults, provided that no play equipment shall be located in any required setback areas unless approved by four concurring votes of the Commission.
19. Solar array as a principal use.
20. Licensed medical marijuana production facility.
21. Pre-development site grading.
22. Licensed Medical Marijuana Dispensary.

D. Special Permit Uses in CIZ-A Only

1. Brewpub, micro-brewery, micro-distillery, or micro-winery.
2. Brewery, distillery, or winery.
3. Special needs school for children or adults age 21 or younger, including a playground.
4. Vocational rehabilitation.

E. Special Permit Uses in CIZ-B Only

1. Mixed use of residential and commercial (the above-listed Site Plan or Special Permit uses). Residential use may not exceed 25% of the gross floor area.

F. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 12-3. Requirements

A. Dimensional Requirements

1. Minimum lot area: one (1) acre.
2. Minimum lot frontage: 150 feet. If the lot is sharing access with an adjacent lot, this requirement may be reduced to no less than 100 feet, by four concurring votes of the Commission.
3. Minimum front yard setback: 50 feet. This requirement may be reduced to no less than 25 feet, by four (4) concurring votes of the Commission per Section 12-3.B.
4. Minimum rear yard setback: 35 feet. This requirement may be reduced to no less than 25 feet, by four concurring votes of the Commission per Section 12-3.B.
5. Minimum side yard setback: 25 feet. This requirement may be reduced to no less than 15 feet, by four (4) concurring votes of the Commission, per Section 12-3.B. Required side yard setback may be eliminated if the parcels that share that side property line share a single joint entrance and single joint exit to a public street or share parking facilities, do not contain a residential use, and provide permanent vehicular access to the rear of all such lots.
6. Maximum lot coverage: 60%.
7. Minimum building floor area: 1,000 square feet.
8. Minimum distance from residential zones. All buildings, structures and uses shall be located at least 75 feet from the boundary line of any residential zone, unless reduced by

the Commission due to existing or proposed evergreen buffer or other circumstances. Screening and landscaping of the setback area shall be required by the Commission.

B. Reductions in Dimensional Requirements

Reductions in dimensional requirements will be considered by the Commission only in special instances when the development pattern will do at least one (1) of the following:

1. Provide pathway connections and promote walkability within the area.
2. Improve overall compatibility of the site to surrounding or connecting property.
3. Give special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and other site amenities.

C. Other Requirements

1. All uses shall conform to the environmental and performance standards of Section 19-7 and lighting standards in Section 19-4.
2. Waste or scrap materials, debris, discarded or used materials, nonregistered or non-operable motor vehicles or parts or other unsightly material shall be stored within a structure at least six (6) feet in height, which does not extend into any required yard, or shall be screened in accordance with the provisions of Section 19-3.
3. All manufacturing, research and development, display and storage activities shall be conducted within fully enclosed buildings, unless screened in accordance with Section 19-3.
4. No parking shall be permitted in the required front yard.
5. All front yard areas shall be suitably landscaped.

Section 12-4. Special Permit Standards

In addition to the standards for approval for Special Permits contained in Section 20-8, the Commission shall consider the impact on water quality for development in the CIZ-A.

Article 13: Tolland Business Park Zone (TBP)

Section 13-1. Purpose

The purpose of the Tolland Business Park is to provide for light industry, offices and other suitable uses that allow for flexible site development while retaining the natural site features and encouraging sound and aesthetically pleasing commercial and industrial development.

Section 13-2. Uses

A. Site Plan Approval

The following uses require Site Plan approval:

1. Research or development laboratories provided that all research and related activities shall be carried on within fully enclosed buildings, except for off-street parking or loading facilities.
2. Offices for business or professional use, provided that all activities, except for off-street parking or loading facilities, shall be conducted within fully enclosed buildings.
3. Manufacturing, converting, altering, finishing, fabricating, assembling or other handling of products, provided that all such activities shall be conducted within fully enclosed buildings. Storage of material or products shall be fully screened and meet required setbacks for a principal structure.
4. Wholesaling, warehousing or storage uses, provided that all materials or products, whether being stored on a long-term or temporary basis, shall be kept within fully enclosed buildings.
5. Printing, lithography, photocopy or similar graphic arts services; publishing.
6. Medical, dental or optical laboratory.
7. Utilities: public or private utility substation, office, plant, etc.

B. Special Permit Uses

The following uses require a Special Permit:

1. Contractor establishment, including storage of materials, supplies and equipment.
2. Communications: commercial radio or television headquarters or studio.
3. Repairs or restoration of heavy equipment or machines.

4. Indoor recreational facility for athletic uses that can include such accessory uses as child day-care or food services oriented for the users and occupants of the facility.
Supplemental outdoor athletic fields with a total area less than the building size are allowed.
5. Brewpub, micro-brewery, micro-distillery, or micro-winery.
6. Brewery, distillery, or winery.
7. Solar array as a principal use.
8. Religious institution.
9. Licensed medical marijuana production facility.
10. Pre-development site grading.

C. Accessory Uses

Customary accessory uses shall be subject to the provisions of Article 17.

Section 13-3. Requirements

A. Dimensional Requirements

1. Minimum lot area: two (2) acres.
2. Minimum lot frontage: 200 feet as measured on the road boundary line or 200 feet as measured on the required building line. The frontage may be reduced to no less than 50 feet by four (4) concurring votes of the Commission, due to special site characteristics, access requirements or to promote suitable site development.
3. Minimum front yard setback: 50 feet. This requirement may be reduced to no less than 25 feet, by four (4) concurring votes of the Commission, per Section 13-3.B.
4. Minimum rear yard setback: 50 feet. This requirement may be reduced to no less than 25 feet, by four (4) concurring votes of the Commission, per Section 13-3.B.
5. Minimum side yard setback: 50 feet. This requirement may be reduced to no less than 25 feet, by four concurring votes of the Commission, per Section 13-3.B.
6. Minimum building size: 5,000 square feet.
7. Maximum impervious lot coverage: 50%.

B. Reductions in Dimensional Requirements

Reductions in dimensional requirements will be considered by the Commission only in special instances when the development pattern will do at least one (1) of the following:

1. Provide pathway connections and promote walkability within the area.
2. Improve overall compatibility of the site to surrounding or connecting property.
3. Give special attention to one or more of the following: landscaping, building orientation, New England style architecture, linkages to abutting properties and other site amenities.

C. Buffer Requirements

Minimum landscaped buffer around building: 10 feet not including walkways to building entrances and loading dock areas, unless waived by a majority vote of members present due to site or building characteristics or public safety concerns.

Section 13-4. Special Permit Standards

In addition to the criteria for approval of Special Permits and Site Plans as specified in Article 20, the Commission shall consider the following in reviewing applications in the TBP Zone:

- A. Impact on the water quality.
- B. Architectural quality of the proposal, including how the buildings complement each other and overall characteristics of the neighborhood.
- C. How the project fits into and complements the natural environment, including how the plans take advantage of site topography and environmental features, with a minimum of disturbance.

Section 13-5. Architectural Plans

A. Preliminary Architectural Plans

The application will be directed to the Design Advisory Board on an informal basis to discuss building design concepts prior to the formulation of final plans.

B. Final Architectural Plans

Final architectural plans shall be submitted as part of the application for Site Plan and Special Permit approvals and shall contain the following information:

1. Building elevations (all sides).
2. Floor plans.
3. Exterior materials list, including colors and textures (brand names and samples when possible).
4. Fenestration.
5. Exterior finishes.

Article 14: Aquifer Protection Overlay Zone (AP)

Section 14-1. Purpose

In the interest of public health, safety and general welfare, the purpose of this regulation is to preserve the quality and quantity of Tolland's groundwater resources. The designation of an aquifer protection zone and careful regulation of development activities within this zone can reduce the potential for groundwater contamination.

Section 14-2. Mapping and Zone Boundary Disputes

A. Mapping

The map included with these regulations shows the Coarse-grained Stratified Drift Aquifer and is based upon the location of coarse deposits, stacked coarse deposits, stacked coarse over fine deposits, stacked fine over coarse deposits and alluvial deposits over sand and gravel as mapped by the "GIS Data Guide, Surficial Materials; USGS and Conn. Geological and Natural History Survey (DEP); 1995".

Tolland Water System aquifer wellfield is the preliminary mapping from the "GIS Data Guide, Aquifer Protection Areas; Conn. DEP, Water Management and DEP Environmental and Geographic Information Center; August 2004" and shows the area of groundwater contribution to the wellhead.

B. Zone Boundary Dispute

In the event that any individual disputes the designation of any parcel as inclusive or exclusive of being an Aquifer Protection Zone and so petitions the Commission by submitting an application for a Zoning Map Amendment, the burden of proof shall rest with said petitioner. In meeting this burden, a finding by a certified soil scientist, surficial geologist, glacial geologist, soil engineer or geological engineer as to the existence or lack of existence of stratified drift shall be mandatory.

Section 14-3. Permitted and Prohibited Uses

A. Permitted Uses

All uses permitted under these regulations for a given zone shall be permitted within the Aquifer Protection Zone, with the exception of the prohibited uses listed in B, below.

B. Prohibited Uses

1. Filling station, motor vehicle repair shop, auto body shop or public garage.
2. Any use involving the storage or loading of road salt.

3. Any use involving the overland transmission of oil, gasoline or hazardous material through pipelines.
4. Dry cleaning, dyeing or laundry operation that utilize organic cleaning solvents.
5. Junkyard or salvage operation.
6. Photographic chemical processing.
7. Printing shop involving the uses of hazardous materials.
8. Beauty shop.
9. Furniture stripping.
10. Car wash operation.
11. Laboratory utilizing hazardous materials.
12. Garden center or nursery.
13. Any other commercial or industrial use involving the use, disposal, treatment or bulk storage of hazardous materials or contaminants including herbicides, pesticides, fertilizers or hazardous waste in its operation.
14. The Commission shall, through the Special Permit or Site Plan process, identify any storage facility, use, procedure or chemical that may not be used or stored on a site within the Aquifer Protection Zone due to the potential for contamination.

C. Special Permit Uses

1. Nonconforming uses existing at the time of adoption of these regulations may alter or modify the nonconforming use with Special Permit approval provided:
 - a. Best management practices shall be utilized to reduce the potential of spills, leaks or other releases that pose a threat to the groundwater resources.
 - b. Procedures shall be established that will offset any impacts of the modification of nonconforming uses by the removal of other potential pollution sources within the AP Zone.
 - c. The nonconforming use shall not be expanded.
2. Prohibited uses noted above may be permitted by Special Permit if these uses are to be served by public sewer, provided the sewer connection eliminates the potential for contamination of the aquifer.
3. For Special Permit uses, certification shall be provided by a professional engineer, hydrologist or other professional approved by the Commission that such alteration or

modification will improve water resource protection and will not pose a threat to drinking water supply.

Section 14-4. Special Requirements

The following special requirements apply to permitted uses within an AP zone where applicable:

- A. All elements of site development shall achieve a goal of infiltrating 100% of the post-development runoff volume back into the soil using low impact development systems. Rain gardens, bioretention in parking islands, vegetated swales or level spreaders, underground infiltration systems, permeable pavement or grass pavers shall be employed as appropriate to the individual site and its anticipated use.
- B. The depth of sand and gravel excavation pits shall be determined by the Commission as set forth in these regulations; proposed or anticipated use shall be of major consideration in the establishment of a protective separation from the site's high-water table.
- C. For any building lot or principal structure created or constructed after January 1, 2018, discharge to on-site sewage disposal systems in any zone shall not exceed an amount equivalent to the discharge from one (1) three-bedroom, single-family dwelling per acre. This subsection shall not apply to structures served by public sewer.
- D. Agricultural operations which do not employ best management practices as recommended by the National Resources Conservation Service and/or Farm Services Agency and/or the Cooperative Extension Service for the application of manure, fertilizer or pesticides shall be prohibited.
- E. Any new or enlarged manure storage sites shall be subject to the review and approval of the Connecticut Department of Environmental Protection.
- F. Commercial or industrial petroleum products shall be stored in double-hulled steel or fiberglass tanks encased in a concrete vault, in accordance with Section 22a-449(d) of the General Statutes.
- G. All residential and domestic fuel tanks shall be above ground.
- H. Unused wells shall be abandoned in accordance with Sections 25-128-56 & 57 of the Public Health Code and performed by a registered well drilling contractor with notification of the Health District.
- I. Disposal of septage in lagoons shall be prohibited.

Article 15: Floodplain/Stream Belt Zone (FPSB)

Section 15-1. Purpose

The purpose of the Floodplain/Stream Belt Zone is to protect the floodplain limits in an effort to reduce the danger to health, safety and welfare by protecting the public and property from the damage and destruction associated with flooding and to preserve the important ecological and hydrological functions of these areas. Within the FPSB Zone, no building or structure shall be built and no land shall be used, excavated or filled except in conformance with these regulations.

Section 15-2. Zone Designated

The area of the floodplain zone shall be that area between the floodplain line and the Willimantic River, as shown on the official Zoning Map and as further shown on maps titled "Willimantic River Channel Encroachment Lines", dated May 1971, located in Map Volume 11 Pages 28 to 34 in the Town Clerk's office. In the vicinity of said floodplain line is a channel encroachment line which is described in the document referenced above. Notwithstanding the provisions of this Article, all uses or activities to be conducted between the channel encroachment line and the Willimantic River shall be further subject to the regulations of the state Department of Energy and Environmental Protection.

Section 15-3. Uses

A. Permitted Uses

The following uses are permitted:

1. Agriculture, nurseries, forestry or forest management, including barns or other structures associated with bona fide agricultural operations, excluding sawmills or other major processing facilities.
2. Conservation of soil, water, water vegetation, fish or other wildlife.
3. Outdoor recreation, including free play area, nature study, riding trails, water-related activities or similar uses.
4. Roadside stand.

B. Special Permit Uses

The following uses require a Special Permit:

1. Public or private open-type recreational use, including golf, tennis, customary field sports or similar uses as determined by the Commission.

2. Excavation and/or removal of earth products; filling operations in accordance with Section 16-1.
3. Parking area accessory to the above uses.
4. Roadside stand, regional.

Section 15-4. Special Permit Standards

Special permits may be approved, provided that, in addition to the standards contained in Section 20-8, the Commission also finds that the proposal shall not:

- A. Interfere with the natural flow of the water nor alter the water-holding capacity of the area.
- B. Be designed, constructed or used in such a manner so as to create a safety or health hazard to anyone using the facilities or to downstream owners.
- C. Be detrimental in any way to the rivers, streams, brooks and marshes and their tributaries nor adversely affect, pollute, reduce the capacity of or otherwise impair any water aquifer or its recharge areas.
- D. Have a substantial adverse effect on the environment, as determined by the Commission.

Article 16: Special Provisions

Section 16-1. Excavation, Filling or Removal of Earth Products

A. Purpose

1. Regulate the conditions and operations of excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss or any other earth products.
2. Prevent conditions detrimental to the public health, safety and general welfare, including but not limited to erosion, creation of dangerous open pits, stagnant water bodies, nuisances or permanent damage to the landscape.
3. Conserve and preserve water storage areas, the value of adjoining and surrounding properties and the land itself for future useful purposes.
4. Assure continuity of operation at a given location until a deposit is fully utilized in conformance with this Section.
5. Minimize or eliminate any deleterious effects on adjacent or nearby land uses and prevent the emergence of any blighting influences.

B. Special Permit Required

1. The excavation, filling or removal of earth products shall be subject to Special Permit approval in accordance with Article 20 and any other review and approval which may be required by these regulations and, in addition, the conditions, standards and requirements set forth in this Section.
2. A Special Permit shall be required for any excavation operations within any designated flood hazard area, floodplain or wetland area or within any designated open space area or within 100 feet of the high-water line of any natural watercourse, pond, marsh or similar wetland.
3. Any activity subject to the exceptions in C, below, shall require a Special Permit if the operation includes the operation of disposing of said earth products after removal or the operation of obtaining said earth products prior to filling in.
4. No gravel, stone, sand or other earth products may be processed on the premises, such processing requiring stone crushers or other machinery not needed for actual excavation operations, except with the permission of the Commission or except for the continuation of preexisting processing operations carried on as permitted nonconforming uses.

C. Exceptions

1. The following shall not require a Special Permit, except in accordance with B.3, above:
 - a. Excavation operations within the actual highway rights-of-way held by either the town or the state or as shown on subdivision map or a Site Plan approved by the Commission. The proposed excavation shall be accepted by the Town Engineer as being the minimum depth of excavation necessary to accomplish the proposed project.
 - b. Excavation operations within a premise as approved by the appropriate town official as a result of bona fide construction operations, such as building erection, for which operation a permit has been issued. The proposed excavation shall be certified by the town as being the minimum depth of excavation necessary to accomplish the proposed project.
 - c. Excavation operations within a premises as a result of bona fide landscaping, agricultural or construction operation, for which operation no permit is required from the town, as approved by the ZEO or appropriate town official.
2. The maximum period for these approved operations shall be one (1) year, renewable at the discretion of the Commission, provided that all work shall have been done in a satisfactory manner and essentially as shown on the approved plan.
3. The owner of any premises or rights-of-way falling within the provisions of these approved operations from or into which any earth products have been removed or filled shall cause such earth products to be stabilized no later than 30 days after excavation or filling has taken place on the exposed areas. Such areas shall be graded to a slope not to exceed three to one (3:1). Slopes may be steeper in areas of exposed ledge if the Commission determines that the slopes would be stable and not be a safety hazard. The area shall be covered with at least four (4) inches of suitable topsoil and seeded with a cover crop acceptable to the Commission. During non-growing seasons, all cleared areas shall be mulched with hay or some other suitable material until such time as ground cover can be established. The Commission may require additional erosion control measures depending on site conditions.

D. Special Permit Standards

In addition to the standards for approval for Special Permits contained in Section 20-8, the following standards are minimum requirements for excavation operations and the Commission may require additional or stricter provisions for particular excavation operations based on the criteria set forth in in Sections E and F:

1. Appropriate depth of any excavation shall be determined by the Commission, based on the site's topographic features as they relate to the roadways, watercourses and abutting properties.
2. Site standards.
 - a. There shall be no minimum or maximum site size for permitted excavation operations, except that the Commission may establish a maximum and/or minimum site size for a specific proposed site based on the standards and evaluation criteria set forth in this Section, the extent of the excavation operations proposed and the future usefulness of the premises when the operation is completed.
 - b. In the TPB, CIZ, GDD & NCZ, all excavation operations shall be located a minimum of 100 feet from any property line. In RDD & FP/SB all excavation operations shall be located a minimum of 400 feet from any property line unless such boundary coincides with a TPB, CIZ, GDD & NCZ boundary, in which case the buffers shall be 100 feet. Due to unusual or unforeseen circumstances, the distance requirement may be increased at the discretion of the Commission. The buffer shall be planted with hardy evergreen trees unless the Commission determines that the existing vegetation can be supplemented with evergreens or will provide an adequate buffer as it stands. The setback requirements shall not be applicable to vehicle access routes.
 - c. All vehicular access to any excavation operations shall minimize danger to traffic and nuisance to surrounding properties and the general neighborhood.
 - d. All access shall be surfaced with a properly bound pavement so as to provide a durable and dustless surface for a minimum distance of 500 feet from any public road.
 - e. All access to any excavation operations shall be barred by an appropriate fence and/or gate not less than six (6) feet in height, except as may otherwise be permitted by the Commission.
3. Buildings and structures.
 - a. No structures shall be erected on the premises except as may be permitted by the Commission and subject to any conditions set forth by the Commission.
 - b. Permitted structures shall be located a minimum of 400 feet from any property line.
 - c. The structures shall be properly maintained and shall conform to all applicable town codes and ordinances.

- d. Any structure that has not been used for a period of one (1) continuous year shall be removed from the premises by the owner, and all structures shall be dismantled and removed from the premises by the owner not later than 60 days after termination of the excavation operations or expiration of the Special Permit.
 - e. No fixed machinery or equipment shall be permitted, erected or maintained on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted on the premises, except as may be permitted by the Commission and subject to any conditions set forth by the Commission.
 - f. Permitted fixed equipment and machinery shall be located a minimum of 400 feet from any property line.
 - g. Permitted equipment and machinery, whether fixed or not, shall be properly maintained and stored and shall be dismantled and removed from the premises by the owner not later than 60 days after termination of the excavation operations or expiration of the Special Permit.
4. Operating standards.
- a. Safety.
 - 1) Proper safety measures, for within the premises and for the surrounding area, shall be clearly set forth and strictly adhered to at all times to protect the health, welfare and safety of all individuals and property.
 - 2) All operations shall be conducted in a safe manner to prevent hazards to persons, physical damage to adjacent land or improvements and damage to any road or property because of slides, sinking or collapse.
 - b. Hours of operation.
 - 1) Operating hours for excavation activities shall be restricted to weekdays, between 7:00 a.m. and 6:00 p.m., except as may otherwise be limited by the Commission.
 - 2) Associated vehicles and equipment may be serviced on Saturdays between 9:00 a.m. and 5:00 p.m.
 - 3) Blasting, may take place between the hours of 8:00 a.m. and 5:00 p.m., provided any required permits have been obtained.
 - c. Major holidays. Excavation operations may not occur on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

- d. Equipment and machinery. All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke, dust, unsightly conditions and any other nuisance.
- e. Dust and wind erosion. All storage areas, yards, access roads, service roads or other untreated open areas within the premises shall be improved, as approved by the Commission, with proper landscaping, paving or other appropriate materials to minimize dust, other windblown air pollutants or wind erosion. Erosion controls shall be in accordance with Article 4 of these regulations.
- f. Drainage and water erosion. The applicant shall provide proper drainage on the premises, as approved by the Commission, at all stages during and after completion of the excavation operations to prevent the collection and stagnation of water, interference with or disturbance of the flow, banks or bed of any river or stream, the erosion of the premises or adjoining properties or any other harmful effects to adjoining properties or the future use of the premises.
- g. Natural watercourses or drainage areas. No natural watercourse or drainage area shall be altered unless approved by the Commission, subject to any conditions set forth by the Commission. No waste products or process residues from any excavation operations shall be disposed of in any river, stream, pond, lake, marsh or other natural water or drainage area. Particular concern and precaution shall be taken in the case of natural water and drainage areas regarding filtration, sedimentation, stabilization and grading.
- h. Lateral support. Adequate provisions, as approved by the Commission, shall be provided for the lateral support and stabilization of all banks and slopes. No bank, upon completion of the operation, shall exceed a slope of one (1) foot of vertical rise in three (3) feet of horizontal distance. Slopes may be steeper in areas of exposed ledge if the Commission determines that the slopes would be stable and not be a safety hazard.
- i. Stockpiling and overburden.
 - 1) All overburden shall be stockpiled in windrows or concentrated piles and stabilized (and appropriately covered if necessary) in a manner acceptable to the Commission so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other windblown air pollutants.
 - 2) There shall be no stockpiling of materials within 400 feet of any property line.

- j. Topsoil preservation. Topsoil shall be removed from any area where excavation is to take place. A sufficient quantity of material shall be kept on the site to cover the disturbed area with at least four (4) inches of soil suitable to support vegetation. Required erosion control measures for the storage piles shall be determined by the Commission.
- k. Loaming and seeding.
 - 1) No later than 30 days after the excavation in any area or section has been completed or after the Special Permit for the area has expired, the exposed areas shall be graded to a slope not to exceed three to one (3:1). Slopes may be steeper in areas of exposed ledge if the Commission determines that the slopes would be stable and not be a safety hazard. The area shall be covered with at least four (4) inches of suitable topsoil and seeded with a cover crop acceptable to the Commission.
 - 2) During non-growing seasons, all cleared areas shall be mulched with hay or some other suitable material until such time as ground cover can be established.
 - 3) The Commission may require additional erosion control measures depending on site conditions.
 - 4) Exposed boulders and ledge outcrops, etc., need not be loamed, seeded or mulched.
- l. Screening and landscaping.
 - 1) The Commission may require excavation premises and/or operations to be properly screened from adjoining properties or public streets, roads and highways because of the location, size, extent or intensity of the operations, particularly in the case of any permitted structures, buildings or fixed equipment and machinery.
 - 2) A number of benchmarks showing existing elevations within one (1) foot shall be established in the vicinity of the excavation. The benchmarks may be located on trees, structures or at other stable locations. The benchmarks shall be shown on the plans, identified on the site and shall be located so as to show a clear relationship between the elevation of the benchmarks and the depth/height of excavation or filling operations.
 - 3) Existing trees and ground cover located within the required setback areas for excavation operations shall be preserved, maintained and supplemented by selective cutting, transplanting and the addition of new trees, shrubs and other ground cover for the depth of the setback areas.

- m. Curbs sidewalks and roads. It shall be the responsibility of the operator of the excavation operations to repair immediately any damage to any public roads, sidewalks, curbs, surface drains or other utilities that may be caused as a direct result of the excavation operations, including the hauling of materials and equipment.

