

Zoning Regulations

Town of Tolland, Connecticut



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Amended through February 27, 2024

Tolland Zoning Regulations – Effective February 27, 2024

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Cover photo taken in Tolland by resident Tricia White. Entry in 2021 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. Tolland Commercial 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 medical marijuana or recreational cannabis.

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.

CAMPING CABIN – A structure that is 250 square feet or less in area and is intended for transient overnight lodging to the general public. A camping cabin includes a wooden structure but does not include a tent, recreational vehicle, mobile home, or manufactured home.

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, camping cabins, 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.

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 CHILD CARE HOME – A private family home providing care in accordance with the definition of a “Family Child Care Home” in Chapter 368a of the Connecticut General Statutes.

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 medical marijuana or recreational cannabis 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 CHILD CARE HOME – An establishment which offers or provides a program of supplementary care in accordance with the definition of a "Group Child Care Home" in Chapter 368a of the Connecticut General Statutes.

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 CANNABIS RETAILER – An entity, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research program as defined in Connecticut General Assembly Public Act 21-1 "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis."

LICENSED CANNABIS CULTIVATOR – An entity that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with no less than fifteen thousand square feet of grow space as defined in Connecticut General Assembly Public Act 21-1 "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis."

LICENSED CANNABIS HYBRID RETAILER – An entity that is licensed to purchase cannabis and sell cannabis and medical marijuana products as defined in Connecticut General Assembly Public Act 21-1 "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis."

LICENSED CANNABIS MICRO-CULTIVATOR – An entity that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the commissioner as defined in Connecticut General Assembly Public Act 21-1 "An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis."

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, or form of public announcement situated outdoors or indoors but intended to be visible outdoors intended to aid directly or indirectly in the sale of goods or services

ANNOUNCEMENT SIGN – A sign located on the premises for which an active Home Occupation permit is maintained.

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.

PROJECT SIGN – A sign located on the premises for which an approved construction activity is taking place during the period of such construction activity.

DIRECTIONAL DEVICE – A structure which guides or directs internal pedestrian or vehicular traffic within a site for the control of traffic and parking.

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.

“SIGN” TERMS (continued)

- 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.

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, a 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.

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

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

TEMPORARY SIGN – A sign which has not been permitted, constructed, or located in a manner to provide for advertisement on a permanent basis.

WALL SIGNS

- PRIMARY 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.

“SIGN” TERMS (continued)

- **SECONDARY WALL SIGN** - A wall sign mounted directly on the front façade of a building no higher than any first-floor level entrance door.

WINDOW SIGN – A sign within a window as measured by an imaginary rectangle around the outside edge of all letters or emblems as if they were a single sign.

YARD SIGN- A sign located on any piece of property, affixed to or located on the ground, any other structure or natural element which is visible from a public right of way or adjacent property.

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, alpacas, and similar sized animals (excluding butcher hogs and exotic animals as defined by Connecticut General Statutes 26-40a), 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 in excess of 250 square feet in area or more than 10 feet in height, the use of which is customarily incidental and subordinate to that of the principal structure or use on the same lot.

STRUCTURE, MINOR – A detached structure or building, the use of which is customary and subordinate to that of the principal structure or use on the same lot, which does not exceed 10 feet in total height or two hundred and fifty (250) square feet in area and is not used for dwelling.

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 26,000 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 – Gateway District: the height provisions stated within the district regulations shall apply (Article 7).
4. In the Master Plan Overlay Zone for the TCZ District: the height provisions stated within the district regulations shall apply (Article 11-A).

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, an access landing not over three (3) feet high or 24 square feet in area with or without stairs, and terraces may be erected in any required yard.

D. Handicap Ramp

Handicap ramps may extend into a required yard in accordance with Section 16-19.

E. Open Porch

An open porch, veranda, or portico not more than 10 feet in depth may project into the required front or side yard of a residential property. An open porch shall not be enclosed by glass, screens, or other materials.

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. Two-family dwellings on lots of at least two (2) acres meeting the following standards:
 - a. The placement of garage doors and entry doors generally shall resemble that of a single-family dwelling unit.
 - b. No more than one curb-cut shall serve the parcel.
4. Agriculture except as might otherwise be prohibited or regulated by these regulations, or roadside stands for the sale of seasonal agricultural products.
5. Minor Farm Brewery, Farm Cidery, Farm Distillery, or Farm Winery. Should the farm cease operation, such accessory uses also shall cease operation. See Section 16-13 for detailed standards.
6. Temporary amusement, fair or bazaar by a nonprofit organization.
7. Government service: federal or state services permitted; local services permitted if in compliance with General Statutes Section 8-24.
8. Historic or monument site.
9. 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.
10. 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.
11. 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.
12. Family Child Care Homes and Group Child Care Homes.

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. 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.
4. 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.
5. Place of worship, parish house, convent or similar use when located on a lot of at least two (2) acres.
6. 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.
7. Private nonprofit club including sportsman's club.
8. Community center.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
 14. 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.
 15. Cemetery.
 16. Orphanage or children's home.
 17. 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.
 18. Excavation or removal of earth products; filling operations in accordance with the requirements of Section 16-1.
 19. 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.

20. Solar array as a principal use, with a minimum lot size of 10 acres, per Section 16-12.
21. Major 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) Grahber 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 or one (1) two-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. Community center.
3. 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.
4. 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.
 5. Bed and breakfast accommodations within an existing dwelling limited to eight (8) bedrooms for paying guests and serving meals only for such guests.
 6. Cultural or educational facility.
 7. Cemetery.
 8. 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. **(continued to next page)**
- 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. Purpose

The Tolland Village Area Gateway District (TVA-GD) zone is a gateway to Tolland's historic town center and green. The purpose of the TVA-GD is to create an attractive entrance to Tolland and the Town Green while encouraging coordinated commercial retail, service, office, hospitality, multi-family, and mixed-use residential development that incorporate high standards of design at the interchange gateway entrances to the community. The goal is to promote walkable compact development—while recognizing auto-oriented utility and character of the area—having scale and form consistent with the natural landforms of the site, the character of the town, and is sensitive to the historic character of the Town Green area.

Section 7-2. 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 Site Plan or 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 look 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 and public-facing building sides 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.

Section 7-3. Uses

A. Permitted Uses

The Table of Uses identifies those uses permitted by zoning district. All commercial, mixed-use, residential uses, developments, and new construction, except for changes in use and minor changes specified in Section 20-8 and 20-9, require approval by the Commission. Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an

applicant, makes a finding of similar use to other uses permitted in the zone. The Commission retains the right to determine if any use meets the intent of the regulations. Single family residential uses are permitted if legally existing on or before October 25, 2021.

B. Allowable Uses.

The uses allowed in the TVA-GD are provided in the Table of Uses in Article 14, Section 14.2.

C. Accessory Uses

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

Section 7-4. 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 from existing public streets.
4. Maximum lot coverage: 50%, including principal and accessory structures and impervious surfaces. The Commission may, by four (4) concurring votes:
 1. 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.
 2. 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 a majority vote of the seated Commission members, 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.
7. Minimum separation between buildings on the same site: 20 feet, unless sharing a common wall.
8. Minimum distance from residential zones (RDD & VCZ). The principal buildings shall be located at least 100 feet and uses shall be 75 feet, from the boundary of any residential zone, unless modified by a majority vote of the seated members of the Commission 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 as outlined in Section 19-3.
9. Minimum building floor area: 1,000 square feet.
10. Residential Density: 9-bedrooms per developable acres.
11. Maximum Height: 40 feet.
12. No individual retail business establishment may exceed 20,000 square feet. The Commission may, by four (4) concurring votes, increase the maximum size up to 45,000 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,
 - minimum front-field parking,
 - 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.

Such reductions require four concurring votes of members

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 7-5. 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:

1. 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.
2. The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading, landscaping and common areas, etc.

3. 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 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 Tolland Commercial 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. Allowable Uses

The allowable uses for these zoning districts are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

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

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses. Motor vehicle sales legally existing on or before July 9, 2012 are also a permitted use.

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. 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.

D. 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.

E. 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:

- A. Create an attractive entrance to Tolland while encouraging coordinated commercial, office, mixed-use and multi-family developments with high design standards at the interstate gateway entrances to the community;
- B. Promote compact commercial development having scale and form consistent with the natural landforms of the site and the character of the town; and
- C. Promote greater diversity in housing options by encouraging multi-family housing in appropriate locations served by public water and sewer and in walkable distance to commercial centers.

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 GDD 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. Allowable Uses

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

Section 10-4. Requirements

A. Dimensional Requirements

1. Minimum lot area: one (1) acre.

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.

2. 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.
3. 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.
4. 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.
5. 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.

6. Minimum separation between buildings on the same site: 20 feet, unless sharing a common wall.
7. 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.
8. Minimum building floor area: 1,000 square feet.
9. 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:
10. 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.
9. All multifamily developments shall conform with the following:
 - a. Minimum lot area: 5 acres.
 - b. Maximum density: nine (9) bedrooms per developable acre.
 - c. Maximum number of dwelling units per building: 12.
 - d. Buildings shall be designed to avoid monotonous patterns of construction or repetitive spaces or modules between buildings.
 - e. Roofs shall have adequate pitch and flat roofs shall not be permitted.
 - f. 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.
 - g. 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.
 - h. The owner of the multi-family development shall be responsible for all maintenance and snow removal from drives and mowing, upkeep and maintenance of all grounds.
 - i. Safe pedestrian and bicycle circulation shall be provided to safely interlink the development with its own facilities and with nearby shopping, service, institutional and governmental facilities and in accordance with pathways designated on the zoning map.
 - j. The entrance to the development shall be landscaped in accordance with Section 19-3.
 - k. School and public transportation shelters may be required, if appropriate.

- l. 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 of the multi-family development, as well as maintaining the area in a sanitary and attractive condition.
- m. Roof-mounted satellite dishes over one (1) meter in diameter and individual television and radio antennas shall not be permitted.
- n. No common hallway shall serve more than two (2) dwelling units on each floor.
- o. Minimum noise standards of the Federal Housing Administration shall be met or exceeded.
- p. No part of a building which is below grade shall be used for dwelling purposes except as approved by the Commission.
- q. Each dwelling unit shall have individual utilities and metering.
- r. A minimum of 20% of the parcel shall include green space which may include, but is not limited to, open space, natural vegetated areas, landscaped areas, lawn areas, permeable walking paths, sitting areas, outdoor permeable recreational areas, and/or community gardens. The green space shall be owned and maintained by owner of the multi-family development.
- s. In order 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, the Commission may authorize an increase in density of up to 40% when a developer proposes to construct a minimum of 10% workforce housing in accordance with the following provisions:
 - 1. 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.
 - 2. 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.

3. 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.

4. This subsection (10-4.C.9.s) shall become void on January 1, 2023 or at such time as the Town Council adopts the Town of Tolland Affordable Housing Trust Fund and shall be replaced by Section 16-17. The remaining sections of 10-4 shall be renumbered to account for the removal of item s.

t. All Special Permit and Site Plan requirements in Article 20.

u. The application or Site Plan shall show:

- 1. The number of units.
- 2. The density of the proposed development in terms of bedrooms per developable acre.

3. The acreage of all buildings and parking.
4. A breakdown of dwelling unit types if more than one type is planned.
5. The projected dwelling unit floor areas.
6. A phasing plan if the development is to be constructed over a period of years.
7. Traffic Impact data when requested by the Commission or required by these regulations.
8. Building elevations.

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: Tolland Commercial Zone (TCZ)

Section 11-1. Purpose

The purpose of the Tolland Commercial Zone (TCZ) is to attract economic development into the community.

New development in the TCZ should:

- A. Promote medium and large scale commercial and light industrial development with design standards to ensure consistency with the general architectural forms of the Town.
- 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. Promotes economic development that benefits from the zone's proximity to the University of Connecticut.
- H. Protect air quality and water quality of Merrow Road and neighboring areas.

Section 11-2. Uses

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses. 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.

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 promotes shared amenities, shared parking and interconnections using sidewalks or pathways.

Section 11-4. Requirements

A. Dimensional Requirements

1. Minimum lot area for newly-created lots: 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 for newly-created lots: 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 size: 50,000 square feet. The Commission may approve a larger building by special permit.
 7. 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.
- B.** Maximum lot coverage: 50 percent. 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.

C. 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. Driveway access points shall be landscaped while maintaining safe sight lines.
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.

D. 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.

E. 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.

F. Architectural Guidelines

The purpose of these architectural guidelines is to provide insight regarding Tolland's design objectives, to encourage aesthetically pleasing commercial and light industrial structures, to reduce massive scale and uniform impersonal appearance, and to provide visual interest for newly-constructed buildings.

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 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.

4. Use creative landscaping design, with plantings of sufficient size and quantity to clearly enhance the site.

G. 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 11A: Master Plan Overlay Zone (MPOZ)

Section 11A-1 Purpose and Intent

The intent and purpose of the Master Plan Overlay Zone (MPOZ) is to create a flexible zoning mechanism designed to enable the land area within the designated areas or zoning districts to be developed in a responsible and efficient manner consistent with the Plan of Conservation and Development. The MPOZ requires the submission and approval of a conceptual master plan as part of the zone change application. The MPOZ can be utilized for any property or properties located within the Tolland Commercial Zone (TCZ) and the Tolland Village Area (TVA-GD). The MPOZ is proposed to create comprehensively designed site developments, including industrial, commercial, multi-family residential, and mixed-use developments. When the MPOZ is applied to a parcel or parcels of land, the underlying zoning designation remain intact and existing properties are not required to utilize the MPOZ designation and related provisions and requirements, unless specifically stated.

