

Town of Tolland, Connecticut

Plan of Conservation & Development – Implementation

Meeting 1 – Commercial Zones:
A Review of Uses by Zoning District



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Prepared by:
Donald J. Poland, PhD, AICP
Managing Director, Urban Planning & Strategy
Goman + York Property Advisors, LLC
1137 Main Street
East Hartford, CT 06108
Phone: 860-655-6897
E-mail: dpoland@gomanyork.com
www.gomanyork.com



DONALD J. POLAND, PhD, AICP

MANAGING DIRECTOR & SVP, URBAN PLANNING

PHONE: 860.655.6897 – E-MAIL: dpoland@gomanyork.com

Introduction:

The intent of this document is to guide the discussion and review of commercial zoning uses of the PZC Commission. The discussion will focus on zoning and uses, specifically permitted (as-of-right) and conditional (special permit) uses in commercial zoning districts. The aim of this review and discussion is to better understand what uses are allowed (as-of-right and conditionally) or not allowed in each district; why certain uses are allowed as-of-right (permitted uses) and others are conditional uses (special permit uses); how these uses (permitted and conditional) relate to the recommendations of the Plan of Conservation and Development; the goal of economic development; and how adjustments to the permitted and conditional uses may create opportunities for Tolland to encourage the kind of uses and development it wants and to discourage (or disallow) the uses and development it does not want.

To accomplish this, I have reviewed the allowable uses by zoning district and will go through my review with the Commission to discuss and determine why certain uses are permitted, not permitted, and conditionally permitted. The intent is to ask the Commission to think carefully and critically about uses, how uses are allowed, and the zoning districts in which uses are allowed. This should enable us to discuss (and debate) certain uses, how such uses are permitted, and how to deal with and manage uses in the future. The desired outcome is to be intentional about uses—allowing and encouraging the uses Tolland wants (as-of-right), prohibiting the use Tolland does not want, and effectively regulating those uses that require special considerations (conditional).

Permitted and Conditional Uses:

Permitted uses are uses that are allowed as-of-right (by staff zoning permit or by commission site plan) and by law do not require a public hearing. Permitted uses are (and should be) the uses we most want to encourage in our community—investment flows in the path of greatest certainty and least resistance. Permitted uses (by zoning permit or site plan) are as-of-right uses, which indicates that if the use complies with the requirements of regulations (i.e. bulk, area, site design, etc.), then the use should be approved. Therefore, permitted (as-of-right) uses should include subjective provisions and conditional criterion.



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Conditional uses (special permits) are uses that are allowed via a conditional permitting process (by commission) and such process requires a public hearing, by law. Unfortunately, my experience has informed me that conditional uses are often a misunderstood and/or misused area of zoning. Therefore, I want to take a moment to discuss and clarify the role of conditional uses. Section 8-2 of the Connecticut General Statutes (CGS) states that the zoning commission “may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit...subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.”

As stated above and authorized in statute, the law governing conditional uses (special permits) recognizes that while a use may be desired and acceptable in a certain zoning district, the use (the character and qualities of the use) may not be suitable in all locations within said district. Therefore, the Commission may establish specific standards in the regulation that must be demonstrated (by the applicant) and complied with before the conditional use (special permit) is approved. Special permit applications require a public hearing to ensure the public interest is served by the Commission’s decision-making process when evaluating the proposed use against the conditions established in the regulation.

When considering any application for special permit, the Zoning Commission “must determine that; (1) the proposed use of the property is expressly permitted under the zoning regulations, (2) the standards in the regulations are satisfied, and (3) any conditions necessary to protect public health, safety, convenience and property values as provided by Section 8-2 of the CGS can be established” (Robert Fuller, *Connecticut Practice Series: Land Use Law and Practice*, 1999: 136). If all three requirements are satisfied, the Commission must approve the application.

Regarding zoning in general and more specifically regarding economic development, conditional uses should be reserved for uses that may not be appropriate in certain locations due to specific characteristics of the use (intensity of use, significant traffic generation, adequate infrastructure, etc.) and for those uses that may pose a *real* threat to ‘the public health, safety, convenience, and property values.’ Conditional uses, special permits, should not be utilized as a way for the Commission to wield discretion—application-by-application—in their decision-making processes. Therefore, conditional uses should be reserved for those unique and challenging uses that pose real concerns and threats to neighboring properties and the character of the district.