E. Application Requirements

Every application for a Special Permit for excavation operations shall be made on a form and in accordance with procedures established by the Commission. In addition to items required for a Special Permit and Site Plan, the following shall be submitted or depicted on the Site Plan:

1. All plans shall be prepared by and bear the seal and signature of a land surveyor licensed to practice in the State of Connecticut. The accuracy of the information on the plans shall conform to the Class A-2 requirements of the Regulations of Connecticut State Agencies.
2. Contours shall be based on United States Geological Survey (USGS) NAVD '88 datum (or any later standard adopted by the USGS to replace NAVD '88). The datum and the location and the identification of the source benchmark are to be indicated.
3. A 200-foot scale map of the general area shall show:
 - a. Topography and contours of all land within 500 feet of the boundaries of the premises shall also be shown, with the contour interval being 10 feet, which may be taken from the best available resource maps and documents and shall be referenced in the plan.
 - b. Existing land use(s) on the premises and within 500 feet of the boundaries of the premises.
 - c. All natural watercourses and drainage areas, including wetlands, flood hazard and channel encroachment areas within 500 feet of the boundaries of the premises. Such off-site features may be taken from the best available resource maps and documents and shall be referenced on the plan.
 - d. All public and private roads that provide access to the premises.
 - e. All existing utilities on the premises.
4. A 40-foot scale map shall include:
 - a. The entire boundary and acreage of the premises.
 - b. The number of cubic yards of earth products to be involved in the excavation operations, differentiating between fill and removal.

- c. All information shown on the 200-foot scale map as it relates to the premises.
 - d. Proposed contours and finished grades, at two (2) foot contour intervals, at the completion of the excavation operations and for any interim stages.
 - e. Acres of active operation and stockpiling, differentiating between removed topsoil stockpiling and stockpiling of other materials.
 - f. Means of vehicular access to the premises.
 - g. Average thickness of overburden in the area proposed for any excavation operations.
 - h. Any staging of active areas of excavation operations.
 - i. Location of proposed buildings, structures, fixed equipment and machinery.
 - j. Such additional information as the Commission deems necessary.
5. The Commission may require the applicant to provide additional information in sufficient detail to enable it to clearly evaluate the proposed excavation operations in terms of the criteria and standards set forth in this Section.
 6. In addition, the Commission may require the review and advisory report of other agencies and officials, particularly when natural water areas or drainage basins may be involved in the excavation operations.
 7. A performance guarantee and guarantee for improvements, as set by the Commission, in accordance with the provisions set forth in Section 20-9.F.
 8. A legal document, acceptable to the Commission, shall be submitted by the applicant protecting the town from any lawsuits resulting from any noncompliance on the part of the applicant with the conditions of the Special Permit for the excavation operations.

F. Evaluation for Special Permit Approval

The Commission shall evaluate each application for a Special Permit for excavation operations with, at a minimum, the following criteria:

1. Appropriateness of location. The compatibility of the proposed excavation operations with property values, noise levels, traffic, odor, dust, general appearance and surrounding development, both existing and proposed.
2. Safety. Accessibility for emergency vehicles and equipment, potential for increased fire or traffic hazards and potential for damage to town roads, bridges or other public facilities.
3. Historic and conservation sites and scenic landmarks. Potential for destroying or defacing Historic and Conservation Sites (see Section 1-2.B), and scenic landmarks or otherwise

being detrimental to a neighborhood or altering a neighborhood's essential characteristics.

4. The Commission shall consider each such operation in terms of the criteria set forth above and shall determine whether such operations conform to the standards in these regulations. Failure of the operations to properly satisfy the criteria and standards of these regulations shall be sufficient reason for the Commission to deny the Special Permit.

G. Annual Map

Every Special Permit for excavation operations shall require the applicant to submit an annual map and fee to the Commission on or before the annual anniversary of the date of issuance of the Special Permit. Such annual map shall be a Site Plan that:

1. Indicates the proposed areas of active operation during the ensuing year and the areas of active operation during the preceding years.
2. Shows any changes, proposed or otherwise, in buildings, structures and fixed equipment and machinery.
3. Conforms to the requirements for Section E.4 except as such requirements may be waived by the Commission's agent, based on the uniqueness of the project.
4. Forms the basis on which the Commission or its appointed agent shall make annual inspections to determine the operation's compliance with this Section.

H. Expiration of Permit

1. Any Special Permit for excavation operations shall expire and become null and void on its annual anniversary date upon the failure of the applicant to file the required annual Site Plan map within the prescribed time period.
2. In addition, any Special Permit for excavation operations shall expire and become null and void at the time the excavation operations shall be completed to the limits shown on the approved application and Site Plan map.

I. Change or Extension of Special Permit

Nothing herein shall prevent the applicant from filing a revised Site Plan map modifying, expanding or reducing the scope and area of the excavation operations originally approved by the Commission, except that any such expansion of the operations beyond the limits approved by the Commission shall be considered a new application and shall require complete conformance with all the requirements of this Section.

J. Compliance with Special Permit

1. The ZEO shall be authorized to enforce the provisions of this Section and any conditions connected with any such Special Permit.
2. All excavation operations shall comply with the standards and conditions set forth in the Special Permit as approved by the Commission. If it is determined that any of the provisions of the approval were not carried out, the applicant shall be notified immediately, in writing. If the situation is not corrected within 30 days from the date of the letter, the Special Permit shall become null and void. The excavation operation shall not be resumed until a new application, with conforming plans, has been approved by the Commission.
3. The ZEO, after inspection of the premises, may permit minor deviations from the approved application and Site Plan map during the operation of the excavation operations which may be necessary to allow normal operation of field equipment and machinery, provided that such minor deviations shall not affect in any way the final results, grading, contours and the like of the premises as shown on the approved application and Site Plan map.
4. Penalties for violation. Whosoever violates these requirements by operating without the required Special Permit shall be subject to a fine as provided for in Section 8-12 of the General Statutes.

Section 16-2. Motor Vehicle Repair and Gasoline Service Stations

A. Approval Required

Motor vehicle limited and general repair shall be subject to a certificate of approval from the Zoning Board of Appeals and Special Permit approval.

B. Standards

Any such use shall meet the following requirements:

1. No building on a lot or premises used for motor vehicle limited or general repair shall be located within 50 feet of any existing off-site building.
2. Signs shall conform to Section 19-2. No pennants, banners, flags or streamers shall be permitted on a lot or structure.
3. Premises used for motor vehicle limited or general repair or gasoline service shall be screened from any adjacent residential property and residential zone by a suitable opaque fence, finished side facing the residential property (which shall bear no

advertising), or planting screen not less than six (6) feet in height and providing year-round screening.

4. Areas for the parking and storage of operable motor vehicles, including customer and employee vehicles and vehicles for rent or sale, shall be surfaced with an asphaltic, bituminous or concrete pavement and shall be so graded and drained as to dispose of all surface water accumulation on the premises. All water-disposal methods to be used shall require prior approval by the Town Engineer and shall be provided with the state-approved grease/gas/oil interceptor.
5. Storage of motor vehicle parts or any motor vehicle which is both inoperable and unregistered shall not be permitted in an unscreened area.
6. Lighting used to illuminate any area of the premises shall conform with the lighting regulations in Section 19-4.
7. Products shall not be displayed in the required front yard or required side yard, except that:
 - a. Automobile products such as lubricating oil customarily sold for retail as part of the operation of the service station may be displayed on the pump islands.
 - b. Coin-operating dispensing machines for soft drinks, milk, ice and the like may be located in the front yard or side yard, if such machines are situated immediately adjacent to the principal building on the lot and there shall be a maximum of two (2) such machines per frontage.
8. Trash or storage areas shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
9. Motor vehicle limited or general repair, when part of, or accessory to, a motor vehicle or gasoline service station and gasoline service stations shall also abide by the following conditions.
 - a. A minimum distance of 50 feet shall be provided between any two (2) curb cuts used for entrances and/or exits to the station.
 - b. A minimum distance of 25 feet shall be provided between any curb cut used for an entrance or exit to the station and the nearest side lot line of the lot on which said station is located.
 - c. A landscaped area at least 10 feet in width shall be provided between the pump island area(s) and the front lot line for the full length of the frontage(s), excluding the

area required for the station entrances and/or exit curb cuts and 15 feet in width at side lot lines.

- d. Canopies shall be permitted over gas pumps not to exceed 3,500 square feet in size and no side to exceed 100 feet.

Section 16-3. Commercial Campgrounds

A. Standards

1. Minimum lot area: 40 contiguous acres.
2. Buffer zone: minimum 100 foot buffer zone around the perimeter of the campground. The Commission may require a wider buffer zone based on the location and size of the campground.
3. Sanitary facilities. Sanitary facilities for the proposed campground shall be subject to approval by the Town Engineer and the town and state health officials and be laid out in accordance with the General Statutes. Facilities for garbage collection and refuse disposal shall be the responsibility of the owners of the campground. All garbage and refuse shall be placed and kept in refuse containers in designated areas and screened from public view. A minimum of one (1) approved dumpster shall be located at each campsite and shall be collected, emptied and returned each day by the owner or operator of the campground.
4. Lavatory facilities shall be in compliance with all local and state health and building codes.
5. Campsite and use requirements.
 - a. The minimum square footage for each campsite shall be 1,600 square feet, with each site measuring at least 40 feet by 40 feet. There shall not be more than a total of two (2) campsites per acre in the total campground.
 - b. A minimum of 75% of the total campground area shall be provided and maintained for recreational areas, services, facilities and roads.
 - c. Camping shall be permitted only on established campsites.
 - d. The maximum number of campsites shall be determined by the Commission.
 - e. An overflow field may be provided for use during the daylight hours only, when campers are in the process of leaving while others are arriving.
 - f. No campsite shall be inhabited for more than six (6) months in a calendar year.

6. Roads.

- a. All roads in the camping area shall be considered private and remain solely the responsibility of the owner of the camping area.
- b. To easily accommodate camping vehicles, the entrance road shall be two (2) way, have a minimum right-of-way width of 50 feet, and have a minimum road width of 30 feet.
- c. Sufficient visibility shall be provided at the junction of entrance and exit roads with a town or state road to permit safe entrance and exit and maneuvering of the camping vehicles.

B. Annual License Required

The commercial campground shall operate on a one (1) year renewable license, subject to approval by the Commission. The license fee shall be established by ordinance. The license shall be renewed only upon a satisfactory re-inspection of the campground by the Commission or its designated representative. Upon renewal, the campground owners shall submit a current official report certifying the drinking water to be safe.

Section 16-4. Golf Course

A. Standards

1. Dimensional, parking and access requirements.
 - a. Minimum lot area: 40 acres.
 - b. Minimum frontage: 200 feet.
 - c. Minimum setbacks for all structures: 200 feet from all property lines.
 - d. Minimum buffer: A 25 foot buffer area of trees along all property lines bordering residential uses. If sufficient existing buffer does not exist, the Commission may require a dense evergreen buffer of trees at least five (5) feet high.
2. Other requirements.
 - a. Golf courses shall be designed by a golf course architect, registered with a nationally recognized organization.
 - b. A minimum of eight (8) parking spaces shall be provided for each golf course hole.
 - c. A comprehensive drainage study shall be prepared by a licensed professional engineer. Storm water treatment systems must be in accordance with the Low Impact Development Design Manual for the Town of Tolland.

- d. A comprehensive water use management plan shall be prepared by a qualified environmental consultant and include:
 - 1) An integrated pest management system endorsed by the United States Environmental Protection Agency with application times of fertilizers, pesticides and herbicides.
 - 2) Schedule for testing of groundwater and location of groundwater monitoring wells.
 - 3) Chemical concentrations allowed by the Connecticut Department of Energy and Environmental Protection and procedures followed if these concentrations are exceeded.

B. Special Permit Standards

In addition to the standards contained in Section 20-8, the Commission shall also consider:

1. Impact of noise, traffic, odors and general appearance on existing neighborhoods.
2. Impact on the environment, historic areas or scenic landmarks.
3. Emergency vehicle access.

C. Accessory Uses

1. The following accessory uses require a Special Permit:
 - a. Clubhouse with locker rooms.
 - b. Pro-shop limited to accessory retail golf items.
 - c. Snack bar not to exceed 1,000 square feet.
 - d. Maintenance, operational and storage buildings.
2. The following accessory use is allowed with a Zoning Permit:
 - a. One freestanding sign not to exceed nine (9) square feet.

Section 16-5. Drive-through Service

A. Summary Table

	Retail or personal service business	Bank or financial institution	Restaurant	Retail food / serving establishment	Pharmacy
Tolland Village Area (TVA)	Not allowed	Not allowed	Not allowed	Special Permit*	Special Permit
Neighborhood Commercial Zones (NCZ-G and NCZ-T)	Not allowed	Special Permit	Not allowed	Not allowed	Not allowed
Community Commercial Zone (CCZ)	Not allowed	Special Permit	Not allowed	Not allowed	Not allowed
Gateway Design District (GDD)	Not allowed	Special Permit	Special Permit	Not allowed	Special Permit
Commercial/Industrial Zone A & B (CIZ-A, CIZ-B)	Not allowed	Special Permit	Not allowed	Not allowed	Not allowed

*Limited to restaurants that exist at their current location as of the date of adoption (October 19, 2020).

B. Standards

Drive-through service may be permitted in locations pursuant to these regulations provided the location is consistent with standards contained in Section 20-8 and is designed to minimize impact on the walkable nature of the area.

1. Traffic and Circulation. Drive-through facilities shall meet the following standards and requirements:
 - a. Any food-related use proposing a drive-through facility shall, unless modified by the Commission, have the primary access onto a state road.
 - b. A traffic study shall be required describing peak hours of operations, volume of customers per hour, stacking lane length needed for anticipated volume of drive-through vehicles, turning movements, roadway capacity and level of service of nearby streets.
 - c. The size of stacking lanes shall be adequate to allow for safe movement of vehicles with a minimum length of 20 feet and width of 10 feet in straight areas and 12 feet along curved segments of the stacking lane.

- d. Drive-through lanes shall be clearly defined by pavement markings and directional signage.
- e. Queue space shall not interfere with:
 - 1) The safe use of the required parking spaces and their required drives.
 - 2) Interior pedestrian and other circulation.
 - 3) The accessway from any public street.
- 2. Building and Site Design. Drive-through facilities shall meet the following standards and requirements:
 - a. To the extent required by the Commission, the drive-through window(s) and stacking lanes shall be buffered from view from public streets using landscaping, decorative fencing or other attractive screening.
 - b. The stacking lanes shall be effectively separated from the parking and pedestrian areas through the use of curbing, raised islands or landscape improvements.
 - c. Connectivity. Standalone parking areas in conjunction with facilities having drive-through service shall not be permitted, unless vehicular and pedestrian connectivity is provided to adjacent properties and proposed or existing pathways.
 - d. Drive-through facilities, including windows and other related facilities shall be architecturally compatible with the building and the existing or planned streetscape.
 - e. Outdoor loudspeakers for any drive-through window shall not produce noise level greater than 50 dB at the closest property line, nearest building of a separate use or a public sidewalk off-site.
 - f. Any drive-through service menu board (order intercom) shall be located at least 300 feet from any adjacent residential structure.
 - g. To limit damage to buildings in the vicinity of drive-through facilities, at least 10 feet of clear height shall be provided for the drive-through lane and bollards shall be located adjacent to drive-through windows to prevent damage to the building from vehicles.
 - h. In the Gateway Design District, unless modified by the Commission, any food-related use proposing a drive-through facility shall be part of an integrated development or consolidated parcel sharing access and parking and where the total gross floor area of all proposed food-related uses with drive-through service is less than 10% of the gross floor area of all buildings on the parcel.

- i. A program for policing and eliminating outdoor litter must be submitted.
- j. The Commission may approve modifications to Sections 16-5.B2.a, 2.b, and 2.c by four (4) concurring votes in special instances when this will improve overall compatibility of the site to surrounding and/or connecting property and with special attention to one (1) or more of the following criteria:
 - 1) Landscaping or orientation of building.
 - 2) Drive-through service or circulation areas.
 - 3) Architecture.
 - 4) Non-motorized linkages to other properties.
 - 5) Other site amenities.

Section 16-6. Assisted Living Facility

A. Purpose

The purpose of this regulation is to permit the development of a managed residential community having support services that encourage residents primarily age 55 years or older to maintain a maximum level of independence.

B. Permitted Uses

- 1. Permitted uses shall be for-profit assisted living, as well as accessory uses that are intended and designed for the maintenance and/or operation of the assisted living facility and/or the use of its residents.
- 2. Incidental retail, community or entertainment uses within the facility are allowed, provided these uses are primarily to serve the needs of the residents of the facility. There shall be no external advertising or signs related to any internal retail use.
- 3. When the assisted living facility is located in a commercial zone, medical services located within the facility may also be offered to the general public, provided that the medical services are in integral part of assisted living community and serve the residents thereof.

C. Bulk Requirements

- 1. Maximum size of an assisted living facility shall be 85,000 square feet gross floor area.
- 2. Building height is limited to the height limitations in the underlying zone.
- 3. Maximum number of units within a facility is 100.

D. Buffers/Screening

1. The Commission may require a buffer area around all sides of the development except the street frontage if the development is in or abuts a residential zone.
2. Buffers shall be in accordance with Section 19-3, Landscape Requirements.

Section 16-7. Brewery, Distillery, and Winery

A. Multiple Products Allowed

An alcohol, beer or wine producing facility may produce more than one type of product. In such cases, the annual production limit shall apply to all products combined. For example, a combination micro-distillery / winery may produce a total of 6,000 barrels per year, not 12,000.

B. Standards

In addition to the standards contained in Section 20-8, the approval of breweries, distilleries and wineries (including micro) are subject to the following standards:

1. The Commission may set restrictions on entertainment to mitigate potential noise impacts to surrounding properties. Limitations may include, but are not limited to, time of day, limitations on outdoor entertainment, and restrictions on the use of amplified equipment.
2. The Commission may set permissible hours of operation, taking into consideration the nature of adjacent land uses.
3. Based on the size of the facility and the building layout, the Commission shall be satisfied that the retail component and tasting room(s) are accessory to the manufacturing component.
4. Prior to receiving building and zoning permits, the applicant shall demonstrate compliance with applicable State and Federal regulations.

Section 16-8. Home Occupation

A. Purpose

These regulations are intended to:

1. Ensure the home occupation is clearly secondary to the use of the building for dwelling purposes.
2. Ensure the size, architecture and compatibility of home occupations with other residential uses.

3. Maintain and preserve the residential character of the dwelling and the residential character of the neighborhood.
4. Guarantee to all residents freedom from excessive noise, excessive traffic, nuisances, fire hazards, offensive odors and pollutants, and other possible effects of commercial uses being conducted in residential areas.

B. Permits Required

1. Minor home occupations are permitted in all zones and dwellings by right through the issuance of Zoning Permit by ZEO.
2. Major home occupations are allowed by Special Permit in the RDD only.

C. General Regulations

1. Business shall be conducted by the inhabitants of the principal dwelling.
2. A home occupation may conduct retail sales from the principal structure of only those goods produced on the premises. Telephone, mail-order, or on-line sales are permitted provided no customers visit the premises to receive products or for other purposes.
3. A home occupation shall use a safe and suitable access which will not create traffic hazards on town or state roads and will not generate vehicular traffic in greater volume than would normally and reasonably be expected in a residential neighborhood.
4. All parking shall be on-site, including customer and employee parking.
5. A home occupation shall not create objectionable noise, odor, vibrations or unsightly conditions noticeable off the premises.
6. No storage of hazardous materials, other than normal household materials is allowed.
7. To protect water resources in environmentally sensitive areas, no maintenance or washing of vehicles associated with the business shall be performed onsite, unless a best practices plan is approved by the Commission.
8. No vehicle or equipment may be idled for more than three (3) minutes except for maintenance purposes.
9. No gas storage shall be permitted on the site in excess of what is customarily used by a residence.
10. The business owner shall be responsible for waste and recycling disposal in excess of permitted residential volume.

D. Home Occupation, Minor

A minor home occupation has minimal on-site interaction with the public. The business is located within the principal residential dwelling or an accessory building. A minor home occupation shall meet the following requirements:

1. There shall be no more than one and one half (1.5) non-resident full time equivalent employees on the premises.
2. If the minor home occupation is conducted in the principal structure, it shall not occupy more than 25% of the total floor area of the principal dwelling (excluding attached garages) or 500 square feet, whichever is less.
3. If the minor home occupation is conducted in an accessory building, such building or area occupied shall not exceed 500 square feet.
4. Any business-related equipment on the premises shall be stored in an enclosed structure.
5. Not more than one (1) commercial vehicle shall be parked on the site at a given time.
6. The dwelling must retain the character of a single-family dwelling.

E. Home Occupation, Major

A major home occupation may entail some interaction with public on-site, multiple vehicles stored on-site, and additional staff. A major home occupation shall meet the following requirements:

1. The minimum lot area is 10 acres.
2. There shall be no more than three (3) non-resident full time equivalent employees on the premises and six (6) non-resident full time equivalent employees predominantly working off-site.
3. If conducted in the principal structure, the business shall not occupy more than 40% of the total floor area of the principal dwelling excluding attached garages.
4. If the major home occupation is conducted in an accessory building, such building or area occupied shall be no larger than the total floor area of the principal dwelling excluding attached garages. By a majority vote of members present, the Commission may waive this requirement if it finds that the increased size will not have an impact on the residential neighborhood due to one (1) of the following:
 - a. The size and architectural style of the building enhances the residential nature of the surroundings (e.g., a barn style building).
 - b. The structure is located behind the principal structure and not highly visible to neighboring properties.

5. No more than one (1) major home occupation shall be permitted on a parcel.
6. A major home occupation can request use of accessory buildings, provided that there is no appearance of commercial activity, and is subject to Commission approval.
7. Not more than six (6) business vehicles and one (1) commercial vehicle (over 20,000 lbs. gross vehicle weight) may be stored on site.
8. All business vehicles or equipment shall be stored in an enclosed structure or screened from the street and abutting residential property by either:
 - a. Fencing of a type typically used in residential areas such as stockade fencing, not slatted chain-link fencing.
 - b. Evergreen plantings of sufficient height and spacing to establish an adequate screen.

F. Submittal Requirements

1. Unless waived by the ZEO, the following shall be submitted with an application for a minor and major home occupation:
 - a. A detailed statement describing all pertinent aspects of the proposed activity and describing compliance with the requirements of this Section.
 - b. An accurately drawn plot plan depicting property lines, structure locations, access drive(s), existing and proposed parking spaces, screening as required, and any other pertinent features.
 - c. An accurately drawn floor plan depicting the area to be utilized by the home occupation.
 - d. Architectural elevations for any additions being proposed.
 - e. Sign design, if any.
2. In addition, for a major home occupation, all materials required in accordance with Article 20, Special Permits and Site Plans, shall be submitted unless waived by a majority vote of members present.

G. Permit Duration

1. A Zoning Permit for a minor home occupation shall be valid for the duration of the business being conducted by an occupant of the premises.
2. Special Permit approval for major home occupations shall be valid for up to five (5) years and may be renewed by the Commission or its agent.

3. The Commission may revoke any permit for a minor or major home occupation for noncompliance with permit conditions or requirements.

Section 16-9. Livestock and Small Stock

A. General Requirements Based on Property Size

The private keeping of livestock and small stock, for domestic purposes only, shall meet the following criteria:

1. Two (2) or more acres: may keep small stock and livestock.
2. Less than two (2) acres and more than one and one quarter (1.25) acre. May keep small stock, subject to Special Permit approval. In its review, the Commission shall consider the proposed number of small stock, site layout and neighborhood character in determining that all provisions of this Section shall be observed.
3. Less than two (2) acres: The keeping of chickens or other domestic fowl no larger than a chicken is permitted provided the following regulations are met:
 - a. Roosters or guinea fowl are not permitted.
 - b. Limitations on number:
 - 1) There shall be no more than 12 hens / fowl on parcels of less than one acre.
 - 2) There shall be no more than 24 hens / fowl on parcels that are one (1) acre to 1.99 acres.
 - c. The hens / fowl shall be confined to a fenced enclosure. The fenced enclosure shall be a minimum of 40 feet from the front property line and 10 feet from the side and rear property lines.
 - d. The coop shall be a minimum of 75 feet from the front property line and 25 feet from the side and rear property lines.
 - e. A zoning permit is not required for the keeping of hens / fowl. A zoning permit is required for a coop if the coop is greater than 100 square feet in size.

B. Additional Requirements

1. All livestock shall be kept in such a manner that there shall not be undue detrimental impact through noise, smell, vermin or runoff to neighboring properties or watercourses.
2. Manure and clearings shall be confined to an area visually screened from adjacent properties.

3. An appropriate building conforming to safe building standards shall be provided for the keeping of any livestock.
4. All livestock shall be suitably contained on the premises.
5. Any structure used for the keeping of livestock and manure storage area shall be located a minimum distance of 75 feet from any front, side or rear property line.
6. Fenced-in areas intended to keep livestock confined to a small area, such as holding pens and dry lots, shall be located a minimum distance of 75 feet from any front, side or rear property line.
7. There is no minimum yard setback for a fenced-in area that provides livestock the ability to graze or exercise and is able to maintain a vegetative cover. If such an area is unable to maintain a vegetative cover, it shall be located a minimum distance of 75 feet from the front, side or rear property lines.