Section 11A-2 General Requirements

The following are general requirements for proposed MPOZ master plan development applications.

- A. It is the intent of these regulations that standards pertaining to the MPOZ shall be those specifically set forth in these MPOZ regulations and those which are approved as part of the Master Development Plan (MDP) and Site Plan hereunder. Accordingly, the provisions of these Tolland Zoning Regulations, including, without limitation, those set forth in the underlying zone shall continue to govern any MPOZ adopted by the Commission unless otherwise addressed by a specific standard contained in these MPOZ regulations or a standard approved by the Commission as a part of an approved MDP or Site Plan. If any provision of MDP or Site Plan for a MPOZ as approved by the Planning and Zoning Commission conflicts with other provisions of these Tolland Zoning Regulations, the provisions of the approved Master Development Plan and/or Site Plan shall govern.
- B. The MDP as approved shall set forth the permitted uses of the specific MPOZ approved by the Commission and in approving the MDP, the Commission is authorized to regulate and promulgate standards to which an approved MDP shall be subject. The approved uses in the MDP shall be consistent with Section 11-A.5.C *Permitted Uses*.
- C. All buildings, structures and site improvements in a MPOZ shall conform to all applicable dimensional standards proposed in the Master Development Plan, Site Plan, Parking

Demand and Management Study, and should seek to achieve high quality site and architectural design standards.

- D. All site improvements, unless otherwise modified by the Commission as part of the MDP approval, shall comply with the requirements of Article 19 (Basic Standards).
- E. All development in MPOZ(s) shall be served by public water and sanitary sewer facilities.
- F. All new utilities shall be installed underground, unless demonstrated as not feasible by the applicant, and so may be waived by the Commission due to physical constraints or other special circumstances. Utilities that are not customarily installed underground, such as transformer boxes and other facilities, are not required to be installed underground.

Section 11A-3 Submission Requirements

The Master Development Plan for a parcel or combination of parcels within the proposed MPOZ shall include the submission requirements as set forth herein and once approved, shall require the submission and approval of a Site Plan (Section 20.9). Each parcel or combination of parcels included in the Master Development Plan shall be conceptually presented and later developed in accordance with an approved Site Plan. The proposed Site Plan for any parcel or combination of parcels shall be in the level of detail necessary to demonstrate compliance with the Master Development Plan for the area submitted by the Applicant.

The following are procedural requirements for development applications within the MPOZ(s):

- A. Pre-Application Conference: Applicants are required to initiate a pre-application conference with the Commission to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan. All pre-application conferences are intended to be informal and consist of non-binding discussions that establish a dialogue about the proposed development aimed at creating high quality design and investment that meet the needs of community and applicant.
- B. Application for Master Development Plan (MDP): For any development proposing to establish an MPOZ, the applicant shall submit a Zone Change application in accordance with Section 20.7 of the Zoning Regulations. The application for Zone Change shall include a Master Development Plan in accordance with the requirements set forth in Section 11-A-4 below. The MDP, when approved, will supersede any provision of the underlying zones and regulations where the MDP describes or delineates their subject matter. If the MDP does not delineate or describe the subject matter of the regulations for the MPOZ, the provisions of the underlying Zone shall apply.

C. Site Plan Approval: If the application establishing the MPOZ and Master Development Plan are approved, the applicant may proceed to the submission of a Site Plan application in accordance with Section 20.9. The Site Plan shall provide, in greater detail, the specific development and uses approved in the MDP. After the approval of the MPOZ and MDP, no permits shall be issued for uses permitted therein until the Commission has approved a Site Plan for the uses and development approved in the MDP.

D. Special Permit Uses: A Master Development Plan (MDP) can be approved for general use categories (i.e. commercial, residential, mixed-use, etc.) without any specific uses based on permitted uses and permit type. However, if specific uses are known, they should be included in the MDP. Any special permit use or uses requested as part of the Zone Change and MDP application shall not require a special permit application and approval in accordance with Section 20.8. Once an MPOZ and MDP are approved, any subsequent use requiring a Special Permit in the underlying Zone or the MPOZ zone, shall require a Special Permit application in accordance with Section 20.8 of these Regulations.

Section 11A-4 Master Development Plan

The purpose of the Master Development Plan submission is to determine whether the proposed uses, architectural massing, and site design conform to the intent and requirements of the MPOZ and to the Plan of Conservation and Development. The Master Development Plan, once adopted, shall establish the use or uses and the dimensional requirements of the MPOZ.

The MDP shall consist of one or more maps (conceptual plans) at a scale of not less than 1" = 100', prepared by the applicable State certified design professional, and supportive documents, and shall show or indicate:

- A. Existing structures, existing topography at ten-foot contours, existing roads and paths, major topographic features, slopes of greater than 10% grade, the location points of scenic interest, and wooded and open areas.
- B. The location of adjoining properties, the names of the owners of such properties as these appear on the latest records in the office of the Assessor, and the existing structures and land uses within 500 feet of the boundaries of the proposed development.
- C. Present and proposed land uses within the boundaries of the entire proposed MPOZ zone/development, whether residential, commercial, industrial, mixed-use, open space, or other, and the acreage assigned to each. Proposed square footage of building or floor area for all proposed uses shall be shown and described in sufficient detail to clearly indicate the nature and scale of the proposed uses. The proposed square footage as shown shall establish the maximum building sizes and the areas within which it will be permissible to construct such buildings. As part of the site plan application, minor modifications of not

more than 10% increases or decreases in building sizes and areas may be approved by the Commission. Major modification, as determined by the Commission, shall require a Zone Change application in accordance with Section 20.7 of the Zoning Regulations to modify the MDP.

- D. Architectural renderings of the proposed development and buildings. Renderings should include three dimensional images that provide context to massing and form.
- E. The location of proposed public and private road, proposed vehicular and pedestrian circulation patterns, including location and dimension of private and public streets, and proposals for linkage of roads within the zone to the Town and State Highway system, accompanied by a traffic impact and access analysis study.
- F. Dimensional requirements of the underlying zones shall be shown on the MDP and a zoning table including existing and proposed dimensional requirements shall be provided. This comparison shall include all parking, loading, buffer, and signage requirements. The intent of this zoning table is to show the differences between existing and proposed requirements and to establish the proposed requirements as the approved dimensional requirements for the approved MDP and MPOZ.
- G. Whether property within the entire zone is to be developed in phases, and if it is to be so developed the anticipated location and acreage of such phases, and a proposed timetable for development.
- H. The intended means of providing utility services to the development, including domestic water supply and fire protection, stormwater drainage management (including area for detention, if applicable), sanitary sewage disposal, and solid waste disposal.
- I. All site design shall be consistent with Article 19 (Basic Standards). This does not mean that such designs shall be done to the scale, detail, or completeness of the requirements for Site Plan (Section 20-9).
- J. The location of any "flood zone" as defined and regulated in these Regulations.
- K. A statement regarding anticipated municipal fiscal impacts to the Town of the proposed land uses and development.
- L. Such other relevant information as the applicant may wish to submit or may be requested by the Commission.

Section 11A-5 Site Design Requirements

Site Design: The general requirements of Article 19 (Basic Standards) shall govern the conceptual design of the Master Development Plan and the specific design of the Site Plan (Section 20-9).

A. *Dimensional Requirements:* The following standard shall apply to MPOZ:

Requirements	MPOZ (TCZ)	MPOZ (TVA-GD)
Minimum lot area:	1 acre	1 acre
Minimum lot frontage:	125 feet	125 feet
Minimum front yard setback:	30 feet	30 feet
Maximum lot coverage:	70%	70%
Minimum side yard setback:	25 feet	25 feet
Minimum rear yard setback:	25 feet	25 feet
Minimum Building Separation:	Flexible	Flexible
Minimum Distance to Residential:	Flexible	100 feet
Minimum building floor area:	Flexible	Flexible
Retail Maximum:	Flexible	45,000 square feet
Maximum building height:	38 feet, modified up to 58 feet	38 feet, modified up to 58 feet
Residential Density	Flexible	15 bedrooms per developable acre

- B. *Building Height Adjustments:* Buildings shall conform to the height requirements of the underlying zone unless the applicant makes a specific request to the Planning and Zoning Commission for flexibility in the height requirements. The granting of such a change to the height requirement is part of the legislative authority of a zone change application and is at the sole discretion of the Planning and Zoning Commission, where unique features of the site and location (such as topographical considerations) permit a change in height requirement and negative impacts on surrounding properties can be mitigated. The Commission limits their own authority to permit an increase in the building height to a maximum of 58 feet. In those instances where an increase in building height is requested, the applicant shall demonstrate a corresponding reduction in lot coverage. A majority vote of the seated members of the Commission is required to grant such a request.
- C. *Permitted Uses:* The Master Plan Overlay Zone allows for more flexibility in uses than is permissible in the underlying zone. These uses are intended to be in harmony with the natural features of the land, economic conditions, and the needs of the community, both present and future. Any uses permitted in the underlying zone, as a permitted use, a special permitted use, or

otherwise as specified herein, shall be permitted to continue, and shall not be considered non-conforming regarding the MPOZ requirements. All new development proposals in MPOZ shall comply with the uses permitted below.

Single-family detached residential uses are not permitted in the MPOZ unless they are part of a mixed-use development and account for no more than 10% of total residential units. Mixed-use developments are encouraged and favored for proposed MPOZ development but are not required. Proposed uses within the MPOZ shall be located with consideration for compatibility and reasonable transition between such uses and other uses existing in areas adjacent to or in the immediate vicinity of the proposed MPOZ.

Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, and as part of its legislative authority decides that the use is like (similar) a use expressly permitted in underlying zone or the MPOZ. Customary and incidental accessory uses are permitted.

The allowable uses in the MPOZ-TCZ and TVA-GD districts are shown in the Use Tables in Article 14, Section 14.2.

- D. *Circulation:* No interior street or drive shall be less than 20 feet in width. The Commission may, where in its judgment traffic circumstances merit, require primary streets to be designed and constructed in conformance with the Town of Tolland road specifications. Sidewalks are encouraged and may be required if the Commission deems them necessary.
- E. *Utilities and Public Improvements:* Public water and sewage shall be provided, except that alternate sewage disposal systems may be considered and permitted by the Commission upon favorable recommendation of the Health District.

Public improvements, such as traffic improvements, drainage improvements, water and sewer improvements, utility installation and similar improvements shall be designed in accordance with the provisions of Article 19 (Basic Standards). Such improvements may be phased in as distinct phases of an approved Master Development Plan are implemented. Each Site Plan submitted pursuant to an approved Master Development Plan shall state specifically what, if any, portion of the public improvements are to be constructed in connection with such Site Plan and shall contain such information necessary to confirm that the improvements to be constructed will be adequate to support the development set forth in the site plan.

- F. *Subdivision into Lots:*
 - 1. A MPOZ may be subdivided or re-subdivided into lots by an applicant in accordance with the requirements of the Tolland subdivision regulations.
 - 2. Nothing in the subdivision regulations or process shall restrict or prevent the lot from being developed in accordance with the intent of MPOZ.

Section 11A-6 Action on Master Development Plan

The Commission shall approve, modify and approve, or deny applications for the MPOZ and the MDP. No permits shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved MDP until such time as a Site Plan or other required permits have been approved.

The Commission may approve, approve with minor changes or modifications, or deny any Site Plan required as part of an approved MDP within the MPOZ. In considering any site plan approval within the MPOZ, the Commission shall make a finding that the MDP, Site Plan, and Parking Demand and Management Study are consistent with the intent of the MPOZ Regulations and are adequate to ensure safe and appropriate implementation of permitted uses.

The Commission may impose conditions on the MDP, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.

Section 11A-7 Site Plan Approval Required

In addition to the MDP approval, no building shall be constructed or altered, and no land shall be used prior to approval of a Site Plan which shall be consistent with the conceptual design of the approved MDP. The Site Plan application shall comply with Section 20-9 of these regulations and, without duplication, the following:

- A. Architectural renderings and perspectives of all proposed structures and their interaction with existing on and off-site structures;
- B. Proposed use categories of all proposed buildings. When multiple uses are proposed, percentages of floor area for each use shall be shown;
- C. Concept building plans, including schematic floor plans and exterior elevations;
- D. Traffic impact report of the area as it may be affected by the proposed development, including present and anticipated traffic counts, flow patterns, and capacity analysis of present and proposed interchanges, intersections and entrances serving the development shall be analyzed by a professional traffic engineer licensed to practice in the State of Connecticut;
- E. Identification of vehicular and pedestrian circulation patterns, including location and dimension of private and public streets and common drives;
- F. Location of proposed on and off-street parking areas with dimensions, including location, size and number of parking spaces, access routes, and walkways;
- G. Proposed pedestrian walks, malls, and other paths, public and private;
- H. Priority schedule of construction of the building's landscaping, infrastructure, and other elements of the plan;

- I. A proposed utility service concept plan including electric, telephone, sanitary sewage disposal system, storm drainage, potable water supply, and water supplies for fire protection.
- J. Landscaping (including the number, sizes, and species of proposed trees and/or shrubs, lawn and other groundcover, and other landscape features and natural terrain not to be disturbed). Existing tree growth shall be shown on the plan and preserved to the maximum extent possible.
- K. All other requirements for Site Plans in accordance with Section 20-9.