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Questions for Discussion

To facilitate and guide this discussion, the following are sample questions that I may ask the Commission to consider regarding certain uses allowed in certain zoning district:

- Is this use suitable for this district? If so, why?
- Should this use be a permitted or conditional use?
- If the decision or recommendation is for the uses to be conditional, what are the characteristics of the uses that raise concerns and what threats does the use pose to neighboring properties and the character of the district that warrant the special permit process.
- Are there other uses, not allowed in the zoning district, that should be allowed?
- Does the use need to be defined?

Yellow highlights are specific areas I want to discuss with the Commission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Poland".

Donald J. Poland, PhD, AICP



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Table of Uses by District

Retail, Personal, & Professional Service Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Store or shop for the conduct of retail or personal service business, excluding drive-through service.	SP	P	P	P	SP				
Stores or shops for the conduct of retail or personal service businesses, excluding drive-through service. (30,0000<)							P	P	
Bank or financial institution, excluding drive-through service.	SP	P	P	P					
Banks or financial institutions, excluding drive-through service. (30,0000<)							P	P	
Banks or financial institutions, including drive-through service (Section 16-7).		SP	SP	SP	SP				
Banks or financial institutions including drive-through service (Section 16-7). (30,0000>)							SP	SP	
Pharmacies, including drive-through service (Section 16-7).					SP				
Pharmacy, including drive-through service (Section 16-7 and TVA Design Guidelines.)	SP								
Child and adult day-care centers, or group day-care homes.		P	P	P					
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. (30,0000>)							SP	SP	
Veterinary hospitals without outside animals.		P			SP				
Kennels, commercial kennels, commercial stables, veterinary hospitals and related activities, five-acre minimum.				P					
Amusements, arcades and game rooms.				SP					
Retail on-site dry cleaning and laundromats on public sewer. (30,0000>)							SP	SP	
Car washes on public sewer. (30,0000>)							SP	SP	
Self-storage facilities. (30,0000>)							SP	SP	
Roadside stands, regional. (30,0000>)							SP	SP	
Roadside stands, regional.		SP	SP	P					
Adult-oriented businesses.					SP				



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Hospitality Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Restaurant, with or without liquor sales, excluding drive-through service	SP	SP	SP	SP	SP				
Restaurants, with or without liquor sales, excluding drive-through service (30,0000>)							SP	SP	
Restaurants, with or without liquor sales, including drive-through service (Section 16-7).					SP				
Retail Food/Serving Establishment		SP		P					
Retail Food/Serving Establishments (30,0000<)							P	P	
Retail food/serving establishment, excluding drive-through service	SP		SP	SP					
Retail/Food Services Establishments excluding drive-through service (30,0000>)							SP	SP	
Brewpub, micro-brewery, micro-distillery, or micro-winery	SP			SP	SP				SP
Brewpub, micro-brewery, micro-distillery, or micro-winery (30,0000>)							SP		
Brewery, distillery, or winery									SP
Brewery, distillery, or winery (30,0000>)							SP		
Hotel, bed and breakfast establishment (guest rooms are accessed through an internal corridor).	SP								
Hotels, motels, inns.					SP				
Bed-and-breakfast establishments.		P	P	P		SP			
Bed-and-breakfast establishments. (30,0000<)							P	P	

Commercial Office Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Offices for business, medical or professional use.	SP	P	P	P		P			
Offices for business, medical or professional use. (30,0000<)							P	P	
General offices.					SP				
Medical offices.					SP				
General and Professional Office greater than 5,000 square feet in GFA						SP			
Medical Office greater than 5,000 square feet in GFA						SP			
Offices for business or professional use (all activities, except for off-street parking and loading, conducted within fully enclosed buildings).									P
Communications: commercial radio and television headquarters and studios.									SP



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Commercial Laboratory & R&D Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Medical, dental and optical laboratories.									P
Research or development laboratories provided that all research and related activities shall be carried on within fully enclosed buildings, except for off-street parking and loading facilities									P
Laboratory engaged in research, experimental and testing activities						P			
Technology-dependent or computer-based facilities dedicated to the processing of data or analysis of information						P			
Laboratory engaged in research, experimental and testing activities greater than 5,000 square feet in GFA						SP			
Educational, scientific and research activities greater than 5,000 square feet in GFA.						SP			
Technology-dependent or computer-based facilities dedicated to the processing of data or analysis of information greater than 5,000 square feet in GFA						SP			
Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition						SP			
Educational, scientific and research activities						P			
Training and/or Conference Centers.						SP			
Research or development laboratories. (30,000<)							P	P	