Section 16-10. Wireless Telecommunication Sites (WTS)

A. Intent

The intent is to regulate the placement, construction and modification of wireless telecommunication services on non-telecommunication structures. More specifically, the placement of antennae, receptors and equipment should be located so as to:

1. Minimize the location of facilities in visually sensitive areas.
2. Utilize creative design measures to camouflage structures.

B. Location Preferences

The locations for siting wireless telecommunication equipment are as follows in order of preference:

1. On or in existing municipal structures such as buildings, water towers and utility poles.
2. On or in other existing structures.
3. On existing or approved towers.

C. Permitted Uses

The following uses which generally pose minimum adverse visual effects shall be permitted subject to Site Plan requirements:

1. Wireless telecommunication sites on nonresidential buildings and shielded from view from all surrounding streets and driveways used by the general public (i.e., within a church steeple).

- a. The method and materials used to shield such sites must be approved by Commission as part of the Site Plan review.
 - b. The maximum height of any rooftop-mounted equipment building or box shall be 15 feet above the highest point of the roof.
2. Wireless telecommunications sites where the antenna is mounted to existing non-wireless telecommunication towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings, provided that the following standards are met:
 - a. No changes are made to the height of such structure.
 - b. No panel antenna shall exceed six (6) feet in height and two feet in width.
 - c. No whip antenna shall exceed 12 feet in height.
 - d. No dish antenna shall exceed three (3) feet in diameter.
 - e. All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Commission as part of the Site Plan review.

D. Submittal Requirements

In addition to other submittal requirements elsewhere in these regulations, the following information may be required by the Town Planner or the Commission:

1. The location of all WTS structures, including antenna locations, equipment sheds or cabinets, the access road and utility easements.
2. Existing structure height and design.
3. A plan showing where and how the proposed antenna will be affixed to the building or structure.
4. Details of all proposed antennas and mounting equipment including size and color.
5. An elevation of all proposed equipment, buildings or cabinets, and fencing.
6. A report from a licensed engineer indicating that the proposed WTS will comply with the emission standards found in this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.
7. Proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed facility is designed to support.
8. Waiver. Any of the foregoing height, size or area requirements may be waived upon four (4) concurring votes of the Commission, provided that the applicant can demonstrate that

any such waiver is consistent with the intent of these regulations expressed in Section 16-10.A.

E. General Requirements

1. All equipment buildings, cabinets and equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.
2. WTS may not be used to exhibit any signage or other advertising except as may be required by other governmental licensing agencies or which may be required for public safety purposes.
3. Antennas or equipment buildings and cabinets mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building or structure.
4. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
5. Applications for wireless telecommunication sites within the flood hazard areas shall comply with the flood hazard regulations.
6. The design of wireless telecommunication sites shall comply with the standards promulgated by the FCC for nonionizing electromagnetic emissions.
7. Generators installed in conjunction with a wireless telecommunication site shall comply with state and local noise regulations.

F. Extensions and Alterations

Where a previously approved facility is proposed to be extended or substantially altered in a manner that in any way changes the character or intensity of the use, such proposed extension or substantial change or alteration will be treated as a new application under this Section.

Section 16-11. Adult-Oriented Establishments

All adult-oriented establishments, as that term is defined in Town of Tolland Ordinance No. 52, as may be amended, shall be subject to the following regulations.

A. Separation Requirements from Other Zones and Uses

1. Such establishments shall be a minimum of 1,000 feet from existing schools, places of worship, public parks and recreation lands, municipal property lines, residentially zoned property and other adult-oriented establishments. Measurements of distances shall be from the property lines of the uses, except in the separation from other adult uses in which case the distance shall be measured from structure to structure.

2. Such adult-oriented establishments shall also be a minimum of 300 feet from a building or commercial establishment where people pay for lodging. No building or commercial establishment where people pay for lodging shall be established within 300 feet from any adult oriented establishment. The distance shall be measured from structure to structure.
3. No residential use shall be established in any building of which any part is used as an adult-oriented establishment.
4. No adult-oriented establishment shall be established in any building of which any part is used for residential purposes.

B. Standards

Such establishments shall be subject to Special Permit approval and Site Plan review by the Commission. In addition to standards for Special Permit and Site Plans, the following specific standards shall apply:

1. No exterior sign shall contain any photographic or artistic representation of specified anatomical areas.
2. All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent property.
3. Stairways, sloping or rising paths and building entrances and exits shall be illuminated.
4. Adequate lighting shall be provided on a site to ensure the safe movement of persons and vehicles.
5. No building may contain more than one adult-oriented establishment.
6. Parking.
 - a. One (1) parking space for every 200 square feet of gross floor area devoted to the adult-oriented establishment shall be provided.
 - b. All adult-oriented establishments shall be provided with off-street parking for all vehicles during typical peak use periods. If the property on which such parking will be permitted is not owned by the business operating the adult-oriented establishment, then evidence, in writing, must be submitted to the Commission indicating the owner's agreement to allow patrons of the adult-oriented establishment access to such off-site parking facilities.

Section 16-12. Alternative Energy

A. Purpose

The purpose of this Section is to promote the safe, efficient and effective use of alternative energy sources while ensuring alternative energy structures are compatible with the surrounding neighborhood.

B. Solar

1. Roof Mounted Solar Array. Roof-mounted solar arrays shall be allowed as permitted accessory use in all zones on principal and accessory structures. A zoning permit is not required, but the array shall meet the following requirements:
 - a. The array shall not exceed the maximum height permitted in the zoning district by more than three (3) feet and shall not extend more than 12 inches above the roofline or parapet of the structure upon which it is mounted, or five (5) feet above a flat roof, whichever is less.
2. Ground-Mounted Solar Array in RDD and VCZ.
 - a. A ground-mounted solar array may be an accessory use and requires a Zoning Permit.
 - b. In the RDD zone, the commission may approve a solar array as a principal use by Special Permit on a lot at least 10 acres in size. The Commission shall consider the impact to single-family residential neighborhoods.
 - c. The array shall not exceed 25 feet in height. Trackers are measured when the array is 60 degrees to horizontal. A total height higher than 25 feet may be permitted by Special Permit.
 - d. The array shall meet the following setbacks:
 - 1) Front Setback: 75 feet.
 - 2) Side Setback: 25 feet.
 - 3) Rear Setback: 25 feet.
 - e. The array shall not be located in the front yard between the principal structure(s) and the front property line except by Special Permit. The Commission shall consider all of the following:
 - 1) Height and visibility relative to the surrounding topography and structures.
 - 2) Impact to the character of the residential neighborhood.

3) Existing or proposed buffers.

3. Ground-Mounted Solar Array in Non-residential zones.

- a. A ground-mounted solar array may be an accessory use and requires a Zoning Permit.
- b. An array may be a principal use by Special Permit in the Tolland Business Park Zone and Commercial / Industrial Zone A and B.
- c. An array shall not be located in the front yard between the principal structures(s) and the front property line, except in the Commercial / Industrial Zones or by Special Permit.
- d. The array shall be located a minimum of 25 feet from side and rear property lines.
- e. The footprint of accessory solar arrays shall not exceed one-half (1/2) of the footprint of the principal structure.
- f. The maximum lot coverage of an array shall not exceed 80%.
- g. There shall be no size limit on solar arrays as a principal use on a site in the Tolland Business Park and Commercial Industrial Zones. However, the maximum lot coverage shall apply.

C. Small Wind Energy Systems – Windmills

Wind energy is an abundant, renewable, and nonpolluting energy resource. It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind energy systems to reduce dependence on non-renewable energy and decrease pollution to the environment. Small wind energy systems require a Special Permit and must meet the following requirements:

1. Setbacks:
 - a. The base of the tower shall be set back from all property lines, public right-of-ways, and public utility lines a distance equal to the total extended height (e.g., if on a roof, roof height plus tower height) plus five (5) feet.
 - b. A tower may be allowed closer to a property line than its total extended height if the abutting property owner grants written permission and the installation poses no interference with public utility lines or public road and rail right-of-ways.
 - c. Guy wires and other support devices shall be setback at least five (5) feet from all property lines, even when a reduction in setback is granted.

2. Tower Height.
 - a. The height is based on the fixed portion of the tower above grade, excluding the wind turbine itself.
 - b. The height above average ground level of the total permanent structure shall not exceed 65 feet on a parcel less than five (5) acres and 100 feet on parcels five (5) acres or more.
 - c. Heights above 100 feet may be allowed by four concurring votes of the Commission if the Commission finds that the increase in height will not cause:
 - 1) A detrimental visual impact to the immediate neighborhood.
 - 2) A detrimental visual impact to scenic areas, conservation areas or historic resources.
 - d. All wind systems shall comply with all applicable Federal Aviation Administration (FAA) requirements, including any necessary approvals for installation close to airports.
3. Noise - Noise produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed 45 dBA for any period of time or shall comply with applicable state standards, whichever are more restrictive. The 45 dBA sound level may be exceeded during short-term events beyond the owner's control such as utility outages or severe wind storms.
4. Appearance, Color and Finish - The turbine and tower shall remain painted or finished in the color that was originally applied by the manufacturer. Bright, luminescent, or neon colors are prohibited.
5. Clearance – The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades.
6. Signage Prohibited – All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, shall be prohibited.
7. Lighting – No illumination of the turbine or tower is allowed unless required by the FAA.
8. Access – To prevent unauthorized climbing, no foot pegs or rungs shall be located on the bottom 12 feet of a freestanding tower. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

9. Requirement for Engineered Drawings – Applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
10. Utility Notification – No small wind energy system shall be installed until evidence has been submitted to the Town that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. Abandonment – If a wind turbine is inoperable for six (6) consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the system to operating condition. If the owner fails to restore the system to operating condition within the time frame, then the owner shall be required, at his or her expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind generator removed at the owner's expense.
12. Special Permit – In granting a Special Permit for a wind system, the Commission shall have the power to impose such additional standards and requirements as it deems necessary to carry out the purpose of these regulations.

Section 16-13. Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery

A. Intent

The intent of these regulations is to support agriculture in Tolland by allowing expanded economic enterprises on farms while ensuring that activities are compatible with residential zones and minimizing potential impacts to nearby residences. The activities and uses permitted in this Section are intended to be accessory to a farm operation.

B. Permitted Uses

In addition to the farming operation, the following uses are permitted on the premises of any farm brewery, cidery, distillery or winery:

1. Tastings, for free or for a fee.
2. Tours.
3. Retail and wholesale sales of the products grown or manufactured on the premises.
4. Retail sales of beer-, cider-, wine- and alcohol- related merchandise, such as glasses, mugs, and items that promote the product or are directly related to the use of the product.

Merchandise unrelated to the products produced on site may be offered for sale provided that the amount offered is clearly subordinate to related merchandise. In general, no more than 25% of merchandise displayed for sale shall be unrelated merchandise.

5. Other uses customary and incidental to a farm.

C. Dimensional Requirements

1. Minimum lot size: 15 acres.
2. All buildings, structures and parking related to the brewery, cidery, distillery, or winery operation shall be located a minimum of 100 feet from all property lines. If the front property line is located on a state route, the Commission may reduce the front yard setback to 50 feet provided it determines such a reduced setback does not impact adjacent residential uses.
3. All refuse areas shall be located a minimum of 100 feet from all property lines.
4. Areas used for outdoor seating and outdoor tastings shall be located at least 200 feet from all property lines.

D. Standards

1. The following requirements for local ingredients shall be met:
 - a. For a farm brewery, a minimum of 20% of ingredients, excluding water, shall either be grown on the site or grown within 60 miles of the premises.
 - b. For a farm winery or farm cidery, the amount of the fruit grown on site shall meet that required by state statutes except that only fruit grown on the premises or on a farm elsewhere in Tolland shall count toward the minimum amount required.
 - c. The Commission shall determine which of the above requirement shall be met for a distillery based upon the type of ingredients distilled.
2. The establishment shall not sell, serve, or offer tastings of alcoholic beverages that were not manufactured on the premises.
3. Unless otherwise restricted by state law, hours open to the public are limited to:
 - a. Sunday, noon to 6 p.m.
 - b. Monday through Wednesday, noon to 8 p.m.
 - c. Thursday through Saturday, noon to 9 p.m.
4. Additional screening may be required for areas used for outdoor tastings or seating in order to reduce disturbances to adjacent residential uses.

5. No more than three (3) food trucks are permitted. On parcels at least two (2) times the minimum lot size, the Commission may allow additional food trucks as part of the Special Permit Process. Establishments may permit visitors to bring food or may serve snacks. The preparation and serving of meals is prohibited, other than by food trucks.
6. To the extent practicable, truck deliveries and pick-ups between 10 p.m. and 6 a.m. should be avoided.
7. There shall be no amplified music or amplified sound.

Section 16-14. Licensed Medical Marijuana Dispensaries or Production Facilities

A. Intent

The purpose of this section is to regulate the location and operation of medical marijuana dispensaries or production facilities. The intent is to minimize any adverse impacts of such facilities and to protect and preserve Tolland's neighborhoods, commercial districts, property values and quality of life.

B. Separation Requirements

Uses identified in this section shall be subject to the following separation restrictions:

1. No licensed medical marijuana dispensary or production facility shall be located closer than 100 feet from any public school or child daycare center, which are in existence as of the effective date of this regulation.
2. No licensed medical marijuana dispensary or production facility shall be located within the same building or structure that is used for residential purposes.
3. All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

C. Additional Requirements

1. Prior to the issuance of a Zoning Permit, the applicant shall provide:
 - a. A copy of a Medical Marijuana Dispensary or Producer License issued under the authority of the Commissioner of the Department of Consumer Protection.
 - b. Proof of conformance to all site and location requirements and personnel limitations contained within the said state granting license.
2. No medical marijuana dispensary or production facility shall operate without a valid, current license.

Section 16-15. Pre-Development Site Grading

A. Purpose

The purpose of these regulations is to allow property owners to prepare their property for future development in the absence of a specific development plan, for a limited duration and only to the degree necessary to prepare the site. In addition, it is the intent to prevent conditions detrimental to the public health, safety and general welfare, including erosion, creation of dangerous open pits, stagnant water bodies, drainage problems, or nuisances.

B. Submittal Requirements

In addition to submittal requirements for a Special Permit and Site Plan, in accordance with Sections 20-8, 20-9 and 20-10, the following shall be submitted:

1. A statement of the purpose for the Special Permit.
2. A Site Plan indicating existing and proposed contours at 2-foot intervals, proposed grades, areas of cut and fill, phasing, and all other information required for a Site Plan and Special Exception.
3. Calculations of the amount of earth materials to be removed in cubic yards and a schedule for such removal.
4. The expected number of daily truck trips and proposed route to and from the site.
5. A landscaping plan that illustrates compliance with these regulations.
6. A description of how the final proposed grading will comply with development standards within the zone (e.g., driveway grades, slopes, etc.)
7. Proposed commencement and completion dates.

C. General Regulations

1. The Commission may require screening measures and may require that such measures be installed prior to a particular phase commencing. The intent of screening is to reduce noise and dust impacts during site preparation and reduce visual impacts of the final graded site, not to screen all activities that will occur during site development.
2. Gravel, stone, sand or other earth products may be processed on the site. As part of its approval, the Commission may set limitations on the days of week and time of day that processing equipment may be operated.
3. The operator shall employ measures to minimize dust.
4. The importation of any materials not for use on the site is prohibited.

5. Storage of construction equipment not being actively used for the excavation or its related construction activity is prohibited.
6. Processing any material that originated off-site is prohibited.
7. After the grading is completed, the premises shall be cleared of debris and equipment.
8. No excavation shall occur within 100 feet of a residential zoning district (RDD or VCZ). The Commission may reduce this distance if grading closer to the property will enable future desired connections to abutting properties (e.g., for road, sidewalk or pathway connections) or if the abutting property is also subject to a Special Permit pursuant to this Section.
9. There shall be no stockpiling or processing of materials within 200 feet of property lines. The Commission may reduce this distance if the applicant can demonstrate that such a reduced distance will not cause noise, dust or visual impacts to abutting land uses.
10. Excavated topsoil shall be stored on the property for re-spreading to a minimum depth of four (4) inches over the disturbed area. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.
11. The activity shall occur at a diligent and constant rate which is not related to market conditions for removed materials.
12. Pursuant to State Statutes, all work in accordance with the Site Plan for grading shall be completed within five (5) years of the date of approval. The applicant may request an extension from the Commission.
13. No unsafe slopes or grades, pits, or depressions shall remain after restoration.

D. Special Permit Standards

In addition to the decision criteria in Section 20-8, in approving the Special Permit, the Commission shall find:

1. The proposed grading is necessary to permit future development on the site.
2. The scope of the grading and related activities shall not exceed that which is reasonably required to achieve the stated purpose for the grading.

E. Performance Guarantees

1. Pursuant to Section 4-6 of these regulations, the Commission may require a performance guarantee for erosion and sediment control measures.

F. Fee

The fee for applications pursuant to this section shall be the fee for "Removal of Earth Products" in addition to other applicable fees including engineering review fees.

Article 17: Accessory Uses and Structures

Section 17-1. General Requirements

A. Establishment of Accessory Structures and Uses

1. Accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory or on a vacant adjacent lot under the same ownership of the lot with the principal use.
2. Accessory buildings, structures and uses shall not be located on a lot without the prior establishment of a permitted principal use except as permitted in Section A.1.
3. No new lot shall be created that has an accessory building, structure or use without a principal use except as permitted in Section A.1.

B. Prohibited Accessory Uses and Structures

1. Overnight parking of a commercial vehicle with a gross vehicle weight of greater than 20,000 pounds is not permitted on any property in the RDD or VCZ zones.
2. Outdoor wood burning furnace.
3. No accessory building or structure shall contain a dwelling unit or be used for residential, living or cooking purposes unless permitted otherwise by these Regulations.

Section 17-2. RDD and VCZ

A. Allowed Without a Permit

The following accessory uses and structures are permitted as of right. Setbacks are not applicable unless otherwise specified.

1. Customary uses and structures: accessory uses and structures customarily and reasonably incidental to residential use including:
 - a. Swing set, child play structure, pergola and similar structures.
 - b. Garden house, dog house, tool house, membrane structure and similar structures provided such structure:
 - 1) Is not for commercial use.
 - 2) Does not house livestock.
 - 3) Is not on footings or a permanent foundation.
 - 4) Does not include electrical wiring or plumbing.

- 5) The size of the structure is no greater than 100 square feet.
2. Underground propane tank.
3. Tennis court, basketball court or other at-grade recreational facility for private use.
4. Deck or patio less than eight (8) inches off ground.
5. Fence or wall no greater than eight (8) feet in height. Where a fence is placed on top of a wall, the height of both combined shall count toward maximum height.
6. Hot tub located on an existing structure or new structure and such structure has obtained any required zoning permits.
7. Temporary use of a dumpster up to 30 days in a calendar year. If the dumpster is for use during a construction project on the premises with a valid building permit, the duration is extended until construction is completed. Such structure shall not impede traffic or sight lines.
8. One (1) temporary portable storage container no greater than 200 square feet or multiple containers totaling no more than 200 square feet cumulatively provided:
 - a. The following time limits are met:
 - 1) For no more than 90 days total per calendar year or 90 consecutive days, or
 - 2) For up to 12 months if related to an approved construction project on the premises and all necessary permits and approvals for the construction project have been issued.
 - b. Such structure shall not impede traffic or sight lines.
 - c. Such structure shall not exceed nine (9) feet in height.
 - d. Only materials in conjunction with the site may be stored in the container.
 - e. Any container not meeting these requirements will be considered similar to a shed and require a permit pursuant to Section 17-2.B.
9. Radio or television reception equipment attached to a structure, including satellite dishes.
10. Keeping of domestic pets including no more than six (6) dogs.
11. Family day care.
12. Off-street parking for the use of the occupants of the premises and their guests, in accordance with Section 19-1, provided that no more than one (1) business vehicle, other than a passenger car, shall be regularly parked on the premises.

13. Private parking or storage of unoccupied boat, trailer or motor home, provided that it shall not create a traffic hazard or nuisance and shall be owned by the owner or renter of the property on which such vehicle is parked.
14. Tag sale, provided that there shall be a maximum of three (3) tag sales on a property in a calendar year with the period of each tag sale not exceeding two (2) consecutive days. All goods and materials displayed for sale in the tag sale shall have been owned by the property owner prior to the sale with no goods and materials brought in specifically for the tag sale.
15. Display of private automobile for sale. No more than one (1) vehicle owned by the resident of the premise may be displayed for sale at any given time for a no more than one (1) month, with a maximum of two (2) vehicles displayed during a one (1) year period.

B. Requires a Zoning Permit

The following accessory uses and structures require a zoning permit and shall meet setback requirements:

1. Customary uses and structures. Shed, tool house, membrane structure, or similar structure that does not house livestock or fowl and exceeds one or more limitation listed in Section 17-2.A above.
2. Private detached garage.
3. Private swimming pool and related structures.
4. Fence or wall greater than eight (8) feet in height.
5. Certain signs, subject to the setback requirements of Section 19-2 and any other requirements in that Section.
6. Hot tub not located on an existing structure or a structure which requires a zoning permit. For example, a hot tub being placed on a new concrete pad would require a zoning permit.
7. Permanent generator or air conditioning equipment.
8. Above ground propane tank.
9. Private amateur radio tower as an accessory use not to exceed 35 feet in height. Towers must be set back a distance equal to the height of the tower or customary accessory structure setback, whichever is greater.

10. Radio or television reception equipment not attached to a structure, including satellite dishes.
11. Temporary use of a dumpster or portable storage container for a period exceeding that in Section 17-2.A. Such structure shall meet required setbacks for an accessory structure unless located on an existing driveway and its placement does not impeded sight lines along the road. Such structure shall meet other requirements of Section 17-2.A.8.
12. Group day-care home.
13. Minor home occupation, pursuant to Section 16-8.
14. Any use not listed in Section 17-2.A, unless the ZEO determines such use is prohibited, requires Commission approval per these regulations, or is similar in nature to a use listed in 17-2.A and therefore the ZEO determines it does not require a Zoning Permit.

C. Setback Requirements

1. Unless otherwise specified in this Section or elsewhere in these regulations, the following minimum setbacks shall apply to accessory structures and uses:

	RDD		VCZ
	Regular Lot	Rear Lot	Regular Lot
Customary Accessory Structure			
Front Setback	75 feet	100 feet	75 feet
Side Setback	25 feet	25 feet	15 feet
Rear Setback	25 feet	25 feet	25 feet
Detached Garage			
Front Setback (Arterial or Collector Road, per Section 5-3.A)	Greater of: 60 feet or distance to front of existing dwelling (but shall not be required to be greater than 75 feet from front lot line).	Greater of: 60 feet or distance to front of existing dwelling (but shall not be required to be greater than 100 feet from front lot line).	Greater of: 60 feet or distance to front of existing dwelling (but shall not be required to be greater than 75 feet from front lot line).
Front Setback (Other Road)	Greater of: 40 feet or distance to front of existing dwelling (but shall not be required to be greater than 75 feet from front lot line).	Greater of: 40 feet or distance to front of existing dwelling (but shall not be required to be greater than 100 feet from front lot line).	Greater of: 40 feet or distance to front of existing dwelling. (but shall not be required to be greater than 100 feet from front lot line).
Side Setback	25 feet	25 feet	15 feet
Rear Setback	25 feet	25 feet	25 feet
Swimming Pool			
Front Setback if located in side or rear yard	75 feet	75 feet	75 feet
Front Setback if located in front yard	200 feet	100 feet	200 feet
Side Setback	25 feet	25 feet	25 feet
Rear Setback	25 feet	25 feet	25 feet

2. Corner lots. For the purposes of determining the setbacks for accessory structures, only one of the front property lines shall be considered a front yard which must meet front

yard setback requirements. The front yard shall be considered the side where the main dwelling entrance is located and the general direction in which the principal building faces. The ZEO shall make the determination of the front yard.

3. Propane tank, air conditioning equipment or permanent generator.
 - a. Setback requirements shall not apply if no component of the tank, air conditioning equipment or generator is located no greater than seven (7) feet from the principal structure.
 - b. For any tank, air conditioning equipment or generator wholly or partially located more than seven (7) feet from the principal structure, the following setbacks shall apply:
 - 1) The front yard requirement shall be 75 feet. It may be reduced to the front yard requirement for a principal structure, provided the tank, equipment or generator shall not be located between the house and the street. For example, a propane tank on an arterial road in the RDD may be located 60 feet from the front property line, rather than 75 feet, provided it is located on the side or rear of the house.
 - 2) The side and rear yard setbacks shall be 25 feet.