Section 11A-8 Parking Demand and Management Study

A statement, prepared by a licensed or certified professional with expertise in parking and parking demand, shall be provided to determine and demonstrate the need for required parking. The methods, standards, and approach shall be reasonable consistent with the following documents that are to be considered as part of the site plan approval process:

- A. Parking Demand and Management Study developed in accordance with the standards set forth in the following documents: (a) the Urban Land Institute, Shared Parking; 2nd Edition, as amended; (b) the Urban Land Institute, the Dimensions of Parking, 4th Edition, as amended; or (c) Institute of Transportation Engineers, Parking Generation Manual, 4th Edition, as amended, (or) other standard reference agreed to and approved by the Town Engineer.
- B. Such a study and proposed parking, if specifically requested and approved by the Commission, may establish the required parking for the MDP and Site Plan at levels above or below those required in Section 19-1 (Parking).
- C. On-street parking may account for up to 15% of required parking on local street contained within the development.
- D. Parking structures, preferable below grade, are permitted, provided they are included in Parking Demand and Management Study.

Section 11A-9 General Review Criteria

- A. **Site Appropriateness:** In considering the appropriateness of development within the MPOZ the Commission shall consider the following:
 - 1. The proposed use, density, and intensity of development and that the designs are reasonably compatible with the character of the area, adjacent properties, and purpose and intent of the MPOZ regulation.

2. That all development exhibits a high standard of quality in construction detail materials, design, and appearance. That development reflects accepted professional standards of architecture and site design.
 3. That quality site planning is an essential criterion of the MPOZ. Sites developed in the MPOZ(s) are intended to be carefully planned, both within the site's own boundaries and in relation to surrounding properties.
 4. That all development be sensitive to environmentally regulated areas within the MPOZ. That effort be made to retain and integrate significant natural features into the development proposal wherever possible.
 5. The Commission may impose conditions on the Site Plan, as deemed necessary, to achieve the purpose and intent of the MPOZ and to protect the public health, safety, and welfare of the community.
- B. **Site Appearance:** Development proposals for the MPOZ will be reviewed for appearance and compatibility with surrounding areas. The following are general guidelines:
1. Development is encouraged (when appropriate) to conform to the principles of traditional neighborhood design (higher density, mixed use, and pedestrian friendly).
 2. Relationships to land uses in abutting zones and adjacent developments within the zone (compatibility) are important considerations that will be critically reviewed by the Commission. Concerns in this regard will include buffers (e.g. vegetative, topographic, and architectural), building scale/massing/configuration/ height, light spill, emissions, noise, use intensity/frequency, and signage.
 3. Building height, size, and scale shall be considered as part of the overall design and should be designed in such a way that is compatible with the site and general area, even if the buildings are taller than those of the surrounding properties.
- C. **Recording the Master Development Plan:** The applicant shall, within sixty (60) days of approval of MDP, record notice thereof in the Tolland land records under the name of the record owner of land affected thereby giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall comply with all other applicable requirements of the Tolland Zoning Regulations and Connecticut General Statutes regarding the filing of approved applications. The Commission may grant an extension up to sixty (60) days for the filing.
- D. **Changes to the Master Development Plan:** Changes or modifications to an approved MDP may be subject to the approval of the Commission. Material changes to any plan shall require a Special Permit in accordance with Section 20-8 of the Tolland Zoning Regulations. A material

change shall be (a) a 15% or more change in land use types or (b) a 10% or more increase in floor area, or (c) a 10% increase in parking. Non-material changes shall include changes in the location of buildings, parking areas, landscaped areas, or open space areas provided the area, height and bulk criteria of the regulations and the approved plan are not exceeded. Non-material changes may be permitted by the Commission or staff as an administrative matter provided the general intent and scope of the MDP has not been changed.

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.

B. Allowable Uses

The allowable uses for these zoning districts are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

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

The allowable uses for this zoning district are designated in Article 14, Commercial and Industrial Uses, Section 14-2. Table of Allowable Uses.

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: Commercial and Industrial Uses

Section 14-1 Allowable Uses

The table in Section 14-2 identifies those uses permitted within each of the commercial and industrial zoning district. All commercial and industrial uses, developments, and new construction, except as explicitly stated otherwise, require site plan approval by the Commission. Any use not expressly permitted by these Regulations shall be prohibited unless the Commission, upon request by an applicant, makes a determination of similar use (that the use is similar to uses permitted in the zone). In addition, the Commission retains the right to determine if any use meets the intent of the regulations.

Section 14-2 Table of Uses

P = Permitted – Site Plan	SP = Special Permit	--- = Prohibited
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Retail, Personal, & Professional Service Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ -TCZ	CIZ-A	CIZ-B	TBP
Retail & Service Establishment	P	P	P	P	P	P	P	P	P	---
Retail & Service Establishments – Over 20,000 sf.	SP	---	---	SP	P	P	P	P	P	---
Financial Institution	P	P	P	P	P	P	P	P	P	---
Drive-Thru Service – Pharmacy & Financial Institutions	P	P	P	P	P	P	P	P	P	---
Child & Adult Day-Care Centers, or Group Day-Care Homes.	---	P	P	P	P	P	P	SP	SP	---
Veterinary Hospital (without outdoor animals)	SP	P	P	P	P	P	P	P	P	P
Veterinary Hospital, Commercial Kennels & Stables (5-acre min.)	---	---	---	P	---	---	SP	---	---	---
Laundromat (public sewer required)	P	P	P	P	P	P	P	P	P	---
Self-Storage Facility	---	P	P	P	---	---	SP	P	P	---
Roadside stand, regional.	---	P	P	P	P	---	P	P	P	---
Funeral Home	---	SP	SP	SP	SP	---	SP	---	---	---
Adult-Oriented Establishment	---	---	---	---	SP	---		---	---	---

Hospitality Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Restaurant (without liquor sales)	P	P	P	P	P	P	P	P	P	P
Restaurant (with liquor sales)	P	SP	SP	SP	P	P	P	P	P	P
Drive-Thru Service – Fast Food & Fast-Casual	SP ¹	---	---	SP	SP	---	P	SP	---	---
Restaurant – Brewpub (public sewer required)	P	---	---	---	P	P	P	SP	---	SP
Micro-Brewery, Micro-Distillery, or Micro-Winery (public sewer required)	SP	---	---	SP	SP	P	P	SP	---	P
Brewery, Distillery, or Winery (public sewer required)	---	---	---	---	---	P	---	SP	---	P
Hotel (internal access guest rooms)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Bed & Breakfast Establishment	P	P	P	P	SP	SP	---	P	P	---
Retail Food Service Establishment	P	P	P	P	P	P	P	P	P	---
Catering Facilities	SP	P	P	P	SP	P	P	---	P	P
Banquet Facilities	SP	SP	SP	SP	SP	P	P	---	---	SP
Commercial/Shared Kitchen	P	P	P	P	P	P	P	---	P	P

¹Drive-Thru Service is only allowed by Special Permit in the TVA-GD 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 October 19, 2020 or when included as part of a Master Plan Overlay Zone application.

Commercial Office Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Office (Professional & General)	P	P	P	P	P	P	P	P	P	P
Office (Medical)	SP	SP	SP	SP	SP	P	P	P	P	SP

Section 14-2 Table of Uses

Commercial Laboratory & R&D Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Medical, Dental, & Optical Laboratory	---	---	---	---	---	P	P	P	P	P
Laboratory (Research, Experimental, & Development)	---	---	---	---	---	P	P	P	P	P
Technology or Computer-Based Facilities (Data Processing Center)	--	---	---	---	---	P	P	P	P	P
Manufacturing (Biotechnology, Medical, & Pharmaceutical)	---	---	---	---	---	P	SP	SP	SP	SP
Educational, Scientific, & Research Activity	---	---	---	---	---	P	P	P	P	P
Training and/or Conference Center	SP	SP	SP	SP	SP	P	P	SP	SP	SP
Licensed Cannabis Retailer and Hybrid Retailer	P	P	P	P	P	SP	P	P	P	---
Licensed Cannabis Micro-Cultivator Facilities	---	---	---	---	---	SP	SP	SP	SP	SP
Licensed Cannabis Cultivator Facilities	---	---	---	---	---	SP	SP	SP	SP	SP
Licensed Medical Marijuana – Dispensary	P	P	P	P	P	SP	P	P	P	---
Licensed Medical Marijuana Production Facility	---	---	---	---	---	SP	SP	SP	SP	SP

Residential & Mixed-Use Developments	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Single-Family Residential	---	---	---	SP	---	---	---	---	---	---
Mixed Use – Residential	SP	SP	SP	SP	SP	SP	SP	---	SP	---
Multi-Family Residential	SP	SP	SP	SP	SP	---	SP	---	---	---

Institutional, Public, & Recreational Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Cultural Institution, Art or Music Center, & Museum	P	P	P	P	P	---	---	P	P	---
Public & General Assembly	SP	SP	SP	SP	SP		---	---	---	---
Places of Worship & Religious Institution	P	P	P	P	P	P	P	P	P	SP
Utilities – Public/Private: Structures, Substation, or Office	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
School – Private	---	---	---	P	---	SP	P	SP	SP	---
Hospital, Nursing or Convalescent Facility	---	---	---	P	---	---	---	---	---	---
Assisted Living Facility	---	SP	---	---	SP	---	---	---	---	---
Club	SP	---	---	---	---	---	---	P	P	---
Commercial Recreation Facilities	---	SP	SP	SP	SP	P	---	SP	SP	SP

Section 14-2 Table of Uses

Automotive Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Motor Vehicle Sales (licensed by State)	---	---	SP	---	SP	---	---	SP	SP	---
Trailer & Recreational Vehicles Sales	---	---	SP	SP	---	---	---	SP	SP	---
Motor Vehicle Repair (licensed by State)	---	---	SP	SP	P	---	---	SP	SP	---
Gasoline Station & Convenience Store	SP	---	SP	---	SP	---	---	SP	SP	---
Gasoline Station/Convenience Store – Drive Thru	---	---	---	---	SP	---	---	---	---	---
Car Wash	---	---	---	---	SP	---	---	SP	SP	---
Parking Facilities (public/private parking serving off-premises)	SP	---	---	---	---	---	---	---	---	---

Agriculture & Natural Resources	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Agriculture, Nurseries, Forestry, Forest Management *	P	P	P	P	P	P	P	P	P	P
Excavation and/or Removal of Earth Products; Filling Operations	---	---	---	---	SP	---	---	SP	SP	---
Excavation – Pre-Development Site Grading	SP	---	---	---	SP	SP	SP	SP	SP	SP
Solar Array – Ground Mounted as a principal use	---	---	---	---	---	---	---	SP	SP	SP

*No Site Plan required to conduct Agriculture, Nurseries, Forestry or Forest Management

Industrial & Manufacturing Uses	TVA-GD	NCZ-G	NCZ-T	CCZ	GDD	TCZ	MPOZ-TCZ	CIZ-A	CIZ-B	TBP
Manufacturing	---	---	---	---	---	P	---	P	P	P
Wholesaling, Warehousing, or Storage	---	---	---	---	---	SP	---	SP	SP	P
Distribution Center	---	---	---	---	---	---	---	SP	SP	SP
Transportation Facility	---	---	---	---	---	---	---	P	P	---
Printing, Lithography, Photocopy/Graphic Arts Services; Publishing.	---	---	---	---	---	P	---	SP	SP	P
Heavy Equipment – Repair or Restoration	---	---	---	---	---	---	---	---	---	SP
Building Supply – Contractors	---	---	---	---	---	P	---	SP	SP	SP
Building Supply – Public Wholesale	---	---	---	---	---	---	---	SP	SP	SP
Contractor's Materials, Supplies, Equipment, Service, & Storage.	---	---	---	---	---	P	---	SP	SP	SP

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	Gas Stations/Convenience Stores	Restaurant – Fast Food & Fast Casual	Pharmacy
Tolland Village Area (TVA-GD)	Not allowed	Site Plan	Not allowed	Special Permit*	Site Plan
Neighborhood Commercial Zones (NCZ-G and NCZ-T)	Not allowed	Site Plan	Not allowed	Not allowed	Site Plan
Community Commercial Zone (CCZ)	Not allowed	Site Plan	Not allowed	Special Permit	Site Plan
Gateway Design District (GDD)	Not allowed	Site Plan	Special Permit	Special Permit	Site Plan
Commercial/Industrial Zone A & B (CIZ-A, CIZ-B)	Not allowed	Site Plan	Not allowed	CIZ-A: Special Permit CIZ-B: Not Allowed	Site Plan
Tolland Business Park (TBP)	Not allowed	Not allowed	Not allowed	Special Permit	Not allowed
Master Plan Overlay Zone (MPOZ)	Not allowed	Site Plan	Not allowed	Site Plan	Site Plan

*Drive-Thru Service is only allowed by Special Permit in the TVA-GD 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 October 19, 2020 or when included as part of a Master Plan Overlay Zone application.