Mixed-Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Mixed use of residential and commercial (site plan or special permit uses).				SP					
Mixed use of residential and the above listed Special Permit Uses provided total square footage of residential structure(s) shall not exceed 50% of total square footage of structure on the property.					SP				
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 (GFA). (30,0000>)								SP	



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Institutional, Public, & Recreational Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Art or music centers, museums, dance studios or similar uses (For profit only).					SP				
Art or music centers, museums, dance studios, theaters or other cultural activities.	SP	P	P	P					
Art and music centers, dance studios, museums and other cultural activities. (30,0000<)							P	P	
Public or semipublic uses.		P		P					
Places of Worship, parish houses, convents and similar uses.		P	P	P					
Bazaars and fairs (organizations).		SP		SP					
Utilities, public or private: structures, substations or offices.		SP	SP	SP					
Utilities: public or private utility substations, offices or plants, etc. (30,0000<)							P	P	
Utilities, public or private: structures, substations or offices. (30,0000>)							SP	SP	
Utilities: public and private utility substations, offices, plants, etc.									P
Schools, public or private.				P					
Vocational or trade schools. (30,0000>)							SP	SP	
Hospital, clinic, nursing or convalescent home or similar institution (For Profit).				P					
Assisted Living Facilities (For Profit)					SP				
Theaters, excluding drive-in theaters.					SP				
Public or private utility structures or substations.						SP			
Amusements, arcades and game rooms. (30,0000>)							SP	SP	
Club, community center, place of worship, municipal or other public and semipublic use.	SP								
Clubs, private nonprofit existing at the time of adoption of these regulations. (30,0000<)							P	P	
Recreational/sporting facilities (tennis, bowling, etc.).		SP	SP	SP			SP	SP	
Indoor recreational facility for athletic uses (accessory uses as child daycare, food services, outdoor athletic fields with a total area less than the building size are allowed).									SP



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Automotive Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Motor vehicle sales.					P				
Motor vehicle and motor vehicle trailer sales and rental (existing).				SP					
Motor vehicle and motor vehicle trailer sales and rental. (30,0000>)							SP	SP	
Motor vehicle repair.					P				
Motor vehicle and trailer rentals, (subject to...conditions)			SP						
Motor vehicle repair, (Section 14-3) & (existing).				SP					
Motor vehicle repair, (Section 16-3).			SP						
Motor vehicle repair, subject to the requirements of Section 16-3. (30,0000>)							SP	SP	
Gasoline service stations, (Section 16-3) & (existing).			SP						
Gasoline station/convenience store with limited food service (Article XVI. 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.					SP				
Gasoline stations, (Section 16-3). (May not include motor vehicle sales or service except as permitted in Section 10-3).					SP				
Gasoline service stations (Section 16-3) (30,0000>)							SP	SP	
Parking lot or garage including a public parking lot serving off-premise uses.	SP								

Agriculture & Natural Resources	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Agriculture, nurseries, forestry or forest management, including barns and other structures associated with bona fide agricultural operations...		P		P					
Excavation and/or removal of earth products; filling operations (Section 16-2).					SP				
Excavation and removal of earth products; filling operations (Section 16-2). (30,0000>)							SP	SP	



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Industrial & Manufacturing Uses	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
Manufacturing, converting, altering, finishing, fabricating, assembling or other handling of products. (30,000<)							P	P	
Manufacturing, converting, altering, finishing, fabricating, assembling or other handling of products (all such activities shall be conducted within fully enclosed buildings, storage material and products fully screened, and meet setbacks for principal structure.									P
Wholesaling, warehousing or storage uses, (provided that all materials and products...shall be kept within fully enclosed buildings).									P
Wholesaling, warehousing or storage uses. (30,000<)							P	P	
Distribution centers. (30,000>)							SP	SP	
Transportation facilities (taxi headquarters, bus or train depots, etc.). (30,000<)							P	P	
Printing, lithography, photocopy or similar graphic arts services; publishing.									P
Printing, lithography, photocopy or similar graphic arts services; publishing. (30,000<)							P	P	
Contractor's materials, supplies, equipment, service and storage.									SP
Repairs and restoration of heavy equipment and machines.									SP
Contract construction services. (30,000>)							SP	SP	

Other Activities	TVA	NCZ-G	NCZ-T	CCZ	GDD	TCZ	CIZ-A	CIZ-B	TBP
All new buildings.					SP				
Additions to existing commercial buildings up to 10% of the gross floor area.					P				
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.					P				
All building expansions of over 10% of the gross floor area of the existing building.					SP				
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.					SP				
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.					SP				