D. Size Limitations

The combined footprint of all customary accessory structures other than farm structures shall not exceed the footprint of the principal building. An attached garage shall not be included when calculating the footprint of the principal building unless there is living space above the garage. The Commission may allow an accessory structure to exceed this size limitation by Special Permit if it determines that the design of the structure and its placement on the property minimize visual impact from the public way and from abutting residences.

E. Height

Customary accessory structures shall have a maximum height of 25 feet.

F. Lighting

All exterior lighting in connection with an accessory structure or use shall be located at the minimum height from the ground and the maximum distance from property lines necessary to prevent glare or view of the lighting element from adjacent properties or from a public road. See recommended and acceptable lighting drawings in Appendix E.

Section 17-3. Nonresidential Zones

A. Customary Accessory Uses and Structures

The following accessory uses and structures shall be allowed in all nonresidential zones:

1. Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for with, and included in, the Site Plan application.
2. Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for with, and included in, the Special Permit application.
3. Building mechanical equipment located outside the structure, including radio and television reception equipment, provided that such equipment shall be properly screened. A zoning permit is required if the equipment is ground-mounted (i.e., not on the existing building).
4. Off-street parking and loading subject to Section 19-1. This provision does not apply to parking structures unless permitted otherwise in these regulations.
5. Signs, subject to the setback requirements of Section 19-2 and any other requirements in that Section.
6. Detached accessory structures. Such structures shall require a Zoning Permit. If such structure exceeds 200 square feet, it may require Commission approval pursuant to items 1 and 2, above.
7. Fence or wall no greater than eight (8) feet in height. Where a fence is placed on top of a wall, the height of both combined shall count toward maximum height. Such a fence or wall does not need to meet the required setbacks and does not require a zoning permit.
8. Fence or wall greater than eight (8) feet in height. Such fence or wall shall meet setback requirements for accessory structures and shall require a zoning permit.

B. Tolland Business Park Zone (TBP)

The following accessory uses shall be permitted in the TBP, in addition to those of Section 17-3.A. These uses are allowed as of right and do not require a zoning permit unless otherwise stated:

1. Outside overnight parking of vehicles or equipment, provided that no vehicle or equipment shall be parked within any required yard. The Commission may require appropriate screening such as landscaping or fencing.
2. Clinics or cafeterias, for employees only, when conducted within the principal building.
3. Recreation facilities and day-care facilities, provided that such facility is only for the employees on the site and all such buildings and uses shall be planned as an integral part

of the office building or research laboratory development and located on the same lot with the use to which they are accessory.

4. Assembly hall for meetings incidental to the business of the principal use.
5. Retail sales or service for employees on the site, provided that a maximum of 10% of floor area or 2,500 square feet, whichever is less, is used. If such retail sales or service is open to the general public, then a Special Permit is required.

C. Requirements

1. Customary accessory structures shall be located at least 25 feet from side and rear lot lines and 75 feet from any front property line.
2. Customary accessory structures other than farm structures shall have a combined maximum floor area not greater than the footprint of the principal building on the same lot as such accessory structures.
3. Customary accessory structures shall have a maximum height of 25 feet.

Section 17-4. Farms

The following accessory uses are permitted on a farm (see Article 2 for definition of farm).

A. Allowed without a Permit

1. Keeping of livestock and other farm animals. See Section 16-9.B for additional requirements.
2. Storage of vehicles and equipment accessory to the on-premise agriculture and farming operations.
3. Barn, shed, silo and similar building accessory to a farming operation, less than 200 square feet and not accessible to the public. The structure shall meet accessory structure setbacks for the zone it is located in.

B. Requires a Zoning Permit

1. Barn, shed, silo or similar building accessory to a farming operation greater than 200 square feet or accessible to the public. The structure shall meet accessory structure setbacks for the zone it is located in.
2. Road-side farm stand in RDD only. Setbacks are not applicable.

Section 17-5. Accessory Building Attached to Principal Building

Any accessory building or structure attached or connected to the principal building by a roof shall be considered a part of such principal building and shall abide by the provisions for principal structures for the zone in which it is located. The connecting roof shall be affixed to both the accessory and principal structures and shall be of similar architecture and finish materials as the roof and trim work of the principal structure. Swimming pools are excluded from this provision.

Examples of "Attached"



Examples that are **not** considered “Attached”



Section 17-6. Accessory Dwelling Unit

An accessory dwelling unit is allowed in a single-family dwelling unit or on a single-family residential lot in any zone pursuant to these regulations. Unless specified otherwise, an accessory dwelling unit is allowed with a zoning permit.

A. General Requirements

The following requirements apply to all accessory dwelling units:

1. At least one (1) of the occupants of either dwelling unit shall be the owner of record of said dwellings or heir.
2. The accessory dwelling unit shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).
3. The accessory dwelling unit shall include no more than one (1) bedroom. Bedroom shall be defined by the building or health code, whichever definition is more restrictive.
4. Adequate off-street parking shall be provided.

5. A new driveway curb cut to serve the principal unit or an accessory dwelling unit shall not be permitted.
6. No more than one (1) accessory dwelling unit is allowed per parcel.
7. An accessory dwelling unit shall meet all applicable health, building and safety requirements.
8. An accessory dwelling unit shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
9. Accessory dwelling units shall not be rented for durations of less than 90 days.

B. Accessory Dwelling Unit – Attached or Within

An accessory dwelling unit that is attached to or part of the principal dwelling unit shall meet the following requirements:

1. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.
2. For all other accessory dwelling units that are attached to or within a single-family dwelling, the maximum net floor area of the accessory dwelling unit shall not exceed whichever is lesser:
 - a. 900 square feet, or
 - b. 45% of the floor area of the total principal structure including attached garages and utility rooms but excluding seasonal unheated rooms.
3. A dwelling may be expanded beyond the existing building foundation to accommodate an accessory dwelling unit, provided that the dwelling retains the appearance of a single-family residence. If the proposed expansion is consistent with the single-family neighborhood, this approval may be permitted by staff review; however, the Commission may, at its discretion, review any and all applications.

C. Accessory Dwelling Unit – Existing Detached Structure

An accessory dwelling unit may be located in a detached structure pursuant to the following requirements:

1. The structure was lawfully in existence prior to the effective date of these regulations (April 17, 2017). The applicant shall demonstrate that the structure was legally permitted or is a legally non-conforming structure.

2. The maximum net floor area of the accessory dwelling unit shall not exceed 900 square feet.
3. The structure shall meet applicable setback requirements for an accessory structure.
4. By Special Permit, the Commission may allow an accessory dwelling unit to be located in a detached structure that does not meet the front setback for an accessory structure, provided the detached structure is located no closer to the street than the principal structure.
5. The structure shall not be expanded in order to accommodate the accessory dwelling unit. An expansion includes an increase in the height of the structure or an increase in floor area. An expanded structure shall be considered a newly built detached accessory structure, pursuant to Section D, below.

D. Accessory Dwelling Unit – Newly Built or Expanded Detached Structure

An accessory dwelling unit may be located in an accessory structure built or expanded after the effective date of these regulations (April 17, 2017) pursuant to the following requirements:

1. The lot shall meet the minimum lot size requirements for the zone.
2. The maximum net floor area of the accessory dwelling unit shall not exceed 500 square feet.
3. By Special Permit, the Commission may allow a greater maximum net floor area, but in no instance shall the square footage of the accessory dwelling unit exceed 45 percent of the floor area of the principal structure including attached garages and utility rooms but excluding seasonal unheated rooms.
4. Unless located in a detached garage, the structure shall meet the required side and rear yard setbacks for an accessory structure. The structure shall be located no closer to the front property line than the distance between the front property line and the point of the principal structure's foundation that is furthest from the front property line and in no case closer than 75 feet to the front property line. For example, if the rear wall of a house is 100 feet from the front property line, the detached accessory dwelling unit shall be a minimum of 100 feet from the front property line. If the rear wall is 50 feet from the front property line, the detached accessory dwelling unit shall be a minimum of 75 feet from the front property line.

5. If the accessory dwelling unit will be located in a detached garage, the structure shall comply with applicable setback requirements for a detached garage.

Section 17-7. Excavation Operation

Any accessory use or structure associated with excavation operations in any zone shall abide by the conditions set forth in Section 16-1.

Article 18: Nonconforming Uses, Buildings or Structures

Section 18-1. General

A. Purpose

Within the zoning districts established by these regulations or by amendments that may later be adopted, there exist lots, uses and structures which were lawful at the time these regulations were adopted or amended but which would be prohibited, regulated or restricted under the provisions of these regulations or future amendments. Such lots, uses and structures are declared to be nonconforming. It is the intent to permit these nonconformities to continue until they are removed but not to encourage their survival. It is further the intent of these regulations that nonconformities shall not be enlarged upon, expanded or extended if such a change would increase the nonconformity nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

B. Limitations on Signs

A nonconforming use, a nonconforming structure or a nonconforming use of a structure and land in combination shall not be extended or enlarged by the attachment to a building or land of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

C. Construction Prior to Effective Date

To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 18-2. Limitations and Requirements

A. Non-Conforming Lots

In any district, a principal building and customary accessory buildings may be erected on a lawful lot existing as of the effective date of adoption or amendment of these regulations. This provision shall apply even though such lot fails to meet the lot area and/or lot width requirements or buildable area of the district in which such lot is located, provided that the setbacks and requirements other than

those applying to lot area and/or lot width shall conform to the requirements of the district in which such lot is located.

B. Nonconforming Uses

1. Nonconforming uses are declared by these regulations to be incompatible with permitted uses in the districts involved.
2. Where a lawful use exists at the effective date of adoption or amendment of these regulations, which use is no longer permitted under these regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. Such nonconforming use shall not be enlarged to occupy a greater floor area, a greater bulk or greater area of land than was occupied at the effective date of adoption or amendment of these regulations.
 - b. Such nonconforming use shall not be moved in whole or in part to any portion of the land.
 - c. If such nonconforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the zone in which it is located, and the nonconforming use shall not thereafter be resumed.
3. In all zoning districts, except the RDD, the Commission may grant a Special Permit for a change in one nonconforming use to another nonconforming use. In addition to all of the standards and requirements for Special Permits set forth in Section 20 of these Regulations, the applicant must demonstrate, to the satisfaction of the Commission:
 - a. That the proposed new nonconforming use is consistent with the protection of the public health, safety, and welfare and with the character and the appropriate and orderly development of the neighborhood, adjacent properties, and zoning districts; and,
 - b. That the proposed new nonconforming use will create no greater impact than the previous nonconforming use on the property, the neighborhood, adjacent properties and zoning districts in terms of parking, volumes and types of traffic, property values, hours of operation, exterior appearance of the building, structure or lot, or any other factors that may properly be considered by the Commission.

C. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of these regulations which could not be built under the provisions of these regulations as enacted or amended by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any nonconforming building or structure which does not contain a nonconforming use may have extensions, structural alterations or changes, provided that no other zoning regulations are violated or that the nonconformity is not increased in any manner. Any nonconforming portion of a building may not be increased in height, length or volume.
2. If such nonconforming structure is damaged or destroyed by fire, explosion, act of God or by public enemy, it may be repaired or replaced to an extent which does not increase the nonconformity. Such repair or replacement shall commence within six (6) months after the damage or destruction occurs and shall be completed within 18 months after commencement. If such repair or replacement is not accomplished within such time periods, the structure shall be reconstructed in conformity with the requirements of the zone in which it is located.
3. If such structure is moved for any reason for any distance whatsoever, it shall thereafter conform to the requirements of the zone in which it is located after it is moved.

D. Nonconforming Uses of Structures and Land in Combination

Where a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of these regulations which is no longer permitted under the provisions of these regulations as enacted or amended, such lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any existing structure devoted to such nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered in a manner which increases, except to change the use of the structure to a use permitted in the zone in which it is located.
2. Any nonconforming use of a structure may be extended throughout any part thereof which was manifestly arranged or designed for such use at the time of adoption or amendment of these regulations, but no such use shall be extended to occupy any land outside the structure.

3. Unless otherwise permitted per Section 18-2.B.3, 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 nonconforming use.
4. If such nonconforming use is superseded by a permitted use, it shall thereafter conform to the requirements of the zone in which it is located, and the nonconforming use shall not thereafter be resumed.

E. Repairs and Maintenance

1. Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a nonconforming use, provided that such work does not increase the nonconformity.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 18-3. Uses Under Special Permit Provisions not Nonconforming Uses

Any use which is permitted by Special Permit in a district under the provisions of these regulations shall not be deemed a nonconforming use in such zone.

Article 19: Basic Standards

Section 19-1. Parking, Loading, Driveways and Access Requirements

A. Purpose

1. Provide sufficient parking facilities to meet actual demand off the street and on the same lot as the building they serve for all existing and proposed uses.
2. Allow flexibility in addressing vehicle parking, loading and access issues.
3. Ensure driveways and parking lot layout provide for emergency vehicle access.
4. Present a menu of strategies to solve parking issues rather than parking space requirements.
5. Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air.
6. Ensure that off-street parking, loading and access demands for new development will be met without adversely affecting nearby land uses and surrounding neighborhoods.
7. Provide landscaping in parking areas to improve lot appearance and safety, intercept and manage stormwater runoff and optimize natural infiltration of rainwater.
8. Support and promote safe and convenient pedestrian and bicycle movement in parking lots.

B. Number of Parking Spaces

1. Off-street parking for customers and employees shall be provided and maintained in connection with the use, substantial change in use, construction, conversion, or increase in intensity of use of buildings or structures. Such spaces shall be provided in accordance with the following:

Land Use	Maximum Spaces Allowed	Minimum Spaces Required
Bank	5 per 1,000 sq. ft. FA	2 per 1,000 sq. ft. FA
Commercial Center up to 10,000 sq. ft.	7 per 1,000 sq. ft. FA	3 per 1,000 sq. ft. FA
Free Standing Retail	5 per 1,000 sq. ft. FA	2 per 1,000 sq. ft. FA
General Office Building	5 per 1,000 sq. ft. FA	2 per 1,000 sq. ft. FA
Industrial Plant	8 per 1,000 sq. ft. FA	2 per 1,000 sq. ft. FA
Medical Office Building	10 per 1,000 sq. ft. FA	2 per 1,000 sq. ft. FA
Nursing Home	4 per 1,000 sq. ft. FA	1 per 1,000 sq. ft. FA
Restaurant	14 per 1,000 sq. ft. FA	6 per 1,000 sq. ft. FA
Bed and Breakfast	1.2 per guest room/suite	1 per guest room/suite
Personal Services	3 per 1,000 sq. ft. FA	2 per 1,000 sq. ft. FA
Day Care Center	1 per 3 children at maximum capacity	1 per 8 children at maximum capacity
Place of Worship	1 per 3 seats in portion of building used for services	1 per 5 seats in portion of building used for services
Museum, Library	2 per 1,000 sq. ft. FA	1 per 1,000 sq. ft. FA
Social, Fraternal Club, Organization	4 per 1,000 sq. ft. FA	3 per 1,000 sq. ft. FA
Elementary, Middle, High School	As determined by Commission	1 per 5 seats in auditorium
Hotel, Motel	1.2 per guest room/suite	1 per guest room/suite
Warehouse	No maximum	1 per employee
Home Occupation	As determined by Staff (Minor Home Occupation) or Commission (Major Home Occupation)	
Multi-Family Residence	2.5 per dwelling unit	1 per dwelling unit
Commercial Kennel	3 per 1,000 sq. ft. FA	1 per 1,000 sq. ft. FA
Automotive Sales and/or Rental, including display vehicles	As determined by Commission	
Gymnasium, Physical Fitness Center, Health Spa, Martial Arts Center, Dance Studio	10 per 1,000 sq. ft. FA	2 per 1,000 sq. ft. FA
Indoor Recreation Facility	5 per 1,000 sq. ft. FA	5 per 1,000 sq. ft. FA

FA = Floor Area

Sq. Ft. = Square Feet

- For uses not listed in this Section, the minimum and maximum number of parking spaces required shall be comparable to the closest other similar use as determined by the Commission. If a new use only requires a Zoning Permit, the determination shall be made by the Town Planner.

3. Where two or more different principal or accessory uses are located on the same premises, the parking requirements for the different uses shall be computed separately and cumulatively. This requirement does not apply to existing multi-tenant shopping plazas unless the Town Planner determines that the new use will generate a level of traffic that may exceed the capacity of the existing parking area.
4. When computation of required parking spaces results in a fraction of a car space the required number of spaces shall be increased to the next whole number of spaces.
5. No area shall be credited as a parking space which is in any part credited or used as a loading space or travel way.
6. No required parking space shall be used for the sale, storage, or display of goods.

C. Waivers and Exceptions

It is the intent of these regulations that all structures and land uses have a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties. This Section is intended to set standards for conditions under which a waiver or exception from the general parking requirements may be allowed.

1. The Commission may require the submission of a parking demand analysis as part of a request for a waiver or exception from the general parking requirements.
2. Except for buildings or parts of buildings used or occupied for residential use, all or part of the off-street parking requirements may be waived by a majority vote of members present where the proposed site creates unique parking demand, design or construction.
3. Parking reduction requests. The applicant may submit a request for a reduction to the Commission with justification for the reduction. The Commission will consider and act on this request concurrent with and as part of the full development application process.
4. Parking in excess of the maximum:
 - a. The Commission may approve a parking lot with more spaces than the allowed maximum provided all of the spaces above the maximum number are composed of a pervious surface, such as permeable pavement, concrete or grass pavers and where adequate stormwater management is provided as specified in Section 19-6.
 - b. The Commission may also approve a parking lot with additional impervious parking spaces above the allowed maximum spaces where the use of pervious spaces would not be environmentally sound and where a stormwater management plan in which

the increase in runoff volume for a two-year rainfall event is completely retained on the site utilizing the LID measures in Section 19-6.

5. Shared Parking:

- a. By Special Permit, the Commission may allow up to 25% of the required parking spaces for a use which operates primarily during the evening or on weekends to be counted toward the parking requirements of a use which operates primarily during the daytime or on weekdays, and vice versa.
- b. All of the shared parking spaces shall be located within 500 feet of the main building entrance of the recipient use.
- c. In approving such a Special Permit, the Commission shall find that there shall not be a substantial overlap of peak parking periods for the uses and that legally documented arrangements satisfactory to the Commission have been made to guarantee long-term access to and use of the shared parking spaces by the recipient use.

6. Reserved Parking:

- a. If an applicant can demonstrate that the demand for off-street parking spaces for the proposed use is less than the minimum required, the Commission may agree to the applicant reserving up to 25% of the required spaces for future parking needs.
- b. Such reserved spaces shall be of standard size, shown in dotted lines on the Site Plan and labeled "reserved parking," and shall be limited to natural or grassed areas without trees or buildings thereon.
- c. The Commission may require the future construction of said reserved parking, or a portion thereof, into paved parking within three (3) months of written notice to do so based upon a change in parking demand, a change of use or a change in traffic safety circumstances as determined by the Commission. Such notice shall take into account the time of the year suitable for pavement installation.

D. General Requirements for Non-Residential and Multi-Family Development

Unless other requirements in these regulations apply, the following requirements shall be met:

1. No building or structure to be served by a newly constructed or relocated driveway shall be used or occupied, in whole or in part, until such driveway has been constructed in accordance with the specifications and requirements hereinafter set forth and a permit therefore approved by the ZEO.

2. All parking access, vehicle circulation and loading areas shall be paved with bituminous concrete or a suitable material acceptable to the Commission unless, due to the nature and intensity of the use, such paving requirements may be modified or waived by the Commission by a majority vote of members present.
3. Location and setbacks for parking areas:
 - a. Parking area or portion thereof for multi-family or nonresidential uses, including parking spaces, driveways and access aisles:
 - 1) Shall not be located within the required front yard, except for driveways, directly from the street.
 - 2) Shall not be located within 10 feet of any side or rear property line, except for shared driveways and shared access aisles between adjoining properties. In lieu of the 10 foot requirement, the Commission may approve appropriate screening.
 - b. No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within six (6) feet of any portion of a building other than for garage entrances, loading area aprons or drive-through service. Such six (6) foot clear area shall be used for walkways and planting or other landscaping.
 - c. No parking area which serves a use in a commercial or industrial zone shall be permitted on land in a residential district.
 - d. No parking shall be permitted on landscaped areas or driveways in nonresidential zones.
 - e. No setback shall be required for parking and loading areas if they abut adjacent nonresidential parking and loading areas, with physical and legal provisions for access between the parking and loading areas.
 - f. Large parking areas should be located at the side and rear of building where practical so that buildings maintain a relationship to public and interior-access roadways.
4. Access Requirements:
 - a. The maximum width of driveways, measured at the point of tangency shall not exceed 25 feet for multi-family, commercial, industrial and other non-residential uses.
 - b. No access to such parking area shall be permitted across land in a residential district.
 - c. There shall be no more than one (1) exit and one (1) entrance driveway to a lot unless otherwise approved by the Commission.

- d. Along state highways, frontage roads and consolidated access points to service multiple uses shall be encouraged.
 - e. Site access points shall not be located within 250 feet of a street intersection or within 130 feet of a curb cut on the same side of the road. Distances shall be measured centerline to centerline of pavement. These provisions may be waived or modified by a majority vote of members present to take into account specific site conditions.
 - f. The Commission encourages shared access and the construction of internal links between the parking lot of adjacent properties to promote access management and lessen traffic and congestion on the public street.
- 5. The number, size, designation, location and markings of parking spaces for the handicapped shall be as per General Statutes.
 - 6. Screening shall be provided for parking areas which are adjacent to residential properties or visible from the street. Screening shall be maintained on a year-round basis. Acceptable screening materials shall include one (1) or more of the following:
 - a. Hedges having a minimum height of two (2) feet at the time of planting, depending on species.
 - b. Planted earthen berms.
 - c. Solid fences or walls, if approved by the Commission.
 - 7. Required off-street parking facilities shall be maintained as long as the use or structure exists for which the parking is designed to serve.

E. Parking Lot Design Requirements

- 1. Parking spaces shall meet the following dimensions. The Commission may approve a percentage of parking spaces for smaller compact cars in parking lots not intended for public use.

	Parking Angle			
	0° - 35°	36° - 45°	46° - 60°	61° - 90°
Curb length per stall	23 ft.	13 ft.	10 ft.	9 ft.
Stall depth	9 ft.	18 ft.	19 ft.	18 ft.
Stall width	9 ft.	9 ft.	9 ft.	9 ft.
Access aisle width	13 ft.*	15 ft.*	18 ft.*	24 ft.**

* One-way circulation only

**Two-way circulation only

2. Slopes for parking areas shall not exceed five percent (5%).
3. The number and location of access drives shall be compatible with traffic circulation patterns both within the site and on the abutting street system.
4. Parking lots shall minimize potential conflict points between pedestrians, bicycles, and motor vehicles.
5. A parking lot shall provide sufficient stacking area to allow for two (2) vehicles at the inbound access drives to the site to wait in line to exit onto the street or to enter to circulate in the parking lot.
6. No parking space shall be designed to allow a vehicle to protrude or overhang a sidewalk.
7. Embankment fill for the construction of roads, parking lots, and sidewalks shall be constructed in accordance with the Connecticut Department of Transportation Form 816 (Embankment and Disposal of Surplus Material), as revised.

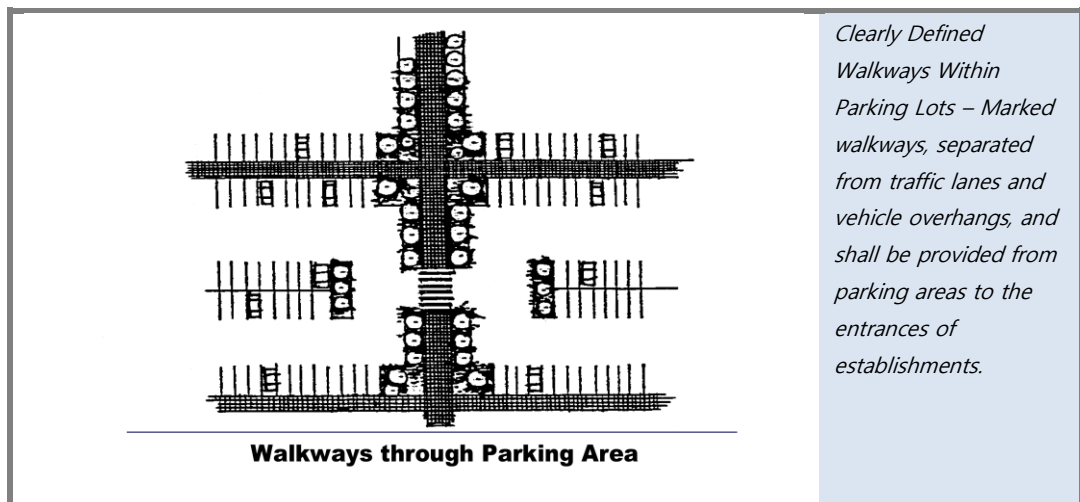
F. Bicycle and Pedestrian Accommodations

It is the intent of these Regulations to promote and support access by bicycle and walking throughout the community. To this end, all parking lots must be designed to provide safe and convenient pedestrian and bicycle access as a part of any parking lot design including safe and convenient pedestrian and bicycle movement to and from public walkways, bikeways, and streets.