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. The lane width shall be 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 and adjacent residential structures 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. Drive-through facilities, including windows and other related facilities shall be architecturally compatible with the building and the existing or planned streetscape.
 - d. Any drive-through service menu board (order intercom) shall be located at least 150 feet from any adjacent residential zone.
 - e. 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.
 - f. A program for policing and eliminating outdoor litter must be submitted.
 - g. The Commission may approve modifications to Sections 16-5.B2.a and 2.b 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 as a residence.
2. Ensure the size, architecture, intensity, and characteristics of the home occupation is compatible with the neighborhood.
3. Maintain and preserve the residential character of the dwelling and the residential character of the neighborhood.
4. Guarantee to 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.

5. Allow for appropriate business uses on residential premises in order to expand economic opportunities for Tolland residents.

B. Permits Required

1. Home Office – A Home Office is allowed in all zones without a Zoning Permit.
2. Minor Home Occupation – A Minor Home Occupation is permitted in all zones and requires a Zoning Permit.
3. Major Home Occupation – A Major Home Occupation is allowed in all zones and requires a Special Permit.

C. General Regulations for All Home Offices and Home Occupations

1. Business shall be conducted by the inhabitants of the principal dwelling.
2. The dwelling shall retain the character of a residence.
3. The use shall be clearly incidental and secondary to the residential use of the parcel.
4. Access shall not create a traffic hazard on town or state roads.
5. All parking requirements shall be met on-site.
6. The use shall not create objectionable noise, odor, vibrations or unsightly conditions noticeable off the premises.
7. No storage of hazardous materials, other than normal household materials is allowed, unless approved by the Tolland Fire Marshal.
8. 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.
9. No vehicle or equipment may be idled for more than three (3) minutes except for maintenance purposes.
10. No gas storage shall be permitted on the site in excess of what is customarily used by a residence, unless approved by the Tolland Fire Marshal.
11. The business owner shall be responsible for waste and recycling disposal in excess of typical residential volumes.
12. Multiple Home Occupations:
 - a. Up to two (2) Minor Home Occupations on a parcel is permitted.

- b. One (1) Major Home Occupation and one (1) Minor Home Occupation on a parcel is permitted.
- c. No more than one (1) Major Home Occupation is permitted on a parcel.
- d. When there is more than one (1) Home Occupation on a parcel the standards are cumulative. For example, if two (2) Minor Home Occupations were located on a parcel, only one (1) commercial vehicle and one (1) trailer is permitted on the parcel.
- e. There are no limitations on the number of Home Offices allowed on a parcel.

D. Regulations for a Home Office

- 1. A Home Office is permitted in single-family, two-family and multi-family dwelling units.
- 2. There is no minimum lot requirement for a Home Office.
- 3. No employees other than the inhabitants of the dwelling unit shall work at or conduct business on the premises.
- 4. No customers may visit the premises.
- 5. No external evidence of the business shall be visible.
- 6. No business signs shall be erected.
- 7. No vehicular traffic beyond what is customary for a dwelling unit is permitted.

E. Regulations for a Minor Home Occupation

- 1. A Minor Home Occupation is permitted in single-family, two-family and multi-family dwelling units.
- 2. For two-family and multi-family dwellings, the applicant shall submit written permission from the property owner (if the applicant is not the property owner) and from the condominium association (if applicable) authorizing the allowance of the Home Occupation.
- 3. Number of Employees: There shall be no more than one and one half (1.5) non-resident full-time equivalent employees on the premises.
- 4. On-site Customers: No more than eight (8) customers or clients per day shall be allowed to visit the premises. There may be rare exceedances of this limitation, for example if the business has a two-week busy period in a year.
- 5. There is no minimum lot requirement for a Minor Home Occupation.
- 6. Size Restrictions:

- a. The Home Occupation shall not occupy more than 25% of the total floor area of finished living space. The use of unfinished living space does not count towards the limitation (e.g., unfinished basement).
 - b. Fully enclosed attached garage space used to store vehicles shall not count toward the size limitations provided the garage existed prior to August 12, 2021. The use of finished living space above a garage would count toward the limitation.
 - c. There is no size limitation for a Home Occupation in a permitted accessory structure.
- 7. Equipment shall be screened from view from the street and abutting properties.
 - 8. No more than one (1) business or (1) commercial vehicle and one (1) hauling trailer shall be parked on the site.

F. Regulations for a Major Home Occupation

- 1. The minimum lot size is four (4) acres.
- 2. Major Home Occupations are not permitted in multi-family developments.
- 3. Number of Employees: There shall be no more than three (3) non-resident full time equivalent employees on the premises.
- 4. On-site Customers: The total number of on-site customers or clients shall be set by the Commission. The Commission shall take into consideration:
 - a. The ability to provide an adequate number of on-site parking spaces,
 - b. the ability to screen on-site parking spaces from the street and from adjacent residential properties,
 - c. the ability of the street to handle the anticipated traffic,
 - d. the number of trips per day and frequency of trips, and
 - e. the Special Permit Criteria below and in Section 20-8.
- 5. Size restrictions:
 - a. The Home Occupation shall not occupy more than 30% of the total floor area of finished living space. The use of unfinished living space does not count towards the limitation (e.g., unfinished basement).
 - b. Fully enclosed attached garage space used to store vehicles shall not count toward the size limitations provided the garage existed prior to August 12, 2021. The use of finished living space above a garage would count toward the limitation.
 - c. There is no size limitation for a Home Occupation in a permitted accessory structure.

6. Equipment and Commercial Vehicles:
 - a. No more than six (6) business vehicles, one (1) commercial vehicle, and one (1) hauling trailer may be stored on site.
 - b. All business vehicles and equipment shall be stored in an enclosed structure or screened from the street and abutting residential property to the satisfaction of the Commission.
7. Special Permit Criteria for a Major Home Occupation: In addition to the standards contained in Section 20-8, the Commission shall determine that the following standards are met:
 - a. Traffic, noise, and visual impacts are not incompatible with the surrounding neighborhood or are mitigated due to size of parcel, remoteness of parcel, screening, or other measures.
 - b. The use as a home occupation is clearly secondary to the residential use of the parcel.

G. Submittal Requirements

1. The following shall be submitted with an application for a Minor or Major Home Occupation, unless the ZEO or Commission, respectively, determines that such information is not necessary due to a special nature of an application:
 - a. Completed application form and fee.
 - b. A detailed statement describing all aspects of the proposed activity and describing compliance with the requirements of this Section.
 - c. 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.
 - d. An accurately drawn floor plan depicting the area to be utilized by the home occupation.
 - e. Architectural elevations for any proposed additions or new structures.
 - f. Sign design and location, 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 the Commission determines such information is not necessary in order to act on the application.

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 up to four (4) total units of small stock. Additional small stock may be allowed, 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.
4. 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
5. Student or youth projects involving the temporary keeping of small stock and livestock are exempt from these regulations.

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. For properties less than two acres, the array at its maximum height shall not exceed 28 feet. For properties greater than two acres, the array at its maximum height shall not exceed 33 feet.
 - d. The array shall meet the following setbacks as measured from the edge of the array:
 - 1) Front Setback: 75 feet.
 - 2) Side Setback: 25 feet high or height of ground mounted solar array, whichever is greater, by Zoning Permit. A ground-mounted solar array of greater than 25 feet high may also be permitted with a minimum side setback of 25 feet by Special Permit.
 - 3) Rear Setback: 25 feet high or height of ground mounted solar array, whichever is greater, by Zoning Permit. A ground-mounted solar array of greater than 25 feet high may also be permitted with a minimum rear setback of 25 feet by Special Permit.

- 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 or height of ground mounted solar array, whichever is greater. A ground-mounted solar array of greater than 25 feet high may also be permitted with a minimum side and/or rear setback of 25 feet by Special Permit. The setbacks shall be measured from the edge of the array.
 - 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. General Regulations for all Farm Breweries, Cideries, Distilleries, and Wineries

1. Minimum lot size: 15 acres
2. All refuse areas shall be located a minimum of 100 feet from all property lines.
3. The farm brewery, winery, cidery, or distillery shall grow on the premises of the farm brewery, winery, cidery, or distillery or on property under the same ownership and control of the applicant or leased by applicant within Connecticut an average crop of ingredients, excluding water, equal to not less than 25% of the ingredients used in the manufacture of the farm brewery, winery, cidery, or distillery's product.
4. Except as otherwise provided in these regulations, the establishment shall not sell, serve, or offer tastings of alcoholic beverages that were not manufactured on the premises.
5. To the extent practicable, truck deliveries and pick-ups between 10 p.m. and 6 a.m. should be avoided.
6. There shall be no amplified music or amplified sound.

C. Permit Requirements:

1. Minor Farm Breweries, Cideries, Distilleries, and Wineries – Zoning Permit
2. Major Farm Breweries, Cideries, Distilleries, and Wineries – Special Permit

D. Permitted Uses and Regulations for Minor Farm Breweries, Cideries, Distilleries, and Wineries

In addition to the farming operation and other uses customary and incidental to a farm, retail and wholesale sales of the products grown and manufactured on property owned or leased by the permittee in Tolland as part of a Roadside Stand shall be permitted with a Zoning Permit. 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 are allowed.

E. Permitted Uses and Regulations for Major Farm Breweries, Cideries, Distilleries, and Wineries

1. In addition to the farming operation, the following uses are permitted on the premises of any major farm brewery, cidery, distillery or winery:
 - a. Tastings, for free or for a fee.
 - b. Tours.
 - c. Retail and wholesale sales of the products grown or manufactured on the premises. Alcoholic beverages manufactured within thirty miles of the premises and within the

State of Connecticut may also be sold and tasted on-site provided they comprise 25% or less of the alcoholic beverage selection available for sale.

- d. 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.

- e. Other uses customary and incidental to a farm.

2. All buildings, structures and parking related to the brewery, cidery, distillery, or winery operation shall be located a minimum of 75 feet from all property lines. 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. 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. Areas used for outdoor seating and outdoor tastings shall be located at least 100 feet from all property lines. The Commission may reduce this distance to 75 feet provided it determines that adequate screening exists for a reduced setback to not impact adjacent residential uses.

6. 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.

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

A. Intent

The purpose of this section is to regulate the location and operation of recreational cannabis retailers, hybrid retailers, cultivators, micro-cultivators, and medical marijuana dispensaries and 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 recreational cannabis retailer, hybrid retailer, cultivator, micro-cultivator or medical marijuana dispensary or production facility shall be located closer than 500 feet from any elementary or secondary school ground, recreation center or facility, child care center, playground, public park, or library, which are in existence as of the effective date of this regulation.
2. No licensed recreational cannabis retailer, hybrid retailer, cultivator, micro-cultivator or medical marijuana dispensary or production facility shall be located closer than 100 feet of a residential zone.
3. No licensed recreational cannabis retailer, hybrid retailer, cultivator, micro-cultivator or medical marijuana dispensary or production facility shall be located within the same building or structure that is used for residential purposes.
4. All distances contained in this section shall be measured by taking the nearest straight line between the lot line of the buffered use and the principal structure of the recreational cannabis retailer, hybrid retailer, cultivator, micro-cultivator or medical marijuana dispensary or production facility.

C. Additional Requirements

1. Prior to the issuance of a Zoning Permit for a recreational cannabis retailer, hybrid retailer, micro-cultivator or medical marijuana dispensary or production facility, the applicant shall provide:
 - a. A copy of the appropriate provisional 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. Prior to the issuance of a Special Permit for a recreational cannabis cultivator, the applicant shall provide:
 - a. An operational plan to indicate how the facility will be managed related to:
 - 1) Hours of operation
 - 2) Security and access

3) Installed signage

4) Odor-monitoring and mitigation

3. No recreational cannabis retailer, hybrid retailer, micro-cultivator or medical marijuana dispensary or production facility shall operate without a valid 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.

Section 16-16. Motor Vehicle Sales & Repair

Motor Vehicle Sales and Motor Vehicle Repair establishments are not permitted in the TVA-GD zone and such uses cannot be applied for in the TVA-GD zone. However, for the purpose of the TVA-GD zone, an existing Motor Vehicle Sales or Repair use or structure in existence as of July 1, 2011, when the original TVA zone became effective, shall be considered conforming uses and structures after the effective date of this Section. Changes in use or modifications to existing structures shall be subject to Section 3-8 of these regulations. Site Plan and or Special Permit shall be required under the following conditions:

1. Expansions equal to or less than 10% of the gross floor area in existence as of July 1, 2011 shall require a Site Plan.
2. Expansions that result in a gross floor area that is 10% greater than the gross floor area in existence as of July 1, 2011 shall require a Special Permit.
3. 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 may require the submittal of a Special Permit application, pursuant to staff determination of impacts that the Commission should consider. Such 10% alterations to the building exterior shall not include item of maintenance, such as the replacement of a roof, windows, or other maintenance required in the upkeep of a building.

Section 16-17. Affordable (Inclusionary) Housing

To forward the recommendations of the Plan of Conservation and Development, to promote the development of affordable housing to meet local and regional housing needs as required by Connecticut General Statutes (CGS) Section 8-2 and Section 8-23, and to promote and increase

housing choice, housing diversity, and economic diversity in Tolland, this section requires the inclusion of affordable housing units in all residential developments.

In accordance with CGS, Section 8-2i (Inclusionary Zoning), all residential development of ten units or more that require site plan, special permit, or subdivision approval shall include a minimum of 5% of the proposed units as Qualified Affordable Housing. Said Qualified Affordable Housing shall be sold or rented to households with incomes at or below 80% median household income as determined and defined in CGS Section 8-30g and RCSA (Regulations of CT State Agencies) 8-30g-8.