1. Pedestrian Design Standards - Once people step out of their cars, they become pedestrians. Clearly defined routes that are well-lit and buffered from vehicle areas help address bicycle and pedestrian needs. Safe, comfortable, and convenient pedestrian facilities encourage walkers to visit more than one place on foot, rather than encouraging

them to drive from place to place. In addition, people will walk through parking lots when they represent a shorter route to desired destinations. Provision for safe and convenient pedestrian access shall be incorporated into landscaping plans for any parking area. This shall be clearly shown on all Site Plans. All walkways shall be constructed to provide for:

- a. Safe separation or delineation of all walkways from motor vehicle traffic through the use of raised sidewalks and/or landscaping between sidewalks and parking spaces and/or driving aisles.
- b. Safe, well-articulated pedestrian crossings demarcated with pavement markings, pedestrian warning signs, and lighting.
- c. A minimum of four (4) feet in width.
- d. Inclusion of plantings, benches and lighting along walkways.
- e. Design, construction and maintenance to accommodate disabled individuals per Americans with Disabilities Act (ADA) requirements where feasible.



2. Bicycle access design standards. Convenient, secure bicycle parking is important in encouraging bicycle use for transportation. When required by the Commission, bicycle parking facilities shall be designed and installed to include:
 - a. Spaces that are a minimum of two (2) feet by six (6) feet per bicycle.
 - b. The minimum number possible of potential conflict points between bicycles and motor vehicles.
 - c. Lighting.

- d. Bicycle rack or bicycle locker.

G. Loading Facilities

1. Unless waived or modified by a majority vote of members present, the following uses shall provide an adequate supply of off-street loading spaces:
 - a. Non-residential use with an aggregate floor area of 10,000 square feet including the expansion of an existing building.
 - b. A change of use when such change would result in a use whose loading requirements would be greater than those of the use it is replacing.
2. Loading spaces shall be located so as to not be visible from any public right-of-way.
3. Access to the loading spaces shall not interfere with the circulation pattern to be used by patrons and tenants of the development.
4. Each off-street loading space shall be not less than 10 feet by 25 feet, exclusive of driveways and aisles. Such spaces shall be unobstructed to a height of 14 feet.
5. Enclosed loading docks are desirable to reduce litter.

H. Parking Lot Stormwater Management

1. It is the intent of these Regulations to require the use of the best management practices (BMPs) associated with low impact development to minimize runoff, remove pollutants, reduce the potential of flooding, and maintain the pre-development hydrology of the site to the maximum extent possible. Specifications are found in the Town of Tolland Design Manual.
2. Stormwater management systems in parking lots shall be designed in accordance with BMPs as described in the most recent version of the Connecticut Stormwater Quality Manual (CTDEP), and in accordance with the erosion and sedimentation control requirements and to meet the following general standards:
 - a. Infiltration of stormwater shall be accommodated to the extent possible through limitation of land disturbance and grade changes, retention of existing natural drainage areas and wetlands and use or creation of vegetated islands, vegetated medians and vegetated perimeter buffer strips.
 - b. All stormwater detention and conveyance structures shall be constructed to control the post-development peak discharge rates from 10, 25 and 100-year storms to the corresponding pre-development peak discharge rates.

- c. Site plans must include information regarding all existing and proposed landscaping and stormwater management structures and features.
- d. Natural drainage patterns shall be maintained to the extent practicable. The applicant must demonstrate through information provided on and in association with the proposed Site Plan, the existing and proposed drainage patterns and calculated flows.
- e. Parking lot drainage shall be designed such that all surface run-off (both piped and overland flow) is conveyed through a vegetated swale, vegetated filter strip, created wetlands, rain gardens, or detention basins with bio-filtration prior to discharge into existing wetlands, streams, ponds or other waterbodies.
- f. The use of native grasses and small-diameter wood-stemmed shrubs is encouraged as plantings for all vegetated swales, vegetated filter strips, created wetlands, rain gardens or detention basins with bio-filtration.
- g. Direct discharge of untreated stormwater to any natural wetland or waterbodies is prohibited.
- h. Stormwater run-off discharged to wetlands must be diffused to non-erosive velocities prior to reaching any natural wetland based on calculations submitted with the application package.
- i. The applicant must demonstrate that any receiving wetlands or waterbodies have sufficient holding capacity, based on calculations submitted with the application package.
- j. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design and maintenance guidelines to be followed shall be in accordance with the most recent version of the Connecticut Stormwater Quality Manual (CTDEEP).

I. Continuing Obligation

The requirement for the provision of off-street parking and loading areas shall be the continuing obligation of the owner of the premises on which any structure or use shall be located as long as such structure or use shall be in existence and its requirements for off-street parking and loading areas continue. It shall be unlawful for any owner of any structure or use affected by these parking Regulations to discontinue, change or dispense with or to cause the discontinuance or change of the required off-street parking and/or loading areas which meet the requirements of and are in compliance with these Regulations.

J. Residential Driveways

Refer to other sections of the Zoning Regulations for additional requirements for commercial, industrial, and multi-family development driveways.

1. Permit Required.
 - a. No building or structure to be served by a newly constructed or relocated driveway shall be used or occupied, in whole or in part, until such driveway has been constructed in accordance with the specifications and requirements hereinafter set forth and a permit therefore approved by the ZEO.
 - b. An application for a driveway permit shall show:
 - 1) The location, width, length and grades of the proposed driveway.
 - 2) The effect which the driveway shall have upon drainage, including calculations of water flow, if requested by the ZEO, to ensure public safety.
 - 3) The materials used in the construction.
 - 4) A soil erosion and sedimentation control plan in accordance with Article 4.
 - c. No certificate of occupancy will be issued for the dwelling until such time as the driveway and apron are constructed in accordance with town standards. In the event that the season or weather prohibits the required driveway construction, including paving, a financial guarantee in lieu of the work may be accepted by the town (see Section 20-9.F). However, under no circumstances shall a certificate of occupancy be issued if it is deemed by the appropriate town staff that safe and reasonable emergency access cannot be attained without the required improvements.
2. General:
 - a. No more than one curb cut shall be allowed for a parcel in the RDD or VCZ zones unless the second curb cut is for agricultural purposes or unless approved by the Commission.
 - b. All driveways shall be of satisfactory construction and have sufficient clearance from vegetation and cut and fill banks to allow safe and reasonable passage for passenger, service and emergency vehicles.
 - c. Driveways shall be of such size, grade and shape to allow at least two (2) cars to be parked beyond the limits of the town or state right-of-way line.
 - d. During construction of any dwelling the driveway shall be installed and maintained in such a manner so as to provide reasonable access to the dwelling by emergency

vehicles. The access may not be blocked by construction-related delivery or service vehicles.

3. Location:

- a. Driveway entrances shall be located as far possible from roadway intersections.
- b. No driveway shall be closer than five (5) feet from a side or rear property line, unless it is a shared driveway.
- c. Driveway access to the area of the lot on which the dwelling is to be constructed shall be at the lot frontage on a public street unless otherwise approved by four (4) concurring votes of the Commission. The purpose is to promote orderly development by limiting contrived lots.

4. Materials: A driveway for a single-family dwelling may be paved, unpaved, or a combination, but shall have a compact non-erosive surface as follows:

- a. Paved driveways and aprons shall have paved surfaces consisting of a minimum of two (2) inches, after compaction, of HMA S0.375 placed on eight (8) inches, after compaction, of granular fill.
- b. For a driveway with a proposed or existing sidewalk crossing, in lieu of granular fill, that portion of the driveway that is located within the town right-of-way shall have eight (8) inches of processed aggregate, after compaction, below the HMA S0.375.
- c. Gravel driveways shall consist of 12 inches of granular fill, after compaction, placed in a minimum of two (2) lifts.

5. Driveway Entrance:

- a. The center line of a driveway entrance shall intersect the street as near to a right angle as is practicable for a distance of at least 25 feet back from the traveled portion of the intersecting street, but the angle of intersection of the center line of the driveway entrance with such street shall not be less than 60 degrees nor more than 120 degrees.
- b. A driveway intersecting a street shall have a minimum sight distance in each direction as specified in the Low Impact Development and Stormwater Management Design Manual.
- c. The driveway apron shall be constructed in accordance with the Low Impact Development and Stormwater Management Design Manual.

- d. If the intersecting street is unpaved and is not planned for pavement within five (5) years as provided in the Town Capital Improvement Program, the apron need not be paved.
 - e. The driveway apron shall be constructed with a minimum lip of one and one half (1.5) inches at the town road gutter line (the channel at the edge of the road for carrying surface water). If a driveway is constructed prior to the placement of the top or surface course of a road to be dedicated to the Town at some future date, the driveway lip shall be increased in height so that after completion of the road construction, a lip of one (1) inch is maintained. The lip requirement may be waived if the Public Works Director determines that due to topography or other factors, storm water from the road will not drain onto the driveway.
 - f. The minimum curb radius at the driveway entrance shall be five (5) feet.
6. Driveway Width:
- a. All driveways shall be at least 10 feet wide.
 - b. The maximum width of the driveway, measured at the point of tangency, shall not exceed 15 feet.
7. Driveway Slope and Side Slope:
- a. Driveway grades within the town right-of-way shall conform to the typical driveway apron as shown in the town's "Standard Details".
 - b. The maximum slope of the first 10 feet of the drive measured from the edge of the town right-of-way onto the property may not exceed five percent (5%).
 - c. The slope of the remainder of the driveway shall not exceed 15% for a paved driveway or 10% for a gravel driveway.
 - d. Driveway side slopes shall not exceed three-to-one (3:1) unless a retaining wall or other suitable stabilizing provisions are utilized.
8. Vehicle Turnaround and Bypass:
- a. All driveways shall have a vehicle turnaround. The turnaround shall be at least 10 feet wide by 20 feet deep.
 - b. All driveways over 200 feet shall include a turnaround area for emergency vehicles. Such turnaround area shall be sufficient for turning around vehicles 40 feet long.
 - c. In addition to the vehicle turnaround area, all driveways over 500 feet long shall include a vehicle bypass area to allow a vehicle to pull off the driveway so that

another vehicle may safely pass. The bypass area shall be a minimum width of 10 feet and a minimum length of 40 feet.

- d. Vehicle turnarounds and bypasses need not be to driveway construction standards but must be generally level and free from ornamental plantings and boulders.

9. Drainage:

- a. Driveways shall be constructed with suitable crown or cross slope to establish sheet flow drainage and avoid the discharge of concentrated runoff into public roads.
- b. All reasonable attempts shall be made to disconnect the impervious area of the driveway from the road. Refer to Section 4.2.a.2 of the Low Impact Development and Stormwater Management Design Manual for techniques.
- c. Culverts, if required, shall be a minimum of 15 inches in diameter.
- d. Privately owned and maintained drainage systems associated with driveway construction shall be utilized to the greatest extent possible.
- e. Whenever a private drainage swale or private detention area is utilized in diverting driveway water from the town right-of-way, the owner of the subject lot(s) shall be responsible for maintaining the swale or detention area and culverts in accordance with the approved design. To ensure proper maintenance, no dwelling certificate of occupancy shall be issued on the subject lot until a deed restriction, approved by the Commission or its agent, is filed on the land records. Said deed restrictions shall clearly note the maintenance responsibility and, subject to proper notification by the town, shall allow the town to undertake any necessary maintenance activity and bill the property owner for expenses.
- f. If the water shunted by such culverts or drainage systems establishes a flow of water onto an adjoining parcel of land, a permanent drainage easement shall be obtained.
- g. If the water shall enter a street culvert system, permission from the town, the Connecticut Department of Transportation and/or property owners' association, whichever is applicable, shall be obtained to use such culvert.

10. Shared driveways shall meet the following requirements:

- a. No more than four (4) dwelling units shall share a driveway, unless otherwise permitted by these Regulations.
- b. The shared portion of the driveway shall be 15 feet in width.

- c. The shared portion of the driveway shall be constructed with eight (8) inches of bank run gravel, five (5) inches of processed gravel and two and a half (2.5) inches of bituminous concrete or equivalent, town-approved surface, unless waived by a majority vote of members present.
- d. Easement Required:
 - 1) The proposed easement for the shared driveway shall be shown on a plan with accurate dimensions.
 - 2) The easement shall be a minimum width of 25 feet.
 - 3) A draft agreement for a shared driveway shall be submitted for staff review. No certificate of occupancy shall be issued until an approved agreement is recorded on the land records. The agreement, at a minimum shall address, the following:
 - (a). A definition of the use of the easement, including the right to pass and repass and to install utilities as necessary.
 - (b). Text of proposed easements including accurate dimensions.
 - (c). Specific standards for the maintenance of all structures located in the easement, including, but not limited to, the travel way.
 - (d). Provisions for allocating responsibility, including formulas for cost allocation, for maintenance, repair and/or reconstruction of the common driveway and any other structures within the easement.
 - (e). A procedure for the resolution of disagreements. The agreement shall clearly state that the town is not a party to the resolution of disagreements.
 - (f). A statement to the effect that the town shall not be required to plow, maintain, assume ownership, or provide school bus service or other service, other than emergency, along the common driveway.
 - (g). A statement that the agreement runs with the land and is binding upon the lot owners and their successors.
 - (h). A statement that the lot owners shall indemnify and hold harmless the town and their duly authorized representatives from all claims, demands, and liability for any and all personal injuries, damages, losses, and expenses, of whatever kind and nature, incurred by any person, arising out of, or in connection with, the performance or execution of services,

including, but not limited to, emergency services, which would require use of the common driveway for access to the lots.

- (i). A statement that no obligation shall be imposed on the town, and that the right-of-way shall remain at all times a common driveway intended for the use and enjoyment of the lot owners and their invitees.
- (j). A provision that authorizes but does not require the town to enforce any and all maintenance, repair, and/or reconstruction requirements against any and/or all owner(s) of the lot(s) served by the common driveway.

Section 19-2. Signs

A. Purpose

The purpose is to allow for an appropriate amount of signage to identify local businesses and destinations while providing standards to preserve the character of Tolland by regulating the size, height, location and lighting of signs to accomplish the following:

- 1. Recognize the need for signs as a major form of communication while encouraging a desirable town character with a minimum of clutter.
- 2. Encourage signs that are well designed and pleasing in appearance with good design relationship, spacing, materials and location.
- 3. Provide a reasonable and comprehensive system of sign controls to ensure the development of a high-quality environment.
- 4. Provide for fair and equal treatment of all sign users.
- 5. Promote public safety by providing that official traffic regulating devices be easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs or signs resembling official traffic signs.

B. Applicability

No sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations and until a sign permit, if required by this Section, has been issued.

C. Prohibited Signs

The following signs are prohibited and subject to immediate abatement by the ZEO.

- 1. A sign placed in the street right-of-way without a permit or approval by the town or state.

2. Sign on utility pole or street tree. Any sign attached to a utility pole is illegal in accordance with General Statutes Section 23-65.
3. Off-site sign advertising a business or commercial enterprise not located on the premises, unless otherwise allowed by these Regulations.
4. Attention getting device such as inflatable "dancer" sign, search lights, flashing lights, or similar device visible from a public street.
5. Sign that imitates in size, color, lettering or design any traffic sign or signal and may confuse or mislead pedestrian or vehicular traffic.
6. Electronic message sign.
7. Flashing, rotating or moving sign including glittery, fluorescent finishes or finishes that imply movement.
8. Feather sign.
9. Any sign not expressly permitted by these Regulations.

D. Signs Permitted In Commercial or Industrial Zones

Unless modified by the Commission by four (4) concurring votes, signs may be displayed in accordance with the following regulations:

1. Identification Signs - Attached

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Wall Sign				
Mounted parallel to façade, extending no more than 16 inches from wall; <u>or</u> ,	1 per each ground floor business with direct outside access	1 sq. ft. per linear ft. of building frontage if single tenant building or unit frontage if multi-tenant building	Staff	Channel Halo Indirect
In lieu of parallel sign, an overhanging sign projecting perpendicular or oblique to building or extending more than 16 inches from wall.			Staff	Indirect
An additional wall sign with both signs of equal size and design, or larger sign oriented to building entrance due to multiple frontages, multiple entrances, or location of parking.	1 per each applicable business	0.5 sq. ft. per linear ft. of secondary building frontage	Staff	Channel Halo Indirect
Roof Sign				
A roof sign in lieu of a wall sign.	1 per business	1 sq. ft. per linear ft. of building frontage if single tenant building or unit frontage in multi-tenant building	Commission	Indirect
Directory Sign				
A wall sign identifying to pedestrians business units within a building.	1 per common entrance	Up to 12 sq. ft. total with up to 1 sq. ft. per tenant nameplate	Staff	Indirect
A wall-mounted directory sign larger than 12 sq. ft. or with any tenant nameplate larger than 1 sq. ft.	1 per common entrance	As approved by Commission	Commission	Indirect

2. Identification Signs - Detached

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Freestanding				
One freestanding sign.	1 per parcel	32 sq. ft.	Commission	Internal Indirect Channel Halo
<p>An second freestanding sign if Commission finds the second sign will promote safer traffic operations and:</p> <ul style="list-style-type: none"> If signs for same parcel, the lot has frontage on and access from two public streets and signs will be similar in design. If off-premise sign, the property owners have entered into an agreement which will be filed on the land records and the sign is for a parcel or business that does not have frontage or access to the road and the sign identifies the access location. 	1	32 sq. ft.	Special Permit	Internal Indirect Channel Halo
Freestanding Low Profile				
<p>In lieu of any other freestanding sign, low profile sign less than 4 feet in height above surrounding grade (including those designed as a stone wall, retaining wall, or other landscape feature), containing the name of the development and the street number provided:</p> <ul style="list-style-type: none"> No business names or logos are displayed. Natural materials that reflect site characteristics are used. Additional plantings are provided. 	1	48 sq. ft.	Commission	Internal Indirect Channel Halo

3. Other Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Business Park Entrance Sign				
For areas designated by the Commission as a business park, sign identifying the park at each major entrance.	1 per major entrance	As approved by Commission	Commission	As approved by Commission
Gasoline Price and Canopy				
Gasoline price sign in addition to or combined with a freestanding sign.	1	32 sq. ft.	Commission	Indirect Internal LED
Gasoline brand or logo located only on the canopy.	1 sign on up to 3 sides	20 sq. ft.	Commission	Indirect Internal Halo Channel
Directional Sign				
On-premises directional sign to identify the location of individual businesses within larger multi-tenant complex or park for direction, convenience of the public and control of traffic and parking. Shall be set back a minimum of 100 feet from a public street or oriented so that it is not directed towards traffic on a public street.	As approved by Staff	1 sq. ft. per business and 8 sq. ft. per sign face	Staff	No
Traffic Control Sign				
On-premise traffic control sign necessary for direction, convenience of the public and control of traffic and parking and in accordance with the Manual on Uniform Traffic Control Devices, as amended.	n/a	2 sq. ft.	No permit required	No
Window Signs				
Window sign as measured by an imaginary rectangle around the outside edge of all letters or emblems as if they were a single sign.	n/a	25% of window area	No permit required	No
"Open" sign.	1	4 sq. ft.	No permit required	Internal Indirect Channel Halo

E. Signs Permitted in RDD and VCZ

Unless modified by the Commission by four (4) concurring votes, signs may be displayed in accordance with the following regulations:

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Owner / Address				
Sign with name of the owner and/or street address of property.	1	2 sq. ft.	No permit required	Indirect
Home Occupation, Major or Minor				
Sign identifying an approved home occupation.	1	4 sq. ft.	Staff	Indirect
Special Permit Use, Pre-Existing Non-Conforming Business Use, Government or Non-Profit Use (excluding Major Home Occupation and Commercial Agriculture)				
Wall sign.	1	16 sq. ft.	Commission	Indirect
Detached sign.	1 per street frontage with an access driveway	16 sq. ft.	Commission	Indirect
Directional Sign				
On-premise directional sign necessary for direction, convenience of the public, and control of traffic and parking.	n/a	2 sq. ft.	No permit required	No

F. Signs Permitted for a Farm-Related Use

Unless modified by the Commission by four (4) concurring votes, signs may be displayed in accordance with the following regulations:

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Freestanding Sign				
On-premise freestanding sign.	1	16 sq. ft.	No permit required	Indirect
Seasonal Temporary Sign: Freestanding, Portable, or Attached Sign				
For seasonal farm stand or agriculturally related use while the seasonal use is in operation. May not be displayed year-round.	1 every 200 feet of road frontage; max. of 4	16 sq. ft.	No permit required	No
Directional Sign				
For an agricultural trade or business approved by the State Department of Agriculture (CT-DOA) for the Agricultural Directional Signage Program (ADSP). May be off-premise.	As approved by CT-DOA	4 sq. ft.	Staff	No
Wall or Roof Sign				
On-premise sign for commercial agriculture use.	1	20 sq. ft.	Staff	No

G. Temporary Signs

Unless modified by the Commission by four (4) concurring votes, signs may be displayed in accordance with the following regulations and any sign displayed otherwise shall be subject to removal by the Town:

1. Business Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
New Business Identification (in addition to other permitted signs)				
On premise sandwich board style or lawn style sign advertising a new business or new location for up to 60 days.	1 per business	2.5 ft. by 4 ft.	Staff	No
Sandwich Board Sign or Lawn Style Sign				
Shall not be displayed for more than 14 consecutive days or more than 60 days per calendar year. For properties with multiple businesses, approval is on a first-come basis. Signs shall be located on the same premise as the business and shall not obstruct driver visibility. Permit shall be for 1 year.	1 per street frontage. Up to 2 for properties with multiple businesses	2.5 ft. wide by 4 ft. high	Staff	No
Sidewalk Sign				
One sandwich-board style sign, placed no farther than 10 feet from the primary entry to the business provided the placement does not obstruct pedestrian or vehicular access. The sign shall only be displayed during hours that the business is open.	1 per business	2.5 ft. wide by 4 ft. high	No permit required	No

2. Civic / Community Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Special Event Sign				
Sign associated with educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. Sign shall not be installed more than 30 days before event and removed within 10 days after event. Signs shall not be located on public land or within the right-of-way unless permitted by town or state.	n/a	n/a	No permit required	Indirect
Public Way Banner				
Banner sign across a public street for special event by a civic or non-profit organization. Bottom of banner shall be at least 18 feet above pavement. Banner shall not be installed more than 15 days before event and removed within three (3) days after event.	2 per event	45 sq. ft.	No permit required	No
Political Sign				
Sign associated with bona-fide municipal, state, or federal election. Must be removed within 10 days after the election.	n/a	n/a	No permit required	No

3. Development Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Real Estate, Construction				
On-premise sign for sale, lease, construction, repair or improvement of existing building or property on which it is located until sold, leased, work completed or certificate of occupancy issued.	1	16 sq. ft. Up to 32 sq. ft. may be approved by Commission if property is in a non-residential zone or greater than 10 acres.	No permit required	No
Development Sign				
On-premise sign for approved multi-family, commercial or industrial project under development, sales, lease or rental or residential subdivision of 10 or more lots. Displayed up to three (3) years after final approval by Commission or until all lots are sold or building space leased, whichever is earlier. A one year extension may be granted by Staff. Any further extension shall require approval by the Commission.	1 per street frontage	32 sq. ft.	Staff	No

H. Freestanding Sign Location and Height

Unless modified by the Commission by four (4) concurring votes, a freestanding sign shall comply with the following standards:

Zone	Maximum Height Freestanding	Maximum Height Freestanding Low Profile	Setback From Front Property Line	Setback from Side/Rear Property Line
Residential Design District (RDD)	8 feet	4 feet	10 feet	10 feet
Village Center Zone (VCZ)	8 feet	4 feet	10 feet	10 feet
Neighborhood Commercial Zone (NCZ)	10 feet	4 feet	10 feet	10 feet
Commercial / Industrial Zone (CIZ)	10 feet	4 feet	10 feet	10 feet
Gateway Design District (GDD)	10 feet	4 feet	10 feet	10 feet
Tolland Business Park (TBP)	10 feet	4 feet	10 feet	10 feet
Tolland Village Area (TVA)	8 feet	4 feet	10 feet	10 feet
Community Commercial Zone (CCZ)	8 feet	4 feet	10 feet	10 feet
Technology Campus Zone (TCZ)	10 feet	4 feet	10 feet	10 feet

I. Other Standards

Unless modified by the Commission by four (4) concurring votes, signs shall comply with the following standards:

1. A freestanding and low profile sign shall include a street number using Arabic numerals on the proposed sign in a separate sign element measuring no more than 15 inches high and 24 inches wide with numerals at least nine (9) inches high. Such element shall not be counted towards the sign area provided it is similar in design, construction and color to the main portion of the sign.
2. A roof sign shall not project higher than three (3) feet above the eaves of the buildings on which the sign is located.
3. An overhanging sign shall not project greater than four (4) feet, measured at right angles to the building to which the sign is attached.

4. No sign shall be erected within or overhang a public right-of-way, except the Commission may permit an exception if the sign shall be installed behind the sidewalk or area where sidewalks would normally be built and the sign shall not overhang the traveled portion of the right-of-way.
5. No sign shall be installed so as to interfere with safe sight lines at a street intersection.

J. Sign Lighting

Unless modified by the Commission by four (4) concurring votes, sign lighting shall comply with the following standards:

1. Indirect Lighting:
 - a. Indirect lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign façade and shall not be aimed toward adjacent streets, roads or properties.
 - b. The light source (bulb) of light fixtures shall not be directly visible from adjacent streets, roads or properties.
 - c. Ground mounted fixtures shall be screened by bushes or other appropriate means.
 - d. Sign mounted fixtures shall blend with the background color of the sign or its surroundings as deemed appropriate for the site.
 - e. The average level of illumination on the vertical surface of the sign shall not exceed three (3) foot-candles and the uniformity ratio shall not exceed 2:1.
 - f. The ZEO may require readjustment or relocation of a sign and its lighting to prevent glare and ensure vehicular and pedestrian safety.
2. Channel Lighting: the average level of illumination on the translucent surface of the individual letters shall not exceed three (3) foot-candles and the uniformity ratio shall not exceed 2:1.
3. Halo Lighting: the average level of illumination on the vertical surface behind the individual letters shall not exceed three (3) foot-candles, and the uniformity ratio shall not exceed 2:1.
4. Internal Lighting:
 - a. The average level of illumination on the vertical surface of the sign shall not exceed three (3) foot-candles, and the uniformity ratio shall not exceed 2:1.
 - b. Internally illuminated signs existing at the date of adoption of these Regulations may remain and may have minor modifications to reflect changing business names, but

more significant changes in location, size or structure, shall require compliance with these Regulations.

K. Sign Design and Construction

1. Signs should complement and reinforce the architecture of the building façade through size, style, materials and location.
2. Where there is more than one (1) business tenant occupying a commercial site, a comprehensive sign plan showing consistent scale, materials and style may be required by the Commission as part of a Site Plan or Special Permit application.
3. For maximum legibility, a sign should have 0.2 inch of letter height for every one (1) foot of viewing distance.
4. Signs shall be constructed of sound and appropriate materials (such as wood and metals) and firmly supported.
5. No balloons, streamers, pennants, banners or other devices shall be attached to a sign so as to not distract drivers or pedestrians.
6. Freestanding signs shall:
 - a. Have permanent, durable materials (e.g. stone, brick or wood) used as the base.
 - b. Be landscaped at the base and around the sign with durable, low maintenance plant material with year round appeal per Section 19-3, Landscaping Requirements.

L. Sign Maintenance

1. Signs shall be maintained in good condition and repair.
2. A sign which may be unsafe or in disrepair in the opinion of the Commission shall, upon notice from the ZEO, be repaired or removed by the owner or lessee of the property on which such signs stand within one (1) month of notice.
3. A sign which is no longer functional or has been abandoned shall be removed or relocated by the owner or lessee of the property on which such signs stand within one (1) month following such designation by the ZEO.

M. Non-Conforming Signs

1. The replacement of a non-conforming sign shall be in accordance with these Regulations.
2. A non-conforming sign may have repairs or alterations provided the cost of such repairs or alterations does not exceed 25% of the replacement cost of the sign. A Zoning Permit is required for any alterations.

N. Application Requirements

An application for a sign shall include:

1. The position of the sign and its structure in relation to adjacent buildings or structures and the property line.
2. A detailed plan of the proposed sign showing the dimensions, colors and materials of the sign and all supporting structures, lighting and landscaping.
3. A statement showing the size, dimensions and location of all signs existing on the premises at the time of making said application. For properties with multiple businesses, staff may waive this requirement and only require information on existing signs related to the business subject to the application.

O. Special Permit Criteria for Signs

When granting a Special Permit for a sign, the Commission shall consider make the following findings and considerations.

1. The Commission shall find that:
 - a. The location, size and other aspects of the proposed sign will be in harmony with the orderly development of the area and will not alter the essential characteristics of the area.
 - b. The landscaping, lighting, materials and design elements of the proposed sign are attractive and suitable in relation to site characteristics, the architecture of the building and the style of other buildings in the immediate area.
2. The Commission may also consider special circumstances or conditions which may:
 - a. Be unique to the premises and not shared by other premises in the neighborhood.
 - b. Diminish recognition of the business conducted therein.
 - c. Limit easy identification of a commercial complex.
 - d. Create a potential traffic hazard.
3. Such special circumstances or conditions may include, but shall not be limited to:
 - a. The location of the building on the lot.
 - b. The location of buildings on adjacent lots.
 - c. Topography.
 - d. The configuration of the lot.

Section 19-3. Landscaping Requirements

A. Purpose

The landscaping requirements are intended to:

1. Maximize the natural areas retained in any parking lot in order to optimize natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development.
2. Provide natural visual screening of parking and loading areas.
3. Ensure planting plans shall be in compliance with low impact development requirements to reduce surface water runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
4. Minimize environmental nuisances such as glare and noise.
5. Moderate the microclimate of parking areas by providing shade, by absorbing reflected heat from paved surfaces and by creating natural windbreaks.
6. Ensure public safety by using landscaping materials to define parking and loading areas and to manage internal vehicular and pedestrian circulation.
7. Enhance the overall appearance of new development by providing a variety of landscaping materials that are consistent and compatible with the existing natural vegetation in the area.
8. Encourage the use of native plant species and prevent the use of invasive species.

B. Landscaping Plan Required

1. All disturbed portions of multi-family and non-residential developments not otherwise used for buildings, structures, parking areas, loading areas, walkways or similar purposes shall be suitably landscaped and permanently maintained with trees, shrubs or other landscape materials, as approved by the Commission as part of the Site Plan.
2. Landscape plans shall be prepared by a licensed landscape architect or other landscape professional. All landscape architects and landscape designers shall be accredited Nurserymen or licensed by the state.
3. A landscaping plan, demonstrating compliance with the standards contained in this Section shall be submitted with a Site Plan and shall include:
 - a. Location, general type, quantity, and quality of existing vegetation, including specimen trees.

- b. Existing vegetation to be saved and methods and details for protecting existing vegetation during construction.
- c. Locations and labels for all proposed plants.
- d. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
- e. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, or courts or paved areas.
- f. Planting and installation details as necessary to ensure conformance with all required standards.

C. General Requirements

- 1. The development of the site shall conserve as much of the natural terrain and existing vegetation as possible, shall preserve sensitive environmental land features such as steep slopes, wetlands and large rock outcroppings and shall preserve public scenic views and historically significant features such as stone walls.
- 2. Landscaped areas that are designed to intercept and manage stormwater runoff and provide natural infiltration of rainwater in accordance with the low impact development regulations are encouraged and these landscape areas will be included as part of the overall landscape requirements.
- 3. Existing trees over 12 inches in caliper shall be preserved during the construction period unless approved for removal by the ZEO or designated agent and shall be protected by the following recommended measures:
 - a. There should be no operation of heavy equipment or storage of materials under the tree within the drip line.
 - b. A fence or other barrier shall be erected to protect the tree within the drip line.
 - c. No more than six (6) inches of fill may be added within the drip line unless a tree well or other arrangement designed to maintain the long-term health of the tree has been approved by the ZEO or designated agent.
- 4. Approximately 50% of all plantings should be native plants. All others should be proven zone hardy (good to zone 5) and "deer resistant" if possible, especially for residential plantings.

5. No plants listed on the Connecticut Invasive Plants List, as amended from time to time, shall be used.
6. All approved plantings should be of #1 quality grade.
7. Consider maturity size at the time of installation of all trees and shrubs, especially street, sidewalk or boulevard trees.
8. Trees and shrubs within five (5) feet of any paved areas shall be of such varieties capable of withstanding damage from salt and snow.
9. All plant material shall be nursery grown and conform to the standards of the American Association of Nurserymen.
10. At the time of planting, trees shall be balled and burlapped and guyed as needed.
11. Plantings should be of a mixture of ornamentals, flowering, broadleaved evergreen, deciduous and conifers.
12. Plantings shall be of the following minimum size, with caliper measurements taken four and one-half (4.5) feet above ground level:
 - a. Trees: shade trees shall be two and one half (2.5) to three (3) inch caliper and eight (8) feet to 10 feet in height.
 - b. Evergreen trees: six (6) feet in height.
 - c. Flowering trees: single stem; two and one half (2.5) to three (3) inch caliper and eight (8) feet to 10 feet in height; clump forms should be at least eight (8) feet in height.
 - d. All shrubs shall be a minimum of three (3) to five (5) gallon size, Juniper and other ground cover shrubs shall be a minimum of two (2) gallon size.
13. Mulched planting beds of an appropriate size shall be placed around all trees and shrubs to retain moisture. Mulching should be weed-free and consist of a premium type #1 grade mulch, such as Pine Bark, Cedar or Hemlock, at least four (4) inches in depth; dyed or industrial type mulch are not natural in appearance and are unacceptable. Acceptable mulching material shall be shredded bark, wood chips or other organic substitute. All new plantings should include a minimum of six (6) inches to eight (8) inches of composted soil mix and starter fertilizer. All new beds should include an application of pre-emergent herbicide.
14. Suitable ground cover shall be placed on all disturbed site areas not covered by paving, buildings or mulching for trees, shrubs and perennials. Suitable ground cover shall be grass, turf, or other approved vegetation.

15. No black top paving shall be located under existing evergreen trees and no more than 20% of the area under any deciduous trees natural drip line may be paved.
16. Street trees at a minimum of one (1) tree for each 50 feet or part thereof street frontage shall be provided in all yard areas abutting public streets. The Commission may require street trees on private drives. Potential interference with utility wires shall be a consideration in species selection and placement.
17. All residential and commercial foundation plantings should require a slightly bermed planting bed and slope away from the existing foundation, leaving not less than four (4) inches to five (5) inches of exposed foundation.

D. Parking Lot Landscaping

1. Parking areas for more than 10 cars shall contain landscaped areas equal to at least 15% of the gross parking area. For any parking area for 30 or more vehicles with two (2) or more aisles, not less than 10% of the interior of the parking lot shall be landscaped.
2. The landscaped area requirement shall be provided by landscaped end islands and landscaped center islands of sufficient size to protect the long term health of the vegetation but no less than 12 feet wide and 36 feet in length. A minimum of one (1) major tree and three (3) shrubs shall be planted within the landscaped areas for each 10 parking spaces. It is encouraged to place bioretention facilities in the parking islands for the treatment of storm water runoff. Appropriate plant species shall be chosen to thrive in the bioretention facility.
3. A minimum of one (1) major tree shall be planted on each end and intermediate island and for each 40 linear feet of center island as required by the Commission.
4. Trees within and along the perimeter of parking areas shall be of such varieties which provide shade or are capable of providing shade at maturity.
5. The landscape design shall accommodate needs for snowplowing/storage, vehicle overhang, sight distance and security.

E. Screening

1. See Section 19-1 for parking lot screening requirements.
2. Screening shall be provided for any objectionable areas or views as determined by the Commission which are adjacent to residential properties or visible from the street, including but not limited to loading areas, dumpsters, storage areas and ground-fixed mechanical equipment. Acceptable screening materials shall include:
 - a. Evergreen hedges having a minimum height of six (6) feet at the time of planting.

- b. Planted earthen berms.
 - c. Solid fences or walls having a minimum height of six (6) feet, if approved by the Commission.
 - d. Any combination of the above materials.
3. All plants shall be spaced to provide a dense screen within five (5) years.

F. Buffers

1. A landscaped buffer shall be provided for any use in a nonresidential zone which is adjacent to or across the street from a residential zone, for any multifamily use or for any nonresidential use in a residential zone.
2. The buffer shall be a minimum of 20 feet in width.
3. The buffer shall be of evergreen plantings of such species, height and spacing as, in the judgment of the Commission, will effectively screen the use from the view of adjoining properties. Additional deciduous vegetation may be required to provide diversity.
4. No structures or paving shall be permitted within the buffer.
5. The Commission may allow a wall or fence of appropriate location, height and design to be substituted for all or a portion of the landscaped buffer if, in its judgment, such wall or fence would provide comparable screening of the use from the view of adjoining properties.

G. Modifications

The Commission may modify the landscaping requirements of this Section by a majority vote of members present (or staff where only staff-level approval is required):

1. Where existing topography and/or existing vegetation provide adequate landscaping, ground cover, screening and/or buffers or to address specific site goals and needs.
2. Where an zoning permit, site plan or special permit is for the re-use of an existing building and the square footage of the any building expansion or increase in parking are minor, generally less than a 10% increase.

H. Compliance with Landscaping Plan

1. No certificate of occupancy shall be issued until such time as the landscaping plan has been implemented in accordance with the approved plan as determined by Commission or its agents.

2. If the landscaping plan cannot be completed to coincide with building occupancy due to seasonal constraints, a financial guarantee for the balance of the work shall be submitted before the certificate of occupancy will be issued.
3. A cash bond or letter of credit, in an amount acceptable to the Commission, shall carry with it a date upon which the work shall be complete. Failure to complete the work by the predetermined date shall activate the bond-calling process.

I. Maintenance of Landscaping

1. All landscaping shall be maintained in a healthy growing condition in accordance with acceptable horticultural practices. Landscaping which dies or becomes unhealthy because of accidents, drainage problems, disease or other causes shall be replaced with appropriate new landscaping during the following planting season.
2. A watering plan shall be put in place for the new plantings and use of LID practices encouraged meeting watering needs.
3. All landscaping shall be controlled by pruning, trimming or other suitable methods so as not to interfere with public utilities, restrict vehicular or pedestrian access or otherwise constitute a traffic hazard.
4. All landscaped areas shall be maintained in a relatively weed-free condition and kept clear of undergrowth.
5. Required fences or walls shall be maintained in good condition.
6. The Commission may require a maintenance guarantee for an amount up to 50% of total landscaping costs for a period of three years to ensure replacement of dead or unhealthy specimens.

Section 19-4. Outdoor Lighting Regulations

A. Purpose

The purpose of these Regulations is to provide specific standards for lighting, in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare. All business, residential, and community roadways, sidewalks and town property luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

B. Applicability

Except as herein provided, these Regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town. This regulation applies to all sites located in nonresidential zones and Special Permit uses in residential zones. Subsection F applies to all sites in residential zones and all sites used strictly for residential uses in all other zones.

C. Lighting Plan Required

Outside lighting and interior lighting visible outside for nonresidential and multifamily uses will be subject to a Site Plan review, unless waived by the Town Planner, and shall be accompanied by a lighting plan showing:

1. The location, height and type of any outdoor lighting luminaires, including building mounted lighting.
2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles.
3. The type of lamp (e.g. metal halide, compact fluorescent, high pressure sodium).
4. The Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground level.

D. General Requirements

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across,) the property lines and disabling glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineering Society of North America (IES) shall be observed (see Appendix A & B) unless approved by four concurring votes of the Commission.
2. All lighting for parking and pedestrian areas shall be full cut-off type fixtures.
3. Lighting for display, building and aesthetics shall be from the top and shine downward, not uplit, except as otherwise approved by the Commission. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.
4. All building lighting for security or aesthetics will be full cut-off or a fully shielded / recessed type, not allowing any upward distribution of light.
5. Floodlighting is prohibited.

6. For sites adjacent to a residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
7. Gasoline service station. Maintained illumination recommendations set by the Illuminating Engineering Society of North America (see Appendix B) will be observed and not exceeded. All area lighting will full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface, to reduce off-site glare for roadways.
8. All street lighting shall be cut-off fixtures.
9. Outdoor playing areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
10. Sites should employ soft, transitional light levels, which are consistent from area to area and minimize contrast between light sources, lit areas and dark surroundings.
11. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security; motion or infrared sensor lighting is encouraged. Non-essential can apply to display, aesthetic, parking and sign lighting. The Commission may specify hours of lighting.
12. Lighting designed to highlight flagpoles shall be low level, should be targeted directly at the flag.
13. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 30 feet.
14. White and natural lighting shall be used. Colored lighting used as advertising shall be prohibited.
15. Interior lighting that is visible from the exterior including lighting in windows and doors shall be subject to these Regulations.
16. Traditional seasonal lighting and temporary lighting used by police, fire or emergency services are exempt from these Regulations.

E. Special Permit to Modify Requirements

The Commission may grant a Special Permit to modify the requirements of this Section, provided it determines that such modification is consistent with the purpose of these Regulations, in the following cases:

1. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists.
2. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas.
3. Where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation.
4. Where special lighting is indicated for historic buildings.
5. Where special consideration is given to maintain uniformity with similar uses in the immediate vicinity.
6. Where ornamental up-lighting of sculpture, buildings or landscape features will enhance the character of the area.

F. Residential Uses

The source of light (lamp or reflectors contained within the luminaire) shall not be visible from beyond the boundaries of the property on which they were installed.

Section 19-5. Dumpsters and Mailboxes

A. Dumpsters for Non-Residential and Multi-family Development

1. No dumpster shall be located within the front yard or within the required side or rear yards adjacent to any residential district.
2. No dumpster shall be so located as to interfere with normal vehicular movement.
3. Dumpsters shall be screened in accordance with the requirements of Section 19-3.E.
4. In multi-family developments, a suitable area shall be set aside within the dumpster screening area to accommodate recycling bins.

B. Mailboxes

In flexible residential developments and multi-family developments, group mailboxes shall be so located as to not interfere with normal vehicular movement.

Section 19-6. Low Impact Development

A. Purpose

The town requires that low impact development techniques (LID) be implemented on all development projects within the boundaries of the town to protect high quality wetlands, watercourses, open water bodies and other sensitive areas from the impacts of point and non-point sources of storm water due to land development projects. LID utilizes many tools to reduce the impact of development on the environment. A primary benefit of LID is a better balance between conservation of natural resources, growth, ecosystem protection and the public health.

B. Goals

1. Preserve open space within developments by using flexible residential development subdivision standards as found in Section 5-4.
2. Incorporate natural site elements (ridge lines, significant trees, open meadows, suitable soils for infiltration, wetlands and streams) into the design as features.
3. Minimize land clearing and disturbance and increase natural landscape buffers at the limit of development to improve storm water management.
4. Incorporate decentralized storm water management systems into the site design, treat storm water runoff at its source and disconnect impervious areas.
5. Maintain pre-development times of concentrations for post-development runoff.
6. Maintain sheet flow to the maximum extent possible, avoid concentrating runoff, and reduce runoff volumes by infiltration.
7. Provide water quality treatment to remove pollutants from storm water, pollution.
8. Modify human activities to reduce the introduction of pollutants into the environment.
9. Encourage public education and participation in environmental protection within the community.

C. Benefits

There are many benefits associated with the use of low impact development for all of the stakeholders in the development field -the environment, the municipality, and the developer. The benefits of LID for each are:

1. Environmental benefits:
 - a. Preserve the biological and ecological integrity of natural systems through the preservation of trees and natural vegetation.

- b. Protect the water quality by reducing sediment, nutrient, and toxic loads to wetland/watercourse aquatic environments and also terrestrial plants and animals.
- 2. Municipal benefits:
 - a. Increase collaborative public/private partnerships on environmental protection by the protection of regional flora and fauna.
 - b. Balance growth needs with environmental protections.
 - c. Reduce municipal infrastructure and utility maintenance costs (roads, and storm water drainage systems).
- 3. Developer benefits:
 - a. Reduce land clearing and earth disturbance costs and reduce infrastructure costs (roads, storm water conveyance and treatment systems).
 - b. Reduce storm water management costs by the reduction of structural components of a drainage system.
 - c. Increase quality of building lots and marketability.

D. Low Impact Development Strategies

- 1. Vegetation and Soils: retain native forest cover on undeveloped sites, restore vegetated area on previously cleared sites when possible as vegetation captures rainfall, thus increasing evapotranspiration and infiltration.
- 2. Site Design:
 - a. Define and locate critical resource areas, such as wetlands/watercourses, unusual forest features, and soils with moderate to high infiltrative capacities.
 - b. Locate roads, driveways, parking areas, home sites and other buildings away from critical resource areas.
 - c. Minimize impervious surfaces such as roads, driveways, parking areas, and roof tops.
 - d. Eliminate direct discharges of runoff from impervious areas to wetlands and watercourses.
- 3. Storm Water Management:
 - a. Reduce reliance on the use of traditional storm water collection and conveyance systems (catch basins, pipes, and detention basins) and use small scale storm water management systems, such as bioretention and rain gardens. Integrate source storm water controls during the design process.

- b. Create a site design that slows runoff from rainfall events and increases the amount of time that runoff stays on the site. Incorporate multiple Low Impact Development treatment systems in a treatment train to increase the redundancy of the system to reduce the possibility of system failure.
4. Education and maintenance:
 - a. Develop reliable long-term maintenance protocols for LID systems with built-in enforcement provisions.
 - b. Educate homeowners, building owners and landscape contractors on the appropriate maintenance requirements for LID systems.

E. Types of LID Storm Water Systems

1. Vegetated systems: vegetated buffers, rain gardens, bioretention systems, water quality swales (wet and dry), grass filter strips, vegetated level spreaders, and vegetated roofs.
2. Infiltration systems: soil amendments, surface sand filters, underground sand filters, gravel infiltration trenches, underground infiltration systems (large diameter perforated PVC pipes and galleries), and tree wells.
3. Surface treatment systems: permeable pavement, permeable concrete, concrete or PVC pavers with gravel or grass surface.
4. Storm water ponds and wetland systems: wet ponds, multiple ponds in series, gravel wetland systems, micropool extended detention pond, shallow wetlands, pond/wetland system, and extended detention ponds.
5. Refer to Town of Tolland Design Manual for more information on individual systems.

Section 19-7. Environmental and Performance Standards

The use of land, buildings and other structures shall be conducted in accordance with the following performance standards. All applicants for Site Plan approval shall demonstrate that the use they propose shall conform to the following standards.

A. Particulate Matter and Smoke

No offensive dust, dirt, fly ash or smoke shall be emitted into the atmosphere. In no case shall dust be emitted in excess of one (1) cubic centimeter of settled matter per cubic meter of air. Smoke or other air contaminants shall not be discharged into the atmosphere from any single source of emission for a period or periods aggregating more than three (3) minutes in any one (1) hour which are as dark or darker in shade than that designated as No. 2 on the Ringelmann Chart as published

by the United States Bureau of Mines or of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringelmann Chart.

B. Odors, Gases and Fumes

No noxious, toxic or corrosive fumes or gases shall be emitted. Offensive odors noticeable off the premises where the use is located shall not exceed the standards established as a guide by Table III (Odor Thresholds) in Chapter 5, Air Pollution Abatement Manual, Copyright 1951, as amended, by the Manufacturing Chemists Association, Inc., Washington, D.C.

C. Water Pollution

No discharge into any watercourse, groundwater, wetlands or storm sewers shall be permitted except in accordance with applicable local, state and federal requirements.

D. Vibrations

No vibration noticeable outside the property from which it originates shall exceed the standards of the United States Bureau of Mines.

E. Hazardous or Toxic Materials

No hazardous, toxic or other dangerous material, including but not limited to explosives, flammable materials or radioactive materials, shall be permitted except in accordance with applicable local, state and federal requirements.

Article 20: Administration

Section 20-1. Interpretation of these Regulations

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of lots, buildings or structures, nor are these regulations intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these Regulations impose a greater restriction upon the use or height of buildings or structures or require larger yards, courts or other open spaces than are imposed or required by existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of these Regulations shall control.

Section 20-2. Enforcement

A. Zoning Enforcement Officer (ZEO)

These Regulations shall be enforced by the ZEO, an agent designated by the Commission. The ZEO is hereby empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provisions of these Regulations or, when the violation involves grading of land or the removal of earth, to issue in writing a cease and desist order to be effective immediately.

B. Violations

The owner or agent of a building or premises where a violation of any provision of these Regulations has been committed or exists; or the lessee or tenant of an entire building or an entire premises where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of a building or premises in which such violation has been committed or exists; or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists shall be subject to penalties in accordance with the provisions of Section 8-12 of the General Statutes, as may be amended.

Section 20-3. Penalties for Offenses

Any person who, having been served by the ZEO with an order to discontinue any such violation, fails to comply with such order within the time-frame specified in the order; or, having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately; or continues to violate any provision of these Regulations in the manner named in such order shall be subject to penalties in accordance with the provisions of Section 8-12 of the General Statutes and the town Citation Ordinance, as may be amended.

Section 20-4. Zoning Permit; Certificate of Occupancy

A. Application Required

1. Unless determined otherwise by the ZEO, an application for a Zoning Permit or Zoning Compliance Review and shall be made on a form provided for that purpose and the applicable fee shall be paid before:
 - a. The erection, expansion or alteration of any building or structure.
 - b. The change in use of an existing building, structure or parcel.
 - c. Any other activity is commenced that requires a Zoning Permit or other permit as required by these Regulations.
2. Applications shall demonstrate compliance with all applicable Zoning Regulations including Article 4, Soil and Erosion Sediment Control, unless the ZEO determines such information is not necessary to determine compliance.