Any application including affordable housing shall be accompanied by a Housing Affordability Plan, prepared in accordance with CGS 8-30g and RCSA 8-30g-7. The Plan shall provide all the necessary information and documentation to ensure the construction and continued operation of the Qualified Affordable Housing units.

In accordance with CGS, Section 8-2i (Inclusionary Zoning), the applicant can satisfy the inclusionary affordability requirements by:

1. Providing 5% of the total proposed units as Qualified Affordable Housing units.
2. Paying a fee-in-lieu of affordable housing. Said fee shall be deposited in the Town of Tolland Affordable Housing Trust Fund.
 - a. The fee-in-lieu shall be calculated using the following formula (also identified in Appendix G of the Zoning Regulations):

$$\text{Fee-in-lieu} = \text{Total Proposed Units} \times 5\% \times \$50,000.$$
 - b. If the applicant chooses to construct at least one affordable housing unit and pay a fee-in-lieu for any remaining balance, \$50,000 will be subtracted from the fee-in-lieu for each affordable unit proposed to be constructed to a minimum of \$0.

If a minimum of 10% Qualified Affordable Housing units are to be constructed, the Commission may authorize an increase of density of up to 25% and reduce lot coverage and impervious coverage requirements to accommodate affordable units in excess of 10% Qualified Affordable Housing units.

The Commission reserves the right not to accept a fee-in-lieu of affordable housing or not to grant a density bonus and require that the 5% Qualified Affordable Housing units, as required by this Section, be constructed. The amount (percent) of affordable units shall be evenly distributed throughout the development and evenly distributed across phases. Affordable units shall be proportionate to each phase, and the fee-in-lieu shall be paid before the Certificates of Occupancy are issued more than

50% of the units in the phase or the affordable units shall receive a Certificate of Occupancy before such Certificates are issued for more than 50% of the units in the phase.

In the interest of Fair Housing and the need to promote and encourage affordable housing, the Commission may modify reduce lot coverage and impervious surface requirements as part of an application for site plan, special permit, or subdivision, that would otherwise prevent the density bonus from being realized. In doing so, the applicant must make specific request for the necessary modification and list said modifications on the approved plans of the density bonus is accepted.

This inclusionary zoning provision shall become effective on January 1, 2023 or at such time as the Town Council establishes the Town of Tolland Affordable Housing Trust Fund, whichever comes first.

Section 16-18. Outdoor Dining

Outdoor dining areas that are accessory to restaurants can create a vibrant, unique, and enjoyable environment that is an asset to the restaurant and Town. Diversity in the design of the furniture and outdoor dining areas is encouraged, therefore, provided they complement the overall establishment and site. While the operation of outdoor dining areas should contribute to the vibrancy of the area, they must not be allowed to create a nuisance, either by loud music, unruly customers, or disorderly premises. Where outdoor dining areas will further these goals without unduly impacting upon adjoining businesses or residential properties and neighborhoods, they may be permitted as an accessory use on the premises of an existing or proposed restaurant, subject to the following requirements:

A. Space definition/location.

1. Outdoor dining areas shall be identified by a barrier, such as fencing or planters to define their boundaries. Barriers that preserve the open appearance of outdoor dining areas should be used whenever possible. The use of permanent structural walls or any vertical screening device of more than four feet in height to define the boundaries of outdoor dining areas is discouraged but may be approved where necessary to attenuate noise reaching residential neighborhoods or in other unique circumstances.
2. When an outdoor dining area is located on property adjoining a residential district, it shall be subject to a minimum setback of 50 feet or the equivalent setback of the zoning district setback, whichever is greater. When adjacent to a residential district, screening, fencing, or landscape buffering is required to mitigate potential impacts on residential properties.

3. Where outdoor dining areas abut the public street, no permanent structure shall be erected between the building that houses the restaurant and the abutting street except a retractable awning located at least seven feet above the ground. In all other locations, permanent structures may be used to provide shade or shelter from inclement weather. In such cases, structures that preserve an open appearance should be used to the extent possible.
4. Fire hydrants and fire hose couplings and/or connections on buildings shall not be obstructed. Underground utility facilities such as cabinets or vaults shall be identified on all plans, and arrangements shall be made to ensure continued access to utility providers for maintenance of any such facilities.
5. If alcoholic beverages are to be served at the outdoor dining area, the enclosure of the outdoor dining area must also meet the requirements (if any) of any agency having jurisdiction over the service of such beverages.
6. When an outdoor dining area is located adjacent to a public pedestrian walkway, it shall be maintained flush with said walkway.

B. Operations.

1. Outdoor seating capacity cannot exceed 40% of the indoor seating capacity.
2. Outdoor dining areas shall be ADA accessible.
3. Any door used to deliver food from the restaurant to an accessory outdoor dining area shall be self-closing.
4. Cooking and food preparation shall not be permitted outside.
5. Any applicant seeking approval of an outdoor dining area shall demonstrate to the Planning and Zoning Commission—with written assurance from the Health District, if need be—that:
 - The kitchen facilities in the restaurant are adequate to service the entire restaurant, including the outdoor dining area.
 - Any outdoor service areas, including storage areas for both clean and dirty plates and utensils, condiments, drinking water and similar supplies, are appropriately protected.
 - Refuse receptacles appropriate to the use shall be provided for patrons and/or wait staff.

6. If an applicant seeking approval of an outdoor dining area proposes to provide any source of heat for the benefit of patrons, it shall so state in its application and shall provide the staff with a plan, approved by the Fire Marshal, for the placement and operation of said heaters as well as for the storage of fuel for the heaters.
7. Public address systems or other systems intended to convey verbal messages using amplified sound shall be prohibited. If an applicant seeking approval of an outdoor dining area proposes to provide any form of music for the benefit of patrons, it shall so state in its application and shall provide the Planning and Zoning Commission with specific details regarding the way music is to be provided. The Commission may impose any restrictions upon the playing of music which it deems to be appropriate given the location of the proposed outdoor dining area or any other circumstances that the Commission deems to be relevant.
8. Restaurant management shall ensure that the patrons of the outdoor dining area do not disturb persons beyond the premises of the restaurant through loud, boisterous or unreasonable noise, offensive words or disruptive behavior.
9. Patrons must be seated at tables.
10. Bar service, whether patrons are standing or seated at stools, is not permitted.
11. The service of alcoholic beverages must be adjunct to the service of food.
12. Outdoor dining activities are prohibited between the hours of 11:00 p.m. and 7:00 a.m.
13. Lighting shall be limited to that level which is necessary to illuminate the outdoor dining area for patrons and staff. Flashing/blinking lights are prohibited.

C. Maintenance.

1. When the outdoor dining area is in operation, it shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor dining area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a monthly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public or private streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor dining area which are traversed by restaurant staff and/or patrons.
2. Trash receptacles shall be emptied whenever full and shall be emptied at the end of each business day.
3. Umbrellas may be used to shade tables, provided that the drip edge thereof is located at least seven feet above the ground.

4. Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.
5. Where outdoor dining areas abut the public street, all furniture, fencing, shrubbery and other fixtures associated with outdoor dining areas shall be removed and stored indoors during months when the outdoor dining area is not in use. No permanent structures shall be permitted to remain between the building that houses the restaurant and the abutting street except retractable awnings located at least seven feet above the ground. In all other locations, a storage plan for all furniture, fencing, shrubbery and other fixtures associated with the outdoor dining area shall be submitted for review and approval by the Planning and Zoning Commission.

Section 16-19: Administrative Approval for Temporary Accommodation

- A. Notwithstanding any other provision of these regulations which may prohibit such modification and Pursuant to the Fair Housing Act, the Town Planner may issue a permit for modifications to be made to a dwelling subject to the following standards:
 1. Evidence has been provided which demonstrates that the proposed modification is necessary.
 2. The modification is demonstrated to be of a configuration and size so as to minimize any deviations from the standards set forth within these Regulations and is no more intrusive than necessary.
 3. The proposed modification does not obstruct sight lines, encroach into a Town or State Right of Way or create any other hazard.
 4. Any modification requested to be within 5ft of a property line or Right of Way shall require the issuance of a variance from the Zoning Board of Appeals.
 5. Any modification shall be temporary and shall be removed when circumstances which created the need for the proposed modification no longer exist.
 6. All other necessary permits shall be obtained.
- B. At a minimum, the Town Planner shall refer each accommodation request to the Building Official, Director of Human Services or Accessibility Coordinator and, Zoning Enforcement Officer for review. Following review of the request, a recommendation shall be provided to the Town Planner. If the above information required by

subsection A has not been provided or the applicability of the Fair Housing Act has not been satisfactorily established, a variance from the Zoning Board of Appeals shall be obtained before the commencement of any work.

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. One camping cabin on lots of at least four acres, subject to the setback restrictions for "All Other Detached Structures"

10. 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.
11. Radio or television reception equipment not attached to a structure, including satellite dishes.
12. 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.
13. Group day-care home.
14. Minor home occupation, pursuant to Section 16-8.
15. 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
Minor Structure - A detached structure or building, the use of which is customary and subordinate to that of the principal structure or use on the same lot, which does not exceed 10 feet in total height or two hundred and fifty (250) square feet in area and is not used for dwelling.			
Front Setback	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure
Side Setback	15 feet	15 feet	15 feet
Rear Setback	15 feet	15 feet	15 feet
Maximum Height	10 feet	10 feet	10 feet
Accessory Structure - A structure in excess of 250 square feet in area or more than 10 feet in height, the use of which is customarily incidental and subordinate to that of the principal structure or use on the same lot.			
Front Setback	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure	Shall be in accordance with Front Yard Setback for Principal Structure
Side Setback	25 feet	25 feet	15 feet
Rear Setback	25 feet	25 feet	25 feet
Maximum Height	20 feet	20 feet	20 feet
Swimming Pools and All Other Detached Structures			
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
Maximum Height	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. Detached Mechanical Units including Propane tanks, air conditioning equipment or permanent generator.
 - a. Setback and permitting requirements shall not apply if no component of the tank, air conditioning equipment or generator is located no greater than ten (10) feet from the principal structure. A plot plan shall be provided to verify location.
 - b. For any tank, air conditioning equipment or generator wholly or partially located more than ten (10) 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 15 feet.
4. Where an existing building legally exists within the front or side yard setbacks either by way of variance or as an existing nonconforming building, any addition or accessory structure to the rear of the principal building that will not encroach within the front or side yard setback requirement any closer to the property line than the existing principal building may be permitted by way of a zoning permit.

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.
3. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as farm-to-table dinners, educational demonstrations, hay rides, petting zoos, or other similar uses if the event happens fewer than ten times per year and the applicant can demonstrate that there is adequate parking on the property for the event. Setback requirements apply to all parking areas. There shall be no amplified music or amplified sound.

C. Requires a Special Permit

4. Temporary or seasonal events of limited duration on a farm which are accessory to agricultural uses, such as farm-to-table dinners, educational demonstrations, hay rides, petting zoos, or other similar uses if the event happens ten or more times per year and/or there is amplified music. The applicant shall demonstrate that there is adequate parking on the property for the event. Setback requirements apply to all parking areas. Music is allowed from 9 AM until 8 PM from Sunday to Wednesday and from 9 AM until 10 PM from Thursday to Saturday.

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.
10. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.
11. The maximum net floor area of the accessory dwelling unit for all units not located in a basement shall not exceed whichever is lesser:
 - a. 1000 square feet, or
 - b. 40% of the floor area of the total principal structure including attached garages and utility rooms but excluding seasonal unheated rooms.
12. Unless located in a detached garage, the accessory dwelling unit shall meet the required front, side, and rear yard setbacks for the principal structure.
13. If the accessory dwelling unit will be located in a detached garage, the structure shall comply with all applicable setback requirements for accessory structures.

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. Any new development with thirty (30) or more designated parking spaces shall include electric vehicle charging infrastructure capable of supporting level two electric vehicle charging stations or direct current fast charging stations in at least ten percent (10%) of such parking spaces in accordance with Public Act 22-25.
4. 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.
5. 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.
- 6. The number, size, designation, location and markings of parking spaces for the handicapped shall be as per General Statutes.
 - 7. 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.
 - 8. 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.

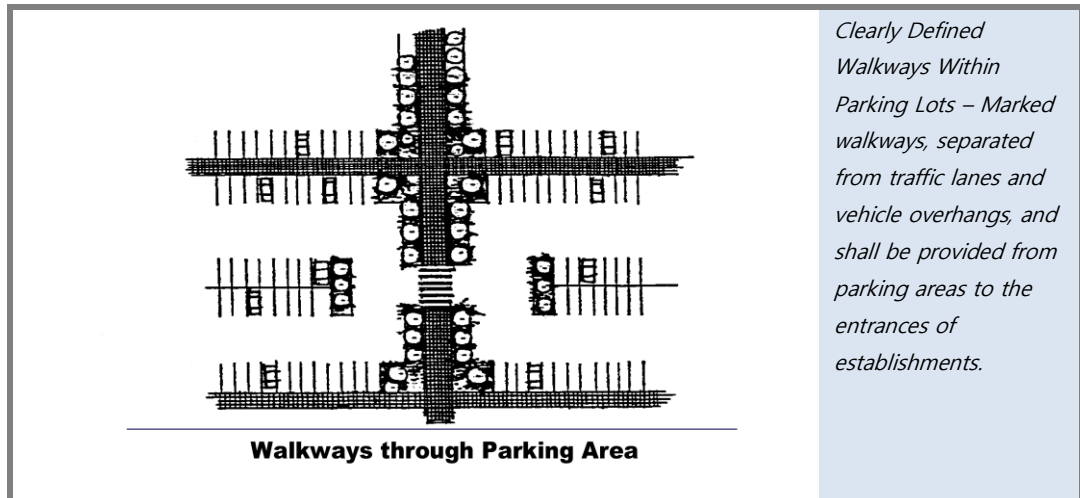
F. Bicycle and Pedestrian Accommodations

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

To regulate the size, height, location and illumination of signs in a manner which is content neutral, consistent and supportive of the community and local businesses and to accomplish the following:

1. Recognize the need for signs as a major form of communication while encouraging thoughtful design, spacing, materials and location, with a minimum of clutter.
2. Provide for consistent treatment of all signage.
3. 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.
4. To balance economic development and the preservation of local and historically significant Town elements

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:

1. Signs placed in the street right-of-way without a permit or approval by the town or state.
2. Signs on utility poles or street trees. Any sign attached to a utility pole is illegal in accordance with General Statutes Section 23-65.
3. Attention-getting devices including but not limited to inflatable "dancer" signs, search lights, flashing lights, or similar device visible from a public street.

4. Signs that imitates in size, color, lettering or design any traffic sign or signal and may confuse or mislead pedestrian or vehicular traffic.
5. Electronic messaging signs.
6. Flashing, rotating or moving signs including glittery, fluorescent finishes or finishes that imply movement.
7. Any attached or mounted sign which projects more than sixteen (16) inches from the building.
8. Any sign not expressly permitted by these Regulations.

D. Permanent Signs Permitted In Commercial or Industrial Zones

1. Attached Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Primary Attached Signs				
A wall sign mounted parallel to building façade, extending not 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	Internal Indirect Channel Halo
In lieu of a wall sign, an overhanging sign projecting perpendicular or oblique to building or extending more than 16 inches from wall.				
An additional wall sign of equal size and design to the primary sign; or in the case of buildings with multiple frontages, multiple entrances, or location of parking one larger sign oriented to building entrance may be permitted	1 per each applicable business	0.5 sq. ft. per linear ft. of secondary building frontage		
Roof Signs				
In lieu of a wall sign, for buildings with flat roofs, not to exceed more than four (4) ft from the roof of the building	1 per business	1 sq. ft. per linear ft. of building frontage if single tenant building or unit frontage in multi-tenant building	Commission	Internal Indirect Channel Halo
In lieu of a Primary Attached sign for buildings with pitched roofs, not to exceed the height of the building				

Secondary Wall Signs				
Secondary Wall Sign < 12 sq. ft.; or,	1 per common entrance	1 sq. ft. per tenant, up to 12 sq. ft. total.	Staff	Internal Indirect Channel Halo
Secondary Wall sign > than 12 sq. ft.		As approved by Commission	Commission	
Canopy Sign				
In lieu of an additional wall sign, painted or affixed to a permanent automotive fuel or service canopy,	1	0.5 sq. ft. per linear ft. of building frontage	Staff	Internal Indirect Channel Halo

2. Detached Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Freestanding				
Freestanding sign.	1 per parcel	32 sq. ft.	Commission	Internal Indirect Channel Halo
A second Freestanding sign of similar design may be approved if the Commission finds the second sign will promote safer traffic operations and the lot has frontage on and access from two public streets.	1		Special Permit	
Freestanding Low Profile				
In lieu of any other Freestanding sign, one Freestanding 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), which are designed to incorporate Natural materials that reflect site characteristics and additional plantings	1	48 sq. ft.	Commission	Internal Indirect Channel Halo

3. Other Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Unified Development Sign				
For developments which have been approved, designed and designated as a business park, a sign at each major entrance.	1 per major entrance	As approved by Commission	Commission	As approved by Commission

Directional Device				
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 Device				
On-premise traffic control structure 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				
Non illuminated Window signs.	n/a	25% of window area	No permit required	No
Illuminated Window signs.	1	4 sq. ft.	No permit required	Internal Channel Halo

E. Permanent Signs Permitted in RDD and VCZ Zones

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Announcement Sign				
Located within 10 feet of the building and on the premises for which an approved Home Occupation permit has been issued.	1	4 sq. ft	None	Indirect
Primary Wall sign				
Mounted parallel to building façade, extending no more than 16 inches from wall	1	16 sq. ft.	Staff	Indirect
Freestanding sign				
On properties with frontage or visibility to a State road	1 per street frontage with an access driveway	16 sq. ft.	Commission	Indirect
On properties with frontage or visibility on any local road		12 sq. ft		
Unified Development Sign				
On properties with a valid subdivision or multi-family development project approval	1 per project	16 sq. ft	Commission	Indirect

Directional Device				
On-premise traffic control structure 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

F. Temporary Signs

Temporary signs may be displayed in accordance with the table below.

Description	Max. Number	Max. Area	Permit	Property Use	Lighting
Roadside Sign					
Shall not be displayed for 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.	1 per business	8 sq. ft.	No permit required	Commercial	No
Sidewalk Sign					
One sandwich-board style sign placed no farther than 10 feet from the primary entry door 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	8 sq. ft.	No permit required	Commercial	No
Seasonal Sign					
For seasonal or temporary uses, a freestanding, portable, sandwich board sign or lawn style sign may be displayed during the operation of the use but may not be displayed year-round.	None	Total sign area not to exceed 16 sq. ft.	No permit required	Any	No
Banner					
Shall not be displayed for more than 60 days per calendar year. Made of flexible material, affixed or suspended between two (2) or more points and located on the ground or attached to a building or structure, and not to exceed a height of two and one-half feet (2½ ft) in height.	1	32 sq. ft. (2.5' x 12')	No permit required	Commercial	No

Project Sign					
Located on a property actively offered for sale or lease or, during the time when such property is actively under construction, repair or improvement to be removed within thirty (30) days following project completion	1	8 sq. ft.	No permit required	Residential	No
	1	32 sq. ft.		Commercial	
Yard Sign					
Affixed to, or located on the ground, or any other structure or natural element, visible from a public right of way or adjacent property, displayed for a period not to exceed sixty (60) days	None	6 sq. ft each	No permit required	Any	No
Development Sign					
Located on a property with an active zoning approval related to the development and construction of a commercial building(s) or multiple residential dwellings, for a period not to exceed three (3) years. An additional extension of up to three (3) years may be granted by the Commission.	1 per street frontage	32 sq. ft.	Staff	Any	No

G. Freestanding Sign Location and Height

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
Tolland Commercial Zone (TCZ)	10 feet	4 feet	10 feet	10 feet

H. Other Standards

1. A freestanding and low profile sign shall include a street number 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. An overhanging sign shall not project greater than four (4) feet, measured at right angles to the building to which the sign is attached.
3. 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.
4. No sign shall be installed so as to interfere with safe sight lines at a street intersection.

I. Sign Lighting

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.
 - g. No lighting shall interfere with motorist and/or pedestrian safety. Any lighting creating a hazardous condition shall be removed.

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.

J. 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. Signs shall be constructed of sound and appropriate materials (such as wood and metals) and firmly supported.
4. No balloons, streamers, pennants, banners or other devices shall be attached to a sign so as to not distract drivers or pedestrians.
5. 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.

K. 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.

L. 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.

M. 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.

N. Increase in Allowed Signage

The Commission recognizes that through the adoption of these regulations, unique circumstances may exist which necessitates flexibility and to ensure that unintended non-conformities are not created. As such, the Commission may grant approval (with or without a public hearing) for a single sign which exceeds the criteria for sign area established by this Section by not more than twenty-five percent (25%), provided the following criteria have been met:

1. A color rendering of the proposed sign has been provided.
2. A location map indicating the proposed location of the sign has been provided.
3. The proposed sign location will not obstruct pedestrian or vehicular traffic or sight lines.
4. The approval of such request will not result in the creation of any new or expansion of any existing non-conformities.

O. Administration and Enforcement

The Regulations contained within this Section have been developed by the Commission with careful consideration for the health, safety and welfare for the Tolland community and the protections on free speech. The Commission further recognizes that in accordance with C.G.S Chapter 124, § 8-3, the PZC has the discretion to provide for the enforcement of such regulations.

1. Enforcement of Section 19-2(F)

The Commission may at any point authorize a temporary stay of any enforcement against any sign which may be in violation of the criteria of Section 19-2(F) provided such sign does not create a hazardous condition and/or is not located within a Town or State Right of Way. Such authorization shall apply to all signage, in all zones pursuant to this subsection and, shall be for a period of up to sixty (60) days, which may be extended by the Commission.

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 or agents 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 Zoning Compliance

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. Proof of Zoning Compliance Required

A Certificate of Zoning Compliance shall not be issued if the following documentation is not submitted and approved by the ZEO:

6.Distance to All Property Lines				
7.Structure Type		Within 5 feet of the setback	Between 5 feet of the setback and twice the setback	At least twice the setback
	New Principal Structure	As-built drawing	As-built drawing	As-built drawing
	Expansion to the footprint of a Principal Structure of greater than 400 square feet	As-built drawing	As-built drawing*	As-built drawing*
	Expansion to the footprint of a Principal Structure of less than 400 square feet	As-built drawing	Letter of certification*	None
	Accessory Structures with permanent foundations or frost walls and In-Ground Pools	As-built drawing	Letter of certification	None
	Accessory Structures not on a permanent foundation and Above Ground Pools	None	None	None

*If an as-built drawing has already been submitted and approved by the ZEO for the original principal structure, a new as-built drawing or letter of certification for the expansion does not need to be submitted.

All as-built drawings shall be prepared to A-2 standards and prepared by a land surveyor or engineer licensed in the state. Letters of certification shall be signed by a land surveyor or engineer licensed in the state. An as-built drawing prepared by a land surveyor or engineer licensed in the state may be submitted in lieu of a letter of certification.

C. Certificate of Zoning Compliance

A certificate of zoning compliance 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 date of receipt of an application shall be the next regularly scheduled meeting of the Commission or the Board of Appeals immediately following the day of submission of the application to the Planning Department; or thirty-five (35) days after submission, whichever is sooner
2. The public hearing shall commence within 65 days of the date of receipt.
3. The public hearing shall be closed 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 and Zoning Map Amendment 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 all 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.

2. 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 applications shall be accompanied by the required fees as 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 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 may also be required:
 - 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 application form.
2. Application fee.
3. Seven (7) copies and a pdf of the proposed text amendments with the existing language and proposed changes clearly indicated.

C. Waiver

By a majority vote of members present, the Commission may waive any submittal requirement if requested by applicant if the Commission determines such information is not necessary to review the application and determine compliance with these regulations.

D. Similar Applications

The Commission shall not be required to hear the same application, or a substantially similar Text Amendment application within twelve (12) months of the previous decision by the Commission.

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 application form.
2. Application fee.
3. A site plan in accordance with Section 20-10. 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. Eight (8) full-size (24" x 36") paper copies of the required site plan. The application shall also provide a pdf of a site plan containing the information required Section 20-10. Staff may determine and require more or less than the total number of plans required above depending the circumstance of specific applications. In addition, staff may determine and require that reduced-size (11" x 17" or 12" x 18") copies of plans be provided.
5. Preparer. The Site Plan shall be prepared, signed and sealed by the appropriate design professional licensed by the State of Connecticut.
6. Architectural elevations. Preliminary architectural drawings that show exterior wall elevations, roof lines and facade materials shall be submitted for review for all new buildings and structures in accordance with Section 20-8(l) below.
7. Off-site information. This shall include off-site information applicable to the application including, 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.
8. Additional information. During its consideration of an application for Special Permit 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.
 9. Traffic Study:
 - a. The construction of more than 50 dwelling units, 100 parking spaces or 40,000 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.
 - 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.
 10. 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..

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 physical characteristics 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 compatibility of the proposed use with the zoning district and with the abutting properties.
- 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.
- i. Any potential reduction in Level of Service to roadways based upon anticipated traffic increases.

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. Improvements to existing public facilities to accommodate the use allowed by the Special Permit.
- 4. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
- 5. Soil erosion and sediment control measures in accordance with the provisions of Article 4.
- 6. 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 unless such use is willfully terminated or replaced. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

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. Failure to comply with the written notice and documents, plans, terms, conditions and safeguards of the approved Special Permit may necessitate further action on behalf of the Commission.

H. Amendments or Modifications

Amendments to an approved Special Permit which are determined by the Town Planner in consultation with the Commission Chair to be minor in nature and in accordance with the provisions of Section 14-2 (Table of Uses) may be approved without a public hearing or action by the Commission. Any proposed modification which is not minor in nature shall be revised by the Commission at a public hearing. The Town Planner shall notify the Commission of any approved minor modifications.

I. Design Advisory Board Review

Immediately following receipt, all Special Permit applications for multi-family and commercial construction shall be referred to the Design Advisory Board for comment. Design Advisory Board comments shall be submitted to the Commission within 35 days of the date of receipt of the application.

Section 20-9. Site Plan

A. When Required

1. A Site plan shall be submitted as required throughout these Regulations.
2. A Site Plan shall accompany the application for a Special Permit, unless staff or the Commission determine a Site Plan is not necessary for the proposed use or determine the Site Plan can be submitted separately after the Special Permit approval is granted.