B. As-Built Drawing Required

A zoning permit issued for the following shall become invalid if an as-built drawing, to A-2 standards and prepared by a land surveyor or engineer licensed in the state, has not been submitted and approved by the ZEO:

1. A new principal structure or expansion in the footprint of an existing structure. Decks or porches are excluded from this requirement.
2. An accessory structure with a foundation or frost wall. Staff may waive the requirement if the structure will be at least twice the required setback from all property lines and staff has reasonably accurate information to make such a determination.

C. Certificate of Occupancy

A zoning certificate of occupancy shall be issued only after the proper completion, or appropriate portion thereof, as determined by the ZEO, of the items allowed by the zoning permit.

Section 20-5. Public Hearing

A. When Required

The Commission shall hold a public hearing in accordance with Section 8-7d of the General Statutes on any application for a Special Permit or an application for an amendment to these Regulations or the Zoning Map and in any other case required by these Regulations or the General Statutes, as amended.

B. Time Frame

Pursuant to Section 8-7d of the General Statutes, the following time frames for public hearings shall apply, unless otherwise amended by state statute:

1. The official day of receipt shall be the day of the next regularly-scheduled meeting of the Commission immediately following the day of submission.
2. The public hearing shall commence within 65 days of the day of receipt.
3. The public hearing shall be completed within 35 days after such hearing commences.
4. A decision shall be rendered not later than 65 days after completion of such hearing.
5. Extensions:
 - a. The petitioner or applicant may consent to one or more extensions of any period specified in items 2 through 4 above, provided the total extension of all such periods shall not exceed 65 days.
 - b. Additional extensions may apply if an application has also been submitted to the Inland Wetlands Commission, pursuant to Section 8-7d(e) of the General Statutes.

C. Notice Requirements

1. Special Permit Applications. In addition to the minimum notice requirements set forth in Section 8-7d of the General Statutes, notice of the public hearing for a Special Permit application shall be mailed to the owner(s) of record of property within 500 feet of the subject property by United States Post Office Certificate of Mailing by the applicant no less than 10 days prior to the date of the hearing. Said notice shall be provided to the applicant by the town. The applicant shall present proof of the mailing prior to or at the public hearing. If the applicant has, in good faith, taken reasonable measures to comply with this Section, the failure of any person entitled to notice hereunder to receive such notice of a public hearing shall be the equivalent of the receipt of notice as required hereunder.

2. Regulation or Zoning Map Amendment Applications. In addition to the minimum notice requirements set forth in Section 8-7d of the General Statutes, notice of public hearing for regulation or zoning map amendment applications shall require such notice, if any, as the Commission deems reasonably necessary on a case by case basis. In determining what notice, if any, is appropriate, the Commission shall consider the area affected by the proposed amendment, the impact the proposed amendment shall have on parcels affected by the amendment, the impact the proposed amendment shall have on parcels contiguous or nearby to affected parcels and other factors as the Commission deems appropriate.
3. Posting of signs prior to hearings
 - a. When a public hearing is to be held for any of the following applications or actions, the applicant shall place a sign on the subject property:
 - 1) Appeal of a decision of the ZEO.
 - 2) Variance before the Zoning Board of Appeals.
 - 3) Certificate of Approval for the Location of Motor Vehicle Uses.
 - 4) Special Permit.
 - b. Such sign(s) shall meet the following requirements:
 - 1) Be posted so that it can be seen from the road.
 - 2) If the property frontage is greater than 200 feet but less than 400 feet, two (2) signs at least 200 feet apart shall be placed on the property.
 - 3) If the frontage is greater than 400 feet, three (3) signs shall be placed, each at least 100 feet apart.
 - 4) If the property is a corner property or has frontage on more than one street, signs shall be posted along each road.
 - c. Signs will be provided by town staff.
 - d. Signs shall be posted at least 10 days prior to the hearing.

Section 20-6. Fees

All zoning permit applications shall be accompanied by fees established by town ordinance.

Section 20-7. Zone Change and Zoning Text Amendment Application Requirements

A. Submittal Requirements: Zone Change Application

The following items shall be submitted when applying for a zoning change.

1. A completed zone change application form.
2. Application fee.
3. A list, as taken from the most current assessor's records, containing the name, street address and mailing address of all property owners whose property, or any portion thereof, is within 500 feet in all directions of any portion of the property for which a zone change is being requested.
4. Seven (7) sets of plans on 24 inches by 36 inches and one pdf of the plans showing:
 - a. Basic plan elements, including north arrow, scale, legend and title block.
 - b. Boundary dimensions.
 - c. Lot area in square feet and acres.
 - d. Key map at 1,000 scale showing the site and the surrounding roads.
 - e. Adjacent roads and road names.
 - f. Existing structures on the property.
 - g. Present zone of the property and of properties within 500 feet.
 - h. Extent of requested zone change.
 - i. General topography as determined from available mapping.
 - j. Wetlands and watercourses as determined from the town wetlands map.
 - k. Conceptual site plan.
5. The following information shall be submitted, separately or included on the plans:
 - a. Traffic data based on the most current information available from the State Department of Transportation or other recognized sources.
 - b. Current exploratory deep-pit and percolation test data.
 - c. Information about the availability of public utilities.
 - d. General information about the nature of the proposed uses necessary to assist the Commission in making the determinations required by state law.

B. Submittal Requirements: Zoning Text Amendment

1. A completed zone change application form.
2. Application fee.
3. Seven (7) copies and a pdf of the proposed text amendments with the proposed changes clearly indicated.

C. Waiver

By a majority vote of members present, the Commission may waive any submittal requirement if requested by applicant and Commission determines such information is not necessary to review the application.

Section 20-8. Special Permit

The Special Permit uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.

A. Submittal Requirements: Special Permit

The following items shall be submitted when applying for a Special Permit.

1. A completed Special Permit application form.
2. Application fee.
3. Site Plan pursuant to Section 20-9. The applicant may choose to submit the Site Plan application concurrently with, or subsequent to, the Special Permit application. By a majority vote of members present, the Commission may waive this requirement when a Special Permit use does not entail exterior changes to the building, additional parking, and other such changes to the site.
4. Special Permit plan contents as required in Sections 20-8 and 10.
5. The application submission shall address all off-site and on-site impacts, requirements, improvements and considerations, including but not limited to building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping and environmental and aesthetic considerations. Sufficient information to address these major impacts shall be provided by the applicant, but such information may be generalized or shown in preliminary form except as hereafter noted. Detailed plans for facilities, structures and improvements shall not be required at this time.

6. Traffic Study:
 - a. The construction of more than 25 dwelling units, 50 parking spaces or 20,000 square feet of gross floor area or any proposal which, in the Commission's judgment, would generate high levels of traffic shall be accompanied by a traffic study prepared by a licensed traffic engineer. By a majority vote of members present, the Commission may waive this requirement if it finds that the proposed use is of such a nature that a significant traffic impact is not anticipated.
 - b. At a minimum, the traffic study shall include data and information on existing and projected average daily vehicle trips on nearby roads, peak-hour traffic, adequacy of rights-of-way and travel ways, existing roadway capacity, traffic accidents, the traffic impact of the proposed development, traffic generation data, the location of existing roads within 1,000 feet of the development site, traffic lights and intersections and recommendations for safe pedestrian and vehicular circulation, including provisions for safe sidewalks and crosswalks for pedestrians. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation.
7. Additional information. At any time during its consideration of an application for a Special Permit, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations, including but not limited to information regarding soils, storm drainage, sanitary sewerage, water supply, streets or traffic circulation. All additional information requested by the Commission shall be submitted a minimum of 10 days prior to a public hearing, so that the Commission, staff, public and any consultants contracted by the Commission have adequate time to review the information before the expiration of the time limits set forth in the General Statutes. The Commission may choose not to accept any modifications to an application after it has been received, except those modifications specifically requested by the Commission.

B. Standards for Approval

1. Except as otherwise provided herein, a use allowed by Special Permit shall conform to all requirements of the zoning district in which it is proposed to be located and the standards contained herein.
2. The Commission shall consider the health, safety and welfare of the public in general and the immediate neighborhood in particular and the following factors:
 - a. The location and size of the proposed use; the nature and intensity of the operations associated with the proposed use; the size, shape and character of the site in relation

to the proposed use; and the relationship of the proposed use and site to the adjacent and local land uses and sites.

- b. The location, type, size and height of buildings and other structures associated with the proposed use in relation to one another and in relation to nearby development.
 - c. The impact of the proposed use on traffic safety and circulation on nearby streets and the ability of such streets to adequately accommodate the traffic to be generated by the proposed use.
 - d. The existing and future character of the area in which the use is proposed to be located and the compatibility of the proposed use with the area.
 - e. The impact of the proposed use on the natural characteristics of the site and the surrounding environment.
 - f. The adequacy of and impact on water supply, sewer or septic facilities, drainage and other public facilities to accommodate the proposed use.
 - g. Where the proposed use involves the conversion of a structure designed and built originally for other uses, the adaptability of the structure to the proposed use, particularly in relation to the public health and safety.
 - h. The proposed use shall preserve important open space, views or vistas and other significant features of the natural environment.
3. Where it is projected that the additional traffic resulting from the proposal will reduce the Level of Service to C or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition.

C. Conditions and Safeguards

In granting a Special Permit, the Commission may attach conditions and safeguards to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:

1. A maximum number of employees.
2. Hours of operation.
3. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith.
4. A date of expiration of the Special Permit.
5. Improvements to existing public facilities to accommodate the use allowed by the Special Permit.

6. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
7. Soil erosion and sediment control measures in accordance with the provisions of Article 4.
8. A financial guarantee in accordance with the provisions of Section 20-9.F.

D. Limit of Special Permit

A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

E. Effective Date

No Special Permit shall become effective until it has been filed in the town's land records in accordance with the provisions of the General Statutes.

F. Duration and Expiration of Special Permit

1. Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Permit remains in operation. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.
2. A Special Permit shall expire if the required Site Plan associated therewith is not submitted and accepted within 12 months following approval of the Special Permit. An extension of not more than six (6) months may be granted by the Commission upon written request by the applicant prior to the expiration date.
3. If a building permit is not obtained for a special permit which was issued by the Commission prior to the enactment of these Regulations within two (2) years from the date of adoption of these Regulations and/or substantial construction has not begun on a building or structure or no use has been established on a lot for which building, structure or use within two (2) years from the date of issuance of said building permit, such special permit for said building, structure or use shall become null and void.

G. Noncompliance with Special Permit

Failure to strictly comply with the documents, plans, terms, conditions and safeguards approved as a part of the Special Permit shall be a violation of these Regulations. The ZEO shall notify the applicant, in writing, of the specifics of the noncompliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.

H. Amendments or Modifications

Amendments to an approved Special Permit which are determined by the Town Planner to be of a minor nature or which would not substantially alter the Special Permit may be approved by the Commission without another public hearing. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use by 10% or more may be approved by the Commission only after a public hearing.

Section 20-9. Site Plan

A. When Required

1. A Site Plan shall accompany the application for a Special Permit, unless the Commission has determined a Site Plan is not necessary for the proposed use or determines the Site Plan can be submitted separately after the Special Permit approval is granted.
2. A Site plan shall be submitted as required elsewhere throughout in these Regulations.

B. Site Plan Application Requirements

1. The following shall be submitted as part of a Site Plan application:
 - a. A completed Site Plan application form.
 - b. Application fee.
 - c. Seven (7) copies and a pdf of a Site Plan containing the information required Section 20-10.
 - d. Preparer. The Site Plan shall be prepared, signed and sealed by an engineer, architect or landscape architect, whichever shall be appropriate.
 - e. Architectural plans. The Commission may require the applicant to submit preliminary architectural drawings that show exterior wall elevations, roof lines and facade materials of proposed buildings and structures.
 - f. Off-site information. The Commission may require the applicant to submit off-site information, including but not limited to open space and recreation areas, the location of buildings, parking areas and curb cuts on adjoining properties, including those across the street; traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets; and zoning district boundary lines.
 - g. Impact analysis. In those cases where the Commission believes that public facilities or the environment may be adversely affected by the proposed development, the Commission may require the applicant to submit an impact analysis of the

development upon water supply, storm drainage, sanitary sewerage, traffic, site conditions and/or water, air or noise pollution.

- h. Additional information. During its consideration of an application for Site Plan approval, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance of the Site Plan with these Regulations.

C. Sites of Archaeological Significance

For all proposed development located within a high sensitivity area, as shown on the Town's official archaeological map available in the Planning Office, the State Archaeologist will be contacted to determine if there is evidence of sites of archaeological significance on the subject property. Any significant sites shall, where possible, be left undisturbed and recommendations by the State Archaeologist shall be complied with.

D. Phasing

In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.

E. Site Plan Approval

1. Pursuant to Section 8-7d of the General Statutes, a decision shall be rendered not later than 65 days after the official day of receipt. The petitioner or applicant may consent to one or more extensions provided the total extension of all such periods shall not exceed 65 days. Additional extensions may apply if an application has also been submitted to the Inland Wetlands Commission, pursuant to General Statutes.
2. A Site Plan may be approved with modifications by the Commission or denied only if it fails to comply with the standards set forth in these Regulations. A decision to deny or modify a Site Plan shall set forth the reasons for such denial or modification.
3. To ensure that structures and the uses of land are arranged in a manner that enhances the public health, safety and general welfare, as a condition of approval the Commission may require such modifications of the proposed plans as it deems necessary to comply with the spirit as well as the letter of these Regulations.
4. Site Plan Standards: The Commission shall take into account the following:
 - a. Conformity with Section 1-1.

- b. The general conformity with the intent of the Plan of Conservation and Development (POCD); however, the POCD shall not take precedence over specific provisions of these Regulations.
- c. The arrangement of buildings, structures and uses on the site.
- d. The adequacy of access for fire, police and ambulance services.
- e. Traffic considerations. Vehicular access shall be provided to the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and on the lot to avoid traffic congestion on any street. At least the following items of the Site Plan shall be evaluated to determine the conformity of the Site Plan with this standard:
 - 1) The effect of the proposed development on traffic conditions on abutting streets.
 - 2) The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
 - 3) The visibility in both directions of all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.
 - 4) The location, arrangement and adequacy of off-street parking facilities.
 - 5) Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts and encourage safe and convenient traffic circulation.
 - 6) The location, arrangement and adequacy of truck loading and unloading facilities.
 - 7) Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system.
 - 8) The location, arrangement and adequacy of facilities for the physically handicapped in accordance with state requirements.
 - 9) The location, arrangement and adequacy of landscaping within and bordering parking and loading facilities.
- f. Environmental considerations. For the protection of environmental quality and the preservation and enhancement values, at least the following items of a Site Plan shall be evaluated by the Commission to determine the conformity of a Site Plan with these standards:
 - 1) The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, the screening of parking and loading

areas and the concealment of storage areas, utility installations and other such features.

- 2) The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
 - 3) The preservation of natural attributes and major features of the site, such as wetlands, easily eroded soils, historic structures, major trees, unique topographical formations, notable rock outcrops and scenic views both from the site and onto or over the site.
 - 4) The design and arrangement of buildings and necessary facilities and the installation of proper shielding so as to minimize noise levels at the property boundary.
 - 5) The adequacy of design of the storm drainage system to accommodate any increase in stormwater runoff and to minimize soil erosion and sedimentation.
 - 6) The use of low impact development strategies to maintain the existing site hydrology to minimize downstream impacts while maintaining the pre-development water quality from the site.
 - 7) The location, height and materials of walls, fences, hedges and plantings to minimize artificial light levels at the property boundary.
 - 8) The impact of odors, lighting, and smoke.
- g. The adequacy of water, sewage disposal/treatment and other public facilities to accommodate the development.
 - h. The location, intensity and direction of outdoor lighting and the proposed times for its use.
 - i. The size, location and type of any outdoor storage facilities, including dumpsters.
 - j. The size, location and type of signs and their appropriateness to the neighborhood.
 - k. The adequacy of the landscaping treatment, including any buffers and other screening.

F. Guarantee Requirements

Unless otherwise prohibited by the General Statutes, the following provisions shall apply.

1. As a condition of Site Plan approval, the Commission may require that the applicant post with the town surety to guarantee satisfactory completion of all proposed site improvements excluding buildings shown on the approved Site Plan.

2. Such surety may be posted at any time before all modifications of the Site Plan are complete, except that the Commission may require surety for erosion control prior to the commencement of any modifications.
3. No certificate of occupancy shall be issued before a required surety is posted.
4. An itemized estimate of the cost of the site improvements shall be prepared by the applicant's engineer, including a separate inflation factor, which shall not be greater than 10% of the estimate, for the estimated construction period, and shall be submitted to the Town Engineer for approval.
5. The surety shall be posted with the town for an initial period of 18 months unless an extension of time shall be requested by the applicant and granted by the Commission, or until such time as the improvements are accepted by the Commission.
6. Reduction of surety. Upon the completion of at least 25%, 50% and/or 75% of the cost of the site improvements subject to the surety, the applicant may request in writing a reduction of the surety. Within 65 days of the date of such request, the site shall be inspected by the Town Planner, the Town Engineer or other appropriate town official to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such surety or deliver to the applicant a written explanation as to the additional modifications that must be completed before the surety, or portion thereof, may be released.
7. Release of surety. Before the release of a surety, the Commission:
 - a. Shall require the applicant to submit as-built drawings.
 - b. Shall not accept the landscaping portion of the improvements until such time as the vegetative cover and plantings have survived one complete winter and summer season or 12 months, whichever comes first. In such case, the Commission shall retain a portion of the surety to cover the mortality and/or poor performance of the required landscaping.
8. Form and type of surety.
 - a. Be in a form and surety type satisfactory to the Commission.
 - b. The Commission shall accept surety bonds, cash bonds, passbook or statement savings accounts and other surety including, but not limited to, letters of credit, provided such bond or surety is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit is acceptable to the

Commission. In the case where a bank or insurance company is involved with the surety, the bank and/or insurance company shall be authorized to conduct business in the State of Connecticut.

G. Post Approval Requirements

1. A certificate of zoning compliance shall be issued by the Town Planner after all the site improvements have been completed in accordance with the approved Site Plan.
2. If the site improvements cannot be completed because of weather or if an alteration does not require the vacating of the premises or if a portion of a building or development is ready for occupancy before the completion of the entire building or development or for other pertinent reasons, a conditional certificate of zoning compliance may be issued by the Town Planner for a period not to exceed 180 days, provided that a portion of the posted bond shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements or, if necessary, a new bond shall be posted. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Commission shall then release the bond.
3. Certificate of occupancy. A certificate of occupancy shall not be issued by the Building Official until the Town Planner or ZEO has determined that the site improvements have been completed in accordance with the approved Site Plan and has issued a certificate of zoning compliance.
4. As-built drawings required:
 - a. No certificate of zoning compliance or certificate of occupancy shall be issued until as-built drawings have been submitted to the Town Planner and are determined to be in substantial compliance with the approved Site Plan.
 - b. The as-built drawings shall:
 - 1) Be prepared at the same scale as the Site Plan by an engineer and/or surveyor, as appropriate, registered and licensed in Connecticut.
 - 2) Show the actual installation of all site improvements, the exact location of buildings and other required items at a level of detail at or exceeding that of the approved Site Plan.
 - 3) Include a certification by the engineer and/or surveyor as to substantial compliance with the approved Site Plan.
 - 4) List or show all deviations from the approved Site Plan.

- c. The Town Planner shall submit all as-built drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

H. Amendments

All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor amendments to the approved Site Plan may be approved only in writing by the Town Planner and/or Town Engineer upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.

I. Expiration of Site Plan

All site improvements in connection with an approved Site Plan shall be completed within the time period specified in the General Statutes. Failure to complete all site improvements within such period shall result in automatic expiration of the approval of such Site Plan.

J. Continuance

All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

Section 20-10. Items to Be Shown on Plans

Item	Type of Application	
	Special Permit	Site Plan
The Basics		
<input type="checkbox"/> Plan sheets shall be 24" X 36".	X	X
<input type="checkbox"/> The plans shall be drawn to a scale of one inch equals 40 feet. One inch equals 50 feet or one inch equals 100 feet may be used if the parcel size warrants such a scale. If a scale of one inch equals 100 feet is used, areas where details are required for review purposes shall be shown at a scale of one inch equals 40 feet.	X	X
<input type="checkbox"/> Graphic scale, date of drawing and of all revisions, and name of person preparing Site Plan.	X	X
<input type="checkbox"/> A north arrow, labeled, and its relation to magnetic north.	X	X
<input type="checkbox"/> Title block.	X	X
<input type="checkbox"/> Address of property, lot number, and name and address of owner of record.	X	X
<input type="checkbox"/> Letter of authorization by property owner, permitting staff and Commissioners to enter and inspect the subject property.	X	X
<input type="checkbox"/> Engineer's seal and signature and/or surveyor's seal and signature.	X	X
<input type="checkbox"/> Name and signature of certified soil scientist.		X
<input type="checkbox"/> Commission signature block on the first sheet.	X	X
Zoning		
<input type="checkbox"/> Zone and zone boundaries of subject property and all property within five hundred (500) feet.	X	
<input type="checkbox"/> Aquifer Protection Overlay Zone boundary.	X	X
Surroundings		
<input type="checkbox"/> A 1,000-scale key map showing location of the property with respect to nearby streets, adjacent properties, municipal boundaries and notable landmarks.	X	X
<input type="checkbox"/> A 200-scale plan showing all properties or portions which fall within 500 feet of any part of the subject property. Such properties shall be identified. The information must be as per the most current Assessor's records.	X	X
<input type="checkbox"/> Town line locations if within 500 feet of the site of the proposal.	X	X
Property Details		
<input type="checkbox"/> Property boundaries, dimensions and area, as shown on an A-2 survey.	X	X
<input type="checkbox"/> General topographic features of the site.	X	X
<input type="checkbox"/> Existing and proposed contours drawn at two-foot intervals, including location and elevation of bench marks.		X
<input type="checkbox"/> Wooded areas, wood lines, hedgerows and unique topographic and geological features such as substantial rock outcrops and large boulders.		X
<input type="checkbox"/> Locations of all existing and proposed buildings, structures and uses, including but not limited to stone walls, sidewalks, curbing, driveways, parking and loading areas and abutting streets.	X	X
<input type="checkbox"/> Easements, rights-of-way, open spaces, identified, labeled and dimensioned as appropriate.		X
<input type="checkbox"/> Area of the site to be disturbed and/or developed in square feet and as a percentage of entire site.	X	X
<input type="checkbox"/> Total area of building footprints and gross usable floor area of each and total thereof.	X	X
<input type="checkbox"/> Area of existing and proposed impervious surfaces in square feet and as a percentage of entire site.	X	X
<input type="checkbox"/> Proposed "limit of work line" outside of which no land or natural features will be disturbed.		X
<input type="checkbox"/> Wetland boundaries and watercourses as established by a certified soil scientist, including minimum wetland buffers.		X
<input type="checkbox"/> Dimensions of all yards as required by these Regulations, including frontage of established building line if used in lieu of street frontage.	X	X
<input type="checkbox"/> Locations and descriptions of water supply and sewage disposal facilities, including the location of primary and reserve septic systems if required.	X	X
<input type="checkbox"/> Conceptual storm drainage plan.	X	
<input type="checkbox"/> A storm drainage plan in compliance with the Town of Tolland Design Manual, including the calculations for existing and proposed conditions for all drainage structures on and off the property which may be affected by this proposal.		X

Item	Type of Application	
	Special Permit	Site Plan
<input type="checkbox"/> Stream encroachment lines as established by DEEP.	X	X
<input type="checkbox"/> Flood hazard areas as shown on Flood Insurance Rate Map, including panel number.	X	X
<input type="checkbox"/> Road names, rights-of-way and pavement widths.	X	X
<input type="checkbox"/> Edges of existing pavement, curb cuts and drainage structures within 300 feet of the site.		X
<input type="checkbox"/> Street curve data.		X
<input type="checkbox"/> Typical pavement section.		X
<input type="checkbox"/> Indication from DOT that plans were submitted for review or that review is not required.		X
<input type="checkbox"/> Adjacent utility poles and numbers.	X	X
<input type="checkbox"/> A soil erosion and sediment control plan in accordance with Article 4.		X
<input type="checkbox"/> Location, data and dates of deep pit and percolation test sites, if required.	X	X
<input type="checkbox"/> A landscape plan prepared by a licensed landscape architect, per Section 19-3.		X
<input type="checkbox"/> Lighting plan per Section 19-4.		X
<input type="checkbox"/> Statement of easements and deed restrictions which affect the plan.		X
<input type="checkbox"/> Any other similar information determined necessary by the Commission in order to provide for the proper enforcement of these Regulations.	X	X

Section 20-11. Conceptual Plan Procedure

Applicants are encouraged to present a conceptual plan for informal review by the Commission before making a formal application for a Zoning Map Amendment, Zoning Regulation Amendment, Special Permit or Site Plan.