B. Site Plan Application Requirements

1. The following shall be submitted as part of a Site Plan application:
 - a. A completed application form.
 - b. Application fee.
 - c. Seven (7) full-size (24" x 36") paper copies for Site Plan and eight (8) paper copies for Special Permit. The application shall also provide a pdf of a Site Plan containing the information required Section 20-10. Staff may determine and require more or less than the total number of plans required above depending the circumstance of specific applications. In addition, staff may determine and require that reduced-size (11" x 17" or 12" x 18") copies of plans be provided.
 - d. Preparer. The Site Plan shall be prepared, signed and sealed by the appropriate design professional licensed by the State of Connecticut.
 - e. Architectural elevations. The applicant shall submit preliminary architectural drawings that show proposed exterior wall elevations, roof lines and facade materials of proposed buildings and structures.
 - f. Off-site information. This shall include off-site information that is applicable to the application including but not limited to, open space and recreation areas, the location of buildings, parking areas and curb cuts within 500 feet of the property boundary, 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. 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 to comply with the standards of the Zoning Regulations.
4. Site plans shall be in conformity with Section 1.1 of these Regulations.

F. Guarantee Requirements

Unless otherwise prohibited by the General Statutes, the following provisions shall apply.

As a condition of Site Plan approval, the Commission or applicant may request that a financial guarantee be posted with the Town to guarantee satisfactory completion of all public improvements shown on the approved Site Plan if the applicant is requesting a Certificate of Zoning Compliance prior to completion of all site work.

1. 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.

2. No certificate of zoning compliance shall be issued before a required surety is posted.
3. 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 Town staff for approval.
4. 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.
5. 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.
6. Release of surety:
 - a. Before the release of a surety, the Commission shall determine that all of the improvements subject to the surety have been completed in accordance with the approved site plan.
7. Form and type of surety.
 - a. Be in a form and surety type satisfactory to the Commission.
 - b. The Commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee 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.

G. Post Approval Requirements

1. A certificate of zoning compliance shall be issued by the Zoning Enforcement Officer 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 partial certificate of zoning compliance may be issued by the ZEO. Failure to complete the improvement within the time permitted, will result in a violation of the conditional certificate of zoning compliance and a violation of these Regulations. Appropriate enforcement action will be taken to ensure compliance.
3. As-built drawings required:
 - a. Unless determined by Town staff to not be necessary to confirm compliance, no certificate of zoning compliance shall be issued until as-built drawings have been submitted to the Planning Department and are determined to be in substantial compliance with the approved Site Plan. If a conditional certificate of zoning compliance is issued in accordance with Section 20-9.F subsections (2) and (3), the as-built drawings shall indicate those improvements to be completed and revised final as-built drawing shall be submitted upon their completion.
 - 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 upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.

J. Expiration of Site Plan

All site improvements in connection with an approved Site Plan shall be completed within the time period specified in the Connecticut General Statutes, as amended. 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. Any site plan submitted in conjunction with an application to the Commission shall include the following information unless determined by the Commission as not necessary:

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 Area 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
<input type="checkbox"/> Stream encroachment lines as established by DEEP.	X	X

Item	Type of Application	
	Special Permit	Site Plan
<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. Pre-Application Informal Discussion

In accordance with CGS Chap 98, Section 7-159(b) applicants and property owners are encouraged to present a conceptual plans or applications for informal review by the Commission before making a formal application..

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 an 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.

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 telecommunications 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

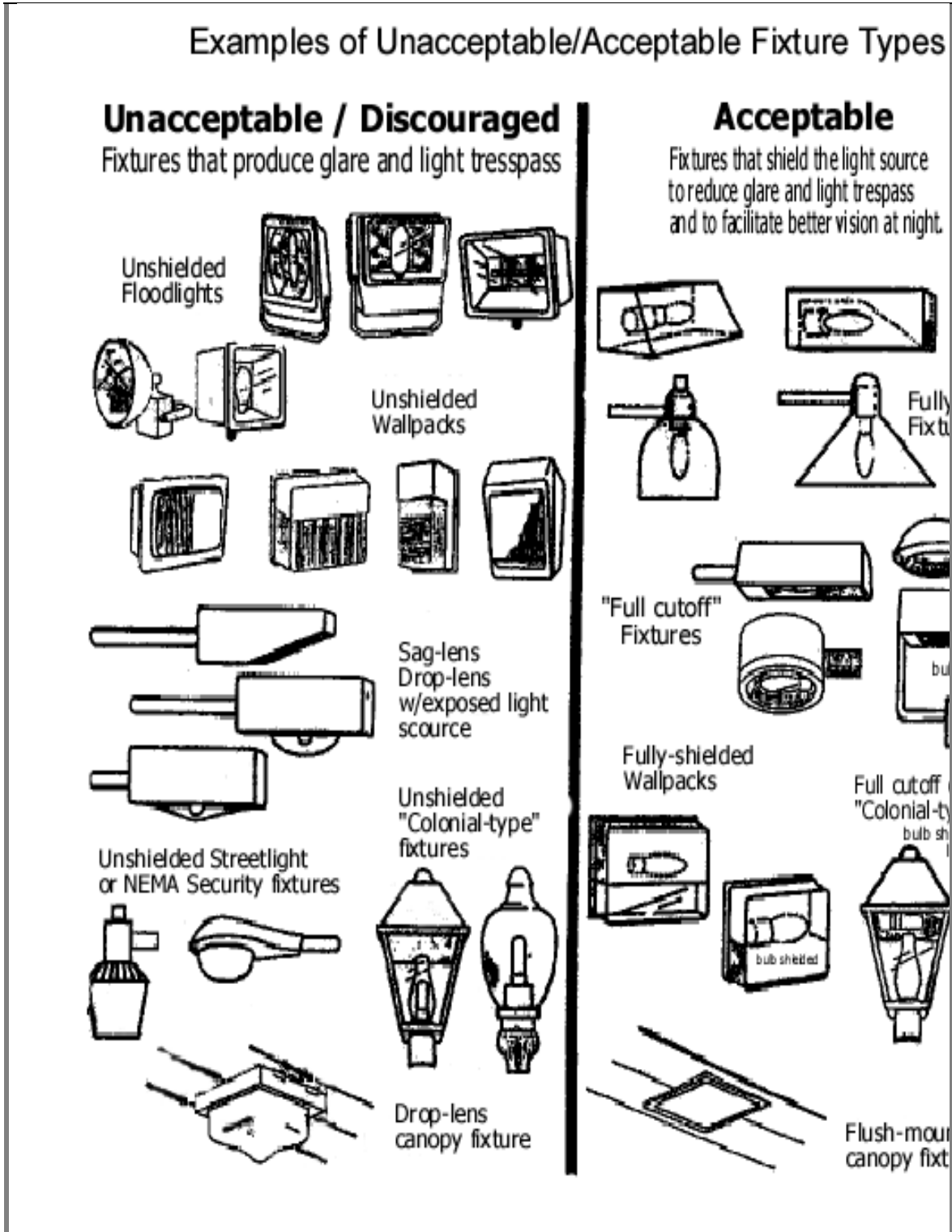
Source: Lighting for Parking Facilities, RP-20-98, IESNA 1998

Appendix D: Service Station or Gas Pump Area Average Illuminance Levels

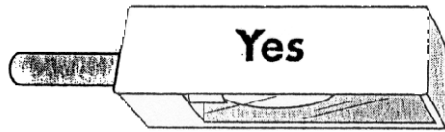
Area Description	Average Illuminance (lux/footcandles)	
	With Dark Surroundings	With Light Surroundings
Approach	15 / 1.5	20 / 2
Driveway	15 / 1.5	20 / 2
Pump island area	50 / 5	100 / 10
Building façade	20 / 2	30 / 3
Service area	20 / 2	30 / 3
Landscape highlights	10 / 1	20 / 2

Source: IESNA RP-33-99

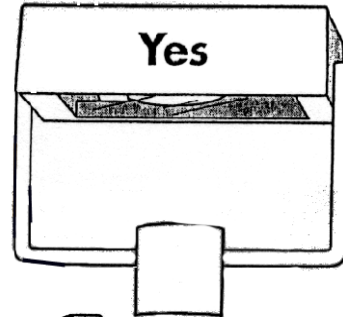
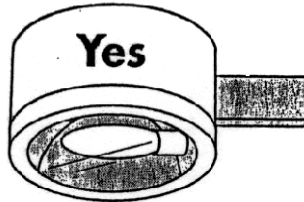
Appendix E: Illustrations of Unacceptable and Acceptable Light Fixtures and Full Cutoff Fixtures



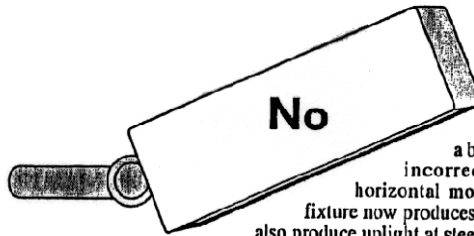
What is a True "Full Cutoff" Outdoor Lighting Fixture?



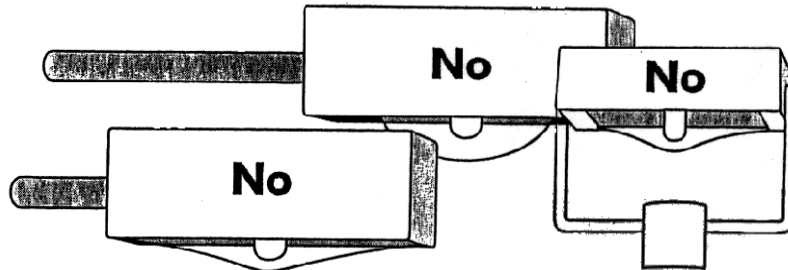
Flat glass lens, eliminates or minimizes direct glare, no upward throw of light.
The housing for the fixtures are available in many styles.



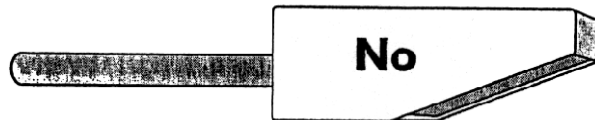
"Colonial" style fixtures are also offered in full cutoff styles, where the glare from the light source is shielded in the fixture top.



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

Effective Date	Amendments
July 1, 2015	Amendments to TVA zone to allow stand-alone multi-family and other changes
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.

Effective Date	Amendments
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.
April 12, 2021	Amend 10-3.C.13. to allow drive-through service at gasoline station/convenience store with limited food service. Section 16-5.A. Summary Table.
June 11, 2021	Article 10: Gateway Design District (GDD)
August 12, 2021	Article 2: Definitions, Article 16-8 Home Occupations and Article 16-9 Livestock/Small Stock
October 26, 2021	Revised Article 7: Tolland Village Area, created an Article 11A Master Plan Overlay Zone, repealed Article 14: Aquifer Protection Area and replaced with a consolidated table of commercial/industrial uses, amended Special Permit and Site Plan requirements, adopted new provisions related to Motor Vehicle Sales (16-16), Affordable Housing (16-17), Outdoor Dining (16-18), and Administrative Approval for Temporary Accommodation (16-19), and revised Section 17-6 for Accessory Dwelling Units.
February 15, 2022	Revised Section 2-2 "Definitions," Section 3-13 "Projections into Yards," Section 17-2 "RDD & VCZ" Setbacks, and Section 17-6 "Accessory Dwelling Units" to minimize the number of required variances for small accessory structures.
March 1, 2022	Revised Section 5-2 "Uses" in the Residential Design District and Section 16-13 "Farm Brewery, Farm Cidery, Farm Distillery, and Farm Winery" to create a "minor farm brewery/cidery/distillery/winery" for small accessory agriculture uses that involve limited off-premise sales of alcohol.
March 15, 2022	<p>Revised Section 2-2 "Definitions" clarifying that recreational cannabis and medical marijuana are retail uses and removing the exclusion of marijuana as agriculture, amend Section 14-2 "Table of Uses" to remove restrictions on siting of Medical Marijuana Dispensaries and clarify the location of Micro-Cultivator Facilities, and repeal Section 16-14 "Licensed Medical Marijuana Dispensaries or Production Facilities", which provides additional restrictions on Medical Marijuana facilities.</p> <p>AND</p> <p>Revised Article 11A "Master Plan Overlay Zone" to allow for properties in the Tolland Village Area to be eligible for the Master Plan Overlay Zone.</p>

Effective Date	Amendments
May 24, 2022	<p>Revised Section 16-5 Drive-Through Service and Section 14-2 Table of Uses to expand allowable locations for drive-thrus to include the TVA and CCZ, allow for gas station/convenience store drive-thrus by special permit in the GDD and revise drive-thru design and dimensional requirements.</p> <p>AND</p> <p>Amended Sections 16-17 Affordable Housing, Section 9-4.C pertaining to Multi-Family Development in the CCZ and Section 10- 4.C.9 pertaining to Other Requirements in the GDD to extend the effective date of the new Affordable Housing requirements to give Town Council additional time to pass the Affordable Housing Trust Fund.</p>
September 8, 2022	Amend Section 17-4 Farms to allow for Special Farm Events by zoning permit if there are fewer than ten events per year and by special permit if there are greater than 10 events per year.
September 29, 2022	Amend Sections 5-2 and 5-3 to allow for two-family dwellings by zoning permit.
November 15, 2022	Amend Section 2-2 Terms Defined to define a "camping cabin" as a wooden structure of a maximum of 250 square feet and Section 17-2 pertaining to Accessory Uses in the RDD and VCZ to allow for one camping cabin on lots of at least four acres in the RDD and VCZ and to allow camping cabins at commercial campgrounds.
January 1, 2023	Amend Section 16-17 Affordable Housing, Repeal Section 10-4.C.9 pertaining to Other Requirements in the GDD and Repeal Section 9-4.C pertaining to Multi-Family Development in the CCZ to further incentivize construction through a density bonus and adopt a revised fee-in-lieu fee schedule.
January 10, 2023	Amend Section 20-4.B related to A2 Survey as-builts to allow for more flexibility when zoning compliance can be easily demonstrated.
January 24, 2023	Amend section 2-2 Terms Defined and Section 19-2 pertaining to Signs to meet current case-law requirements regarding content neutrality, amend temporary sign regulations and clarify permanent sign regulations.
February 28, 2023	Amend Section 14-2 Table of Uses to clarify that agriculture, nurseries, forestry, and forest management do not require Site Plan approval.
March 28, 2023	Amended Section 16-13 "Farm Brewery, Farm Cidery, Farm Distillery and Farm Winery" to modify ingredient and setback requirements.