The purpose of the review is to identify factors and problems that may be associated with the application before the applicant proceeds with the formal application thereby allowing alterations or changes recommended by the Commission to be more readily and economically made by the applicant. Objectives of the conceptual plan submission are:

- For the applicant to demonstrate an understanding of the characteristics of the site and adjoining land and to present a proposal consistent with those characteristics.
- To generally identify potential conflicts with zoning requirements.
- To identify additional information that the applicant may need to provide when a formal application is submitted.

Neither the conceptual plan nor the informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal application procedure. Any comments made by the Commission or staff are limited to the information presented in the conceptual plan(s) and are not to be considered as a commitment to approve a definitive site development plan for which more detailed information is required. The content of the conceptual shall be generally as described in Section 20-10, except that only minimal detail is required.

Section 20-12. Incomplete Applications

- A. An application requiring approval from the Commission shall not be considered complete until all of the information as required by these Regulations has been received, including the fee.
- B. An incomplete application or an application submitted without the requisite fee may be denied.
- C. An application may be considered incomplete if application requirements are not submitted at least seven (7) days before a Commission meeting and the applicable timeframes for review are set to expire at said next meeting.

Article 21: Zoning Board of Appeals (ZBA)

Section 21-1. Powers and Duties

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124, Section 8, of the General Statutes and by these Regulations, which powers and duties are summarized and more particularly specified below. None of the following provisions shall be deemed to limit any of the authority of the ZBA that is conferred by general law.

A. Appeals

The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision or determination of the ZEO. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent, such order, requirement, decision or determination was a correct interpretation of the subject provision of these Regulations.

B. Variances

The ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured.

C. Location of Motor Vehicle Uses

The ZBA shall have the authority to hear and decide upon all requests for certificates of approval for motor vehicles sales, service and repairs uses in accordance with Sec. 14-54 and Sec. 14-321 of the General Statutes. Such authority shall not supersede the Commission's authority to hear and decide upon requests for Special Permits for such uses.

D. Referrals to Commission.

Prior to a public hearing on any application for a use variance or variance in a nonresidential zone, the ZBA shall transmit the application to the Commission for its review and comment. Failure of the Commission to submit a report to the ZBA within 30 days of receipt of the application shall be taken as approval of the request. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

E. Use Variances

Use variances may be granted by the ZBA only in the CIZ Zone. No use variance shall be granted by the ZBA which would permit:

1. A use prohibited either implicitly or explicitly by these Regulations.
2. The expansion of a nonconforming use.
3. A use otherwise allowed by Special Permit in the district in which the use is located.

Section 21-2. General Rules

A. Appeals

All appeals to the ZBA from an order, requirement, decision or determination of the ZEO shall be taken within such time as is prescribed by a rule adopted by the ZBA. Such appeals shall be made in writing.

B. Variances

1. All applications for variances shall be submitted in writing in a form prescribed by the ZBAs and shall be accompanied by the applicable filing fee. The ZBA may deny an application for incomplete or incorrect information having been submitted.
2. No variance shall be granted by the ZBA unless it finds all of the following:
 - a. There are special circumstances or conditions, fully described in the findings of the ZBA, applying to the lot or structure for which the variance is sought which are peculiar to such lot or structure and do not apply generally to lots or structures in the neighborhood and which have not resulted from any willful act of the applicant subsequent to the date of adoption of the regulation from which the variance is sought, whether in violation of the provisions herein or not.
 - b. For reasons fully set forth in the findings of the ZBA, the aforesaid circumstances or conditions are such that the particular application of the provisions of these Regulations would deprive the applicant of the reasonable use of the lot or structure, that the granting of the variance is necessary for the reasonable use of the lot or structure and that the variance as granted by the ZBA is the minimum adjustment necessary to accomplish this purpose.
 - c. The granting of the variance shall be in harmony with the general purposes and intent of these Regulations and the town's Plan of Conservation and Development and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.

- d. The granting of the variance is not based upon the nonconformity of neighboring lots, uses, buildings or structures nor upon a financial or economic hardship.
3. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record the reason for its decision, the specific provision of these Regulations which was varied, the extent of the variance and the specific hardship upon which its decision was based.
4. Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk and in the town land records.
5. Any variance granted by the ZBA which is not recorded within one (1) year from the date of the required notice, shall be null and void.
6. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six (6) months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.

C. Referrals

To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

D. Public Hearing

The ZBA shall hold a public hearing on all appeals and applications for variances make a decision and give notice of its decision in accordance with the provisions of the General Statutes. The applicant or appellant shall mail notice of the public hearing, by Certificate of Mailing, to the owners of property within 100 feet of the subject property not less than 10 days prior to the date of the hearing. The applicant and appellant shall also post sign(s), provided by the Planning Office, in a location legible from the road, not less than 10 days prior to the date of the public hearing.

E. Conditions

In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations.

F. Special Permits

No appeal or variance shall be granted that would alter, revise or otherwise change any of the conditions attached to the granting of a Special Permit by the Commission, if such conditions are

more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

Article 22: Validity and Effective Date of Regulations

Section 22-1. Validity

If any section, paragraph, subdivision, clause or provision of these Regulations is adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

Section 22-2. Effective Date

The effective date of these Regulations shall be January 1, 2018.

Appendices

Appendix A: Summary of Principal Use Requirements in Residential Zones

This table is a summary of zoning requirements and does not supersede requirements in the Zoning Regulations. Should there be a difference between this table and the Zoning Regulations, the Zoning Regulations shall prevail.

	RDD		VCZ	Multi-Family (RDD)	Elderly (RDD)
	Traditional Development	Flexible Development*			
Applicable Regulations	Sec. 5-3	Sec. 5-4	Sec. 6-3	Sec. 5-5	Sec. 5-5.F
Lot Dimensions					
Min. Parcel Size	n/a	n/a	n/a	10 acres	
Min. Lot Area	87,120 sf (2 acres)	40,000 sf*	43,560 sf (1 acre)	n/a	n/a
Min. Buildable Area	19,000 sf	19,000 sf	19,000 sf	n/a	n/a
Min. Lot Frontage	200 ft	125 ft*	150 ft	125 ft	
Min. Open Space	20%	20%	20%	20%	
Building Requirements					
Max. Building Coverage	15%	15%	20%	15%	15%
Setbacks (Principal Structure):					
Front Yard (Collector or Arterial Road)	60 ft	60 ft	40 ft	n/a	n/a
Front Yard – (Other Road)	40 ft	30 ft*	40 ft	n/a	n/a
Side Yard	25 ft	20 ft*	15 ft	n/a	n/a
Rear Yard	50 ft	25 ft*	50 ft	n/a	n/a
Max. Building Height	35 ft / 40 ft at ridge				
Site Perimeter Setbacks	n/a	n/a	n/a	100 ft if adjoining residential zone 50 ft if adjoining non-residential zone	
Max. # of Bedrooms per Acre of Developable Area	n/a	n/a	n/a	6 on septic 8 on sewer	10 on septic 12 on sewer
Max. # of dwellings per building	1 with 1 accessory unit			12	40

*Minimum lot area, frontage, and setbacks may be reduced to these dimensions based on percentage of open space provided.

Notes:

"Min." = minimum; "Max." = maximum; "SF" = square feet; "ft" = feet

This table does not apply to rear lots or accessory structures.

Appendix B: Guidelines for Wireless Telecommunications Sites (WTS) Not Under Local Jurisdiction

A. Intent

The intent of these guidelines is to aid the town in reviewing telecommunication facilities proposed in Tolland and undergoing the State review and approval process. It is recognized that the town does not have jurisdiction over such facilities. The overall intent is to protect neighborhoods and minimize adverse visual and operational effects of wireless tele-communications facilities by encouraging careful design, siting and screening through the following principles:

1. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community.
2. Encourage providers to collocate facilities on a single tower.
3. Site facilities below visually-prominent ridge lines.
4. Minimize the location of facilities in visually sensitive areas.
5. Encourage creative design measures to camouflage facilities.
6. Protect historic and conservation sites, schools, and residential areas from potential adverse impacts.
7. Where a wireless telecommunication site is proposed to be located on, or within 1,000 feet of, a property designated on the National Historic Register, or areas designated as historic and conservation sites, such proposal should be designed to preserve the environmental, historic or architectural character of the landscape or any structure.
8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
9. Screen towers and associated structures from roads in residential areas.
10. Proposed facilities should not have a significant negative impact on public health, safety, convenience, property values, aesthetics or the environment.

B. Location Preferences

The locations for siting equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed below, in order of preference:

1. On existing municipal structures such as buildings, water towers and utility poles.
2. On existing structures such as buildings, water towers and utility poles.

3. On existing or approved towers.
4. On new towers on municipal properties.
5. On new towers up to 100 feet in height located in commercial or industrial zones.
6. On new towers greater than 100 feet in height located in commercial or industrial zones.
7. On new towers up to 80 feet in height located in residential zones.
8. On new towers greater than 80 feet in height located in residential zones.

C. Height Preferences

The height of the tower is measured as the vertical distance in feet from the average existing level of the ground surrounding the tower, or structure a tower is mounted on, to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

1. Commercial and industrial zones: the recommended maximum tower height is 180 feet for monopoles only and 60 feet and under for lattice towers.
2. Residential zones: the recommended maximum tower height is 120 feet for monopoles only and 60 feet and under for lattice towers.

D. Area Requirement Preferences

1. Commercial and industrial zones: a minimum lot area as required by the underlying zone, or one (1) acre, whichever is greater, for all WTS containing a freestanding tower.
2. Residential zones: A minimum lot area of five (5) acres for all WTS containing a freestanding tower with additional towers on the same parcel at the rate of one (1) tower for each additional five (5) acres.

E. Setback Preferences

1. Commercial and industrial zones - setback requirements shall be the same as for a principal structure with the following exceptions:
 - a. If a tower is located on property abutting a residential zone, the property line setbacks shall be a distance equal to three quarters (3/4) of the height of the tower.
 - b. All towers shall be located a minimum of 500 feet from an existing dwelling or proposed dwelling.
2. Residential zones:

- a. Minimum front setback shall be 300 feet from the street line (both street lines on a corner lot). Minimum side and rear setbacks shall be the same as the height of the tower.
 - b. All towers shall be located a minimum of 500 feet from an existing or proposed dwelling.
 - c. No tower shall be located within 500 feet of another tower.
3. No tower exceeding 60 feet in height shall be located within 1,000 feet of the boundary of the Historic District or any property designated on the National Historic Register.
4. No tower shall be located within 500 feet of school buildings or municipal playing fields.

F. Additional Preferences

1. No lights should be mounted on proposed towers unless otherwise required by the FAA.
2. Towers not requiring special FAA painting or markings should be a non-contrasting blue, gray or other neutral color which will best blend with the surrounding environment.
3. Landscape buffering should be provided. Existing vegetation should be preserved to the maximum extent possible. Landscaping should be placed completely around the tower and ancillary facilities at ground level, except as required for access. Landscaping should consist of evergreen vegetation with a minimum planted height of six (6) feet placed densely so as to form an effective screen. Landscaping should be compatible with other nearby landscaping and shall be kept healthy and well maintained.
4. WTS should not be used to exhibit any signage or other advertising except as may be required by other governmental licensing agencies or required for public safety purposes.
5. Proposed towers should be designed to accommodate the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over 100 feet in height or for at least one (1) additional comparable antenna if the tower is over 50 feet but less than 100 feet in height. Towers should be designed to allow for future rearrangement of antennas to accommodate antennas mounted at varying heights.
6. Antennas or equipment buildings/cabinets mounted to or on buildings or structures should to the greatest degree possible blend with the color and design of such building.
7. No proposed wireless telecommunication site should interfere with existing or proposed public safety communications.
8. Applications for wireless telecommunication sites within the flood hazard areas shall comply with the standards for flood zones.

9. The design of all wireless telecommunication sites should comply with the standards promulgated by the FCC for nonionizing electromagnetic emissions.
10. All generators installed in conjunction with any wireless telecommunication site shall comply with all state and local noise regulations.
11. All towers and related equipment areas should be enclosed in an area secured by at least a six (6) foot chain link or comparable fence. If barbed wire is to be used it should begin at a point at least six (6) feet above grade.
12. If feasible, the site access road should be secured by a locked gate.
13. The lower 10 feet of towers should be designed to prevent unauthorized access.
14. As-built plan. The latitude and longitude of the tower or the antenna assemblies and as-built location of the tower and related structures on the site certified by a licensed surveyor must be submitted.

Appendix C: Recommended Maintained Illuminance Values for Parking Lots

	Unit of Measurement	Basic	Enhanced Security
Minimum horizontal illuminance	Lux	2	5
	Foot candle	0.2	0.5
Uniform ratio		20:1	15:1
Minimum vertical illuminance	Lux	1	2.5
	Foot candle	0.1	0.25

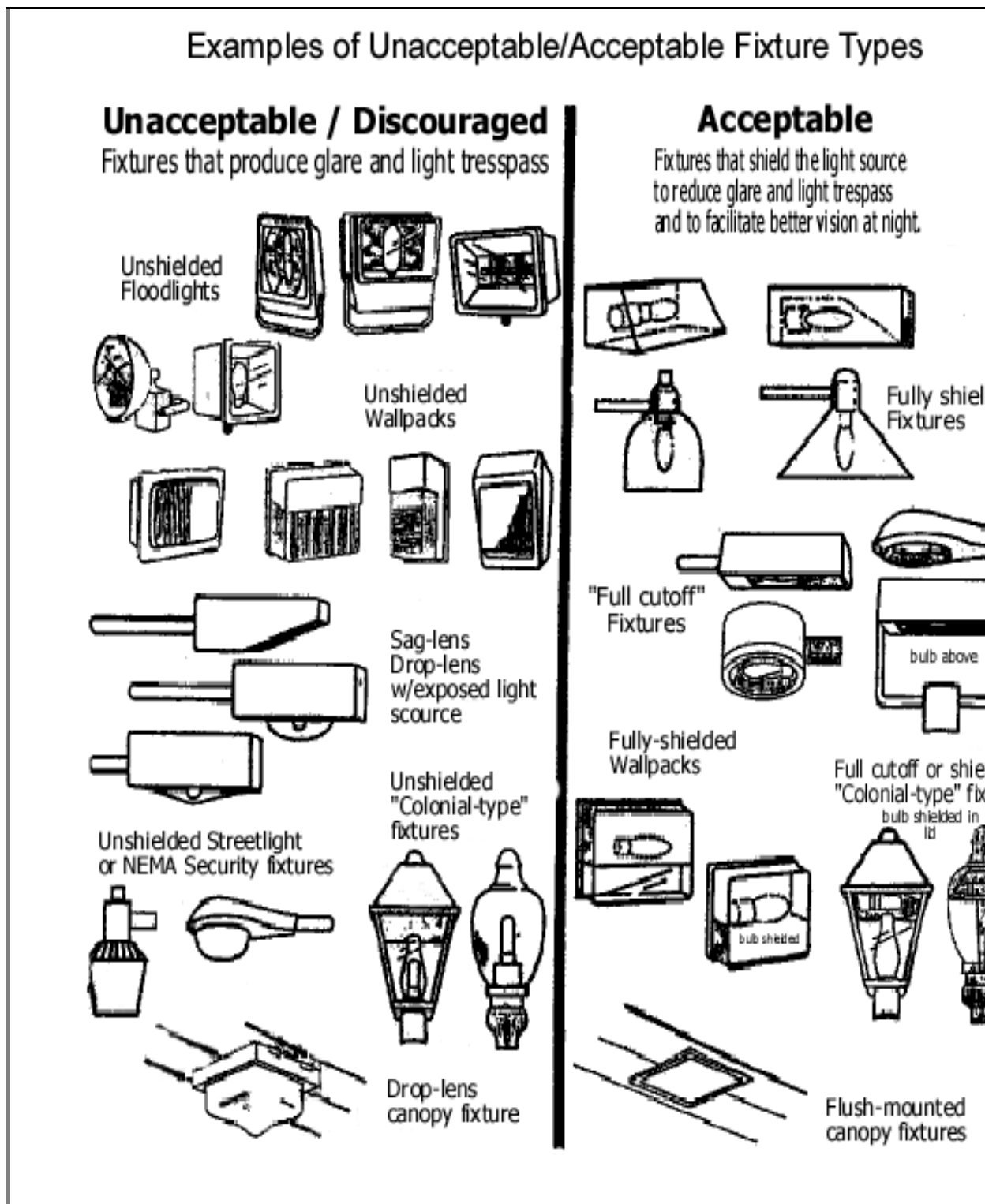
Source: Lighting for Parking Facilities, RP-20-98, IESNA 1998

Appendix D: Service Station or Gas Pump Area Average Illuminance Levels

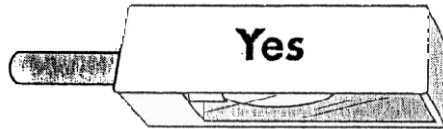
Area Description	Average Illuminance (lux/footcandles)	
	With Dark Surroundings	With Light Surroundings
Approach	15 / 1.5	20 / 2
Driveway	15 / 1.5	20 / 2
Pump island area	50 / 5	100 / 10
Building façade	20 / 2	30 / 3
Service area	20 / 2	30 / 3
Landscape highlights	10 / 1	20 / 2

Source: IESNA RP-33-99

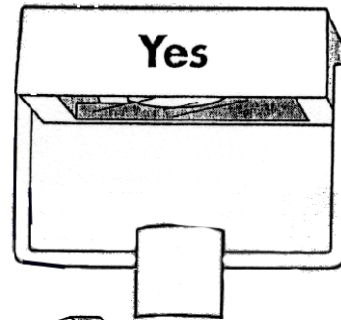
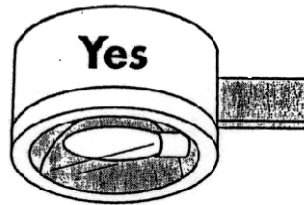
Appendix E: Illustrations of Unacceptable and Acceptable Light Fixtures and Full Cutoff Fixtures



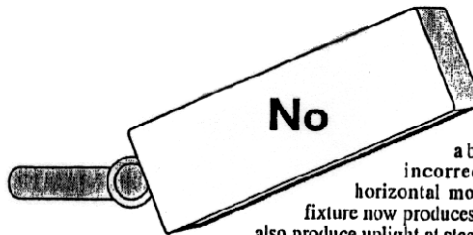
What is a True "Full Cutoff" Outdoor Lighting Fixture?



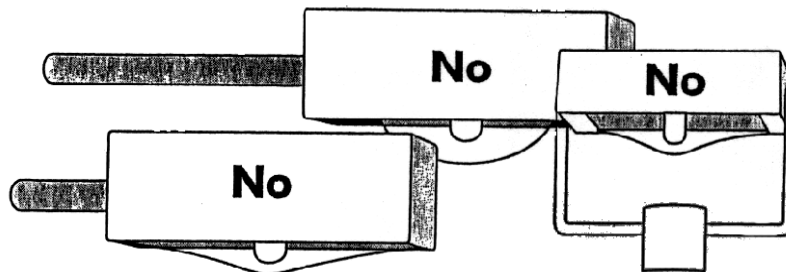
Flat glass lens, eliminates or minimizes direct glare, no upward throw of light.
The housing for the fixtures are available in many styles.



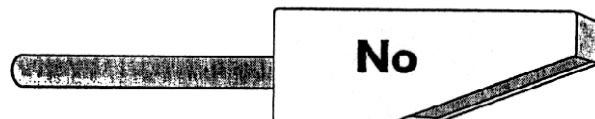
"Colonial" style fixtures are also offered in full cutoff styles, where the glare from the light source is shielded in the fixture top.



Same fixture as above, mounted incorrectly-defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "Cut-off". Center "drop" or "sag" lens with exposed bulb, produces direct glare.



Forward-Throw Style. Exposed bulb in forward position produces some direct glare at forward angle.

Appendix F: Regulation Amendments Since 2000

The following is a summary based on effective dates. Refer to Regulations for details on amendments.

Effective Date	Amendments
August 1, 2000	Substantial overhaul including new zones
August 1, 2001	Numerous revisions
September 15, 2002	Height regulations
January 20, 2003	Lighting regulations, multi-family development
June 15, 2003	Misc. amendments including to business uses.
September 15, 2003	Open space provisions for residential zones
November 1, 2003	Various definitions, misc. amendments
April 1, 2004	Driveway access in residential zones
November 1, 2004	Parking requirements, signs, misc. provisions
December 15, 2004	Landscape regulations
March 3, 2005	Signs, enforcement, lighting, moratorium, other misc. amendments
December 1, 2005	Substantial re-write of residential zones. Density based regulations, Natural Resource zone adopted, other amendments
January 15, 2006	Amendments to flexible residential developments
June 1, 2006	Aquifer Protection Overlay zone adopted; RDD amendments on agricultural uses
July 1, 2006	Prohibition on outdoor wood burning furnaces
October 1, 2006	Lot frontage revision in TBP zone; revisions to certificates of approval for motor vehicle uses
February 16, 2007	Adult oriented establishment revision
March 1, 2007	Add indoor recreational facility as a use
May 1, 2007	Height revisions
November 1, 2007	Lot coverage requirements in GDD; sign revisions; lighting revisions
January 20, 2008	Amendments to submittal requirements for Special Permits and Site Plans
February 1, 2008	Incorporate low impact development requirements
June 15, 2008	Revisions to certificates of approval for motor vehicle uses

Effective Date	Amendments
July 20, 2008	Revisions to adult oriented establishment regulations; notice requirements
September 15, 2008	NCZ revision of uses
November 11, 2008	Rear lot revisions
April 2, 2009	Elderly housing regulations
July 1, 2009	Veterinary hospitals and kennels in RDD, sandwich board sign regulations
July 20, 2009	Revisions to Zoning Board of Appeals regulations
November 15, 2009	Initial / conceptual language for idea of a village zone
April 15, 2010	Restaurant and retail food / serving establishment revisions; elderly nonprofit housing development regulations in VCZ
January 1, 2011	PA 490 revisions; revisions for day-care centers, group homes, domestic animal services, rear lots, accessory structures, and nonconforming structures
January 15, 2011	Definition of hookah lounge
July 1, 2011	TVA zone established
November 15, 2011	Livestock and small stock
April 15, 2012	Revisions to accessory dwelling unit provisions, drive through regulations, and surety requirements
July 1, 2012	Revisions to TVA
August 1, 2012	Revisions to NCZ and CCZ
October 1, 2012	PA 490 revisions
May 1, 2013	Sign regulations to promote access management
July 1, 2013	New Technology Campus Zone
April 1, 2014	Alternative energy provisions; allow assisted living in GDD; home occupation revisions; PA 490 revisions; sign regulations
August 25, 2014	Sign regulations; amendments to NCZ-G and T
September 15, 2014	Alternative energy amendments
December 1, 2014	Allow motor vehicle and trailer rental in NCZ-T
March 1, 2015	Allow veterinary hospitals in GDD; amend front setback for detached garages
March 15, 2015	Drive through revisions
July 1, 2015	Amendments to TVA zone to allow stand-alone multi-family and other changes

Effective Date	Amendments
August 1, 2015	Deleted Section 3-18, Designation of Public Act 490 Land, renumbered subsequent sections
October 1, 2016	Allow breweries, distilleries, wineries and brewpubs in certain zones by Special Permit
April 3, 2017	Amendments to TVA
April 17, 2017	Revised Accessory Dwelling Unit regulations to allow detached, among other changes.
December 27, 2017	Allow adult and child day cares in Gateway Design District by Special Permit
January 1, 2018	Repeal and replace Zoning Regulations
January 31, 2018	Allow car washes in GDD and personal service establishments through adaptive re-use in Technology Campus Zone.
June 4, 2018	Add definition for Vocational Rehabilitation to 2-2. Add special needs schools and vocational rehabilitation as special permit uses in CIZ-A.
July 31, 2018	Add religious institutions to 13-2.B.
September 30, 2018	Amend definition of Two-family dwelling unit and allow by Special Permit in RDD.
January 1, 2019	Amend 2-2 and 5-2.B to allow farm breweries, cideries, distilleries and wineries and add new Section 16-13 with standards for such uses.
February 1, 2019	Amend Article 18 to allow a change in a nonconforming use to another nonconforming use by Special Permit.
July 1, 2019	Allow Medical Marijuana Production Facilities; Amend how an accessory structure is "attached" to principal structure; Allow Pre-Development Site Grading in certain business zones.
October 12, 2019	Allow Medical Marijuana Dispensaries by Special Permit in CCZ & CIZ.
September 14, 2020	Amend Section 16-12.B to remove setbacks for roof-mounted solar panels and make formatting adjustments.
October 13, 2020	Amend Section 16-9 to increase number of chickens allowed on lots less than 2 acres in size, revise setbacks and eliminate requirement for a zoning permit.
October 26, 2020	Amend 7-5.A.3., 16-5.A. and 16-5.B.1.a. to allow drive-through service at restaurants in the Tolland Village Area and eliminate the requirements for a signalized intersection.