Effective Date	Amendments
April 25, 2023	Amended Section 16-12 "Alternative Energy" to modify array maximum height to not exceed 28 feet for properties less than 2 acres and 33 feet for properties greater than two acres and to modify the side and rear setbacks to "25 feet or height of the ground mounted solar, whichever is greater."
July 11, 2023	Amended Section 14-2 Table of Uses to allow Child & Adult Day-Care Centers or Group Day-Care Homes permitted by Site Plan Approval in the Technology Campus Zone (TCZ).
August 15, 2023	Amended Section 19-1 (D) pertaining to electrical vehicle charging stations and Article 20 to update the Special Permit/ Site Plan process to comply with state statute and recent court rulings.
October 31, 2023	Amend Section 2-2 Terms Defined, Section 5-2 pertaining to uses in the Residential Design District, and Section 6-2 pertaining to uses in the Village Center Zone to allow Group and Family Child Day Care Homes by right.
December 12, 2023	Revise Article 11 – Technology Campus Zone and Article 14 – Table of Uses to rename the zone to Tolland Commercial Zone, revise its purpose, and expand the list of allowable uses. Revisions also proposed to Sections 1-2, 8-1, 11A-1 and 19-2.G and the Zoning Map to reflect the new name of the TCZ.

Appendix G: Fee In-Lieu Amounts

FEE IN-LIEU AMOUNTS			
Proposed Units	Affordable Units Required	Buyout Multiplier	Buyout Amount (\$50,000/full unit)
1	0	0	\$ -
2	0	0	\$ -
3	0	0	\$ -
4	0	0	\$ -
5	0	0	\$ -
6	0	0	\$ -
7	0	0	\$ -
8	0	0	\$ -
9	0	0	\$ -
10	1	0.5	\$ 25,000.00
11	1	0.55	\$ 27,500.00
12	1	0.6	\$ 30,000.00
13	1	0.65	\$ 32,500.00
14	1	0.7	\$ 35,000.00
15	1	0.75	\$ 37,500.00
16	1	0.8	\$ 40,000.00
17	1	0.85	\$ 42,500.00
18	1	0.9	\$ 45,000.00
19	1	0.95	\$ 47,500.00
20	1	1	\$ 50,000.00
21	2	1.05	\$ 52,500.00
22	2	1.1	\$ 55,000.00
23	2	1.15	\$ 57,500.00
24	2	1.2	\$ 60,000.00
25	2	1.25	\$ 62,500.00
26	2	1.3	\$ 65,000.00
27	2	1.35	\$ 67,500.00
28	2	1.4	\$ 70,000.00
29	2	1.45	\$ 72,500.00
30	2	1.5	\$ 75,000.00
31	2	1.55	\$ 77,500.00
32	2	1.6	\$ 80,000.00
33	2	1.65	\$ 82,500.00
34	2	1.7	\$ 85,000.00
35	2	1.75	\$ 87,500.00
36	2	1.8	\$ 90,000.00
37	2	1.85	\$ 92,500.00
38	2	1.9	\$ 95,000.00
39	2	1.95	\$ 97,500.00
40	2	2	\$ 100,000.00
41	3	2.05	\$ 102,500.00
42	3	2.1	\$ 105,000.00

Proposed Units	Affordable Units Required	Buyout Multiplier	Buyout Amount (\$50,000/full unit)
43	3	2.15	\$ 107,500.00
44	3	2.2	\$ 110,000.00
45	3	2.25	\$ 112,500.00
46	3	2.3	\$ 115,000.00
47	3	2.35	\$ 117,500.00
48	3	2.4	\$ 120,000.00
49	3	2.45	\$ 122,500.00
50	3	2.5	\$ 125,000.00
51	3	2.55	\$ 127,500.00
52	3	2.6	\$ 130,000.00
53	3	2.65	\$ 132,500.00
54	3	2.7	\$ 135,000.00
55	3	2.75	\$ 137,500.00
56	3	2.8	\$ 140,000.00
57	3	2.85	\$ 142,500.00
58	3	2.9	\$ 145,000.00
59	3	2.95	\$ 147,500.00
60	3	3	\$ 150,000.00
61	4	3.05	\$ 152,500.00
62	4	3.1	\$ 155,000.00
63	4	3.15	\$ 157,500.00
64	4	3.2	\$ 160,000.00
65	4	3.25	\$ 162,500.00
66	4	3.3	\$ 165,000.00
67	4	3.35	\$ 167,500.00
68	4	3.4	\$ 170,000.00
69	4	3.45	\$ 172,500.00
70	4	3.5	\$ 175,000.00
71	4	3.55	\$ 177,500.00
72	4	3.6	\$ 180,000.00
73	4	3.65	\$ 182,500.00
74	4	3.7	\$ 185,000.00
75	4	3.75	\$ 187,500.00
76	4	3.8	\$ 190,000.00
77	4	3.85	\$ 192,500.00
78	4	3.9	\$ 195,000.00
79	4	3.95	\$ 197,500.00
80	4	4	\$ 200,000.00
81	5	4.05	\$ 202,500.00
82	5	4.1	\$ 205,000.00
83	5	4.15	\$ 207,500.00
84	5	4.2	\$ 210,000.00
85	5	4.25	\$ 212,500.00
86	5	4.3	\$ 215,000.00

Proposed Units	Affordable Units Required	Buyout Multiplier	Buyout Amount (\$50,000/full unit)
87	5	4.35	\$ 217,500.00
88	5	4.4	\$ 220,000.00
89	5	4.45	\$ 222,500.00
90	5	4.5	\$ 225,000.00
91	5	4.55	\$ 227,500.00
92	5	4.6	\$ 230,000.00
93	5	4.65	\$ 232,500.00
94	5	4.7	\$ 235,000.00
95	5	4.75	\$ 237,500.00
96	5	4.8	\$ 240,000.00
97	5	4.85	\$ 242,500.00
98	5	4.9	\$ 245,000.00
99	5	4.95	\$ 247,500.00
100	5	5	\$ 250,000.00
101	6	5.05	\$ 252,500.00
102	6	5.1	\$ 255,000.00
103	6	5.15	\$ 257,500.00
104	6	5.2	\$ 260,000.00
105	6	5.25	\$ 262,500.00
106	6	5.3	\$ 265,000.00
107	6	5.35	\$ 267,500.00
108	6	5.4	\$ 270,000.00
109	6	5.45	\$ 272,500.00
110	6	5.5	\$ 275,000.00
111	6	5.55	\$ 277,500.00
112	6	5.6	\$ 280,000.00
113	6	5.65	\$ 282,500.00
114	6	5.7	\$ 285,000.00
115	6	5.75	\$ 287,500.00
116	6	5.8	\$ 290,000.00
117	6	5.85	\$ 292,500.00
118	6	5.9	\$ 295,000.00
119	6	5.95	\$ 297,500.00
120	6	6	\$ 300,000.00
121	7	6.05	\$ 302,500.00
122	7	6.1	\$ 305,000.00
123	7	6.15	\$ 307,500.00
124	7	6.2	\$ 310,000.00
125	7	6.25	\$ 312,500.00
126	7	6.3	\$ 315,000.00
127	7	6.35	\$ 317,500.00
128	7	6.4	\$ 320,000.00
129	7	6.45	\$ 322,500.00
130	7	6.5	\$ 325,000.00

Proposed Units	Affordable Units Required	Buyout Multiplier	Buyout Amount (\$50,000/full unit)
131	7	6.55	\$ 327,500.00
132	7	6.6	\$ 330,000.00
133	7	6.65	\$ 332,500.00
134	7	6.7	\$ 335,000.00
135	7	6.75	\$ 337,500.00
136	7	6.8	\$ 340,000.00
137	7	6.85	\$ 342,500.00
138	7	6.9	\$ 345,000.00
139	7	6.95	\$ 347,500.00
140	7	7	\$ 350,000.00
141	8	7.05	\$ 352,500.00
142	8	7.1	\$ 355,000.00
143	8	7.15	\$ 357,500.00
144	8	7.2	\$ 360,000.00
145	8	7.25	\$ 362,500.00
146	8	7.3	\$ 365,000.00
147	8	7.35	\$ 367,500.00
148	8	7.4	\$ 370,000.00
149	8	7.45	\$ 372,500.00
150	8	7.5	\$ 375,000.00
151	8	7.55	\$ 377,500.00
152	8	7.6	\$ 380,000.00
153	8	7.65	\$ 382,500.00
154	8	7.7	\$ 385,000.00
155	8	7.75	\$ 387,500.00
156	8	7.8	\$ 390,000.00
157	8	7.85	\$ 392,500.00
158	8	7.9	\$ 395,000.00
159	8	7.95	\$ 397,500.00
160	8	8	\$ 400,000.00
161	9	8.05	\$ 402,500.00
162	9	8.1	\$ 405,000.00
163	9	8.15	\$ 407,500.00
164	9	8.2	\$ 410,000.00
165	9	8.25	\$ 412,500.00
166	9	8.3	\$ 415,000.00
167	9	8.35	\$ 417,500.00
168	9	8.4	\$ 420,000.00
169	9	8.45	\$ 422,500.00
170	9	8.5	\$ 425,000.00
171	9	8.55	\$ 427,500.00
172	9	8.6	\$ 430,000.00
173	9	8.65	\$ 432,500.00
174	9	8.7	\$ 435,000.00

Proposed Units	Affordable Units Required	Buyout Multiplier	Buyout Amount (\$50,000/full unit)
175	9	8.75	\$ 437,500.00
176	9	8.8	\$ 440,000.00
177	9	8.85	\$ 442,500.00
178	9	8.9	\$ 445,000.00
179	9	8.95	\$ 447,500.00
180	9	9	\$ 450,000.00
181	10	9.05	\$ 452,500.00
182	10	9.1	\$ 455,000.00
183	10	9.15	\$ 457,500.00
184	10	9.2	\$ 460,000.00
185	10	9.25	\$ 462,500.00
186	10	9.3	\$ 465,000.00
187	10	9.35	\$ 467,500.00
188	10	9.4	\$ 470,000.00
189	10	9.45	\$ 472,500.00
190	10	9.5	\$ 475,000.00
191	10	9.55	\$ 477,500.00
192	10	9.6	\$ 480,000.00
193	10	9.65	\$ 482,500.00
194	10	9.7	\$ 485,000.00
195	10	9.75	\$ 487,500.00
196	10	9.8	\$ 490,000.00
197	10	9.85	\$ 492,500.00
198	10	9.9	\$ 495,000.00
199	10	9.95	\$ 497,500.00
200	10	10	\$ 500,000.00
201	11	10.05	\$ 502,500.00
202	11	10.1	\$ 505,000.00
203	11	10.15	\$ 507,500.00
204	11	10.2	\$ 510,000.00
205	11	10.25	\$ 512,500.00
206	11	10.3	\$ 515,000.00
207	11	10.35	\$ 517,500.00
208	11	10.4	\$ 520,000.00
209	11	10.45	\$ 522,500.00
210	11	10.5	\$ 525,000.00
211	11	10.55	\$ 527,500.00
212	11	10.6	\$ 530,000.00
213	11	10.65	\$ 532,500.00
214	11	10.7	\$ 535,000.00
215	11	10.75	\$ 537,500.00
216	11	10.8	\$ 540,000.00
217	11	10.85	\$ 542,500.00
218	11	10.9	\$ 545,000.00

Proposed Units	Affordable Units Required	Buyout Multiplier	Buyout Amount (\$50,000/full unit)
219	11	10.95	\$ 547,500.00
220	11	11	\$ 550,000.00
221	12	11.05	\$ 552,500.00
222	12	11.1	\$ 555,000.00
223	12	11.15	\$ 557,500.00
224	12	11.2	\$ 560,000.00
225	12	11.25	\$ 562,500.00
226	12	11.3	\$ 565,000.00
227	12	11.35	\$ 567,500.00
228	12	11.4	\$ 570,000.00
229	12	11.45	\$ 572,500.00
230	12	11.5	\$ 575,000.00
231	12	11.55	\$ 577,500.00
232	12	11.6	\$ 580,000.00
233	12	11.65	\$ 582,500.00
234	12	11.7	\$ 585,000.00
235	12	11.75	\$ 587,500.00
236	12	11.8	\$ 590,000.00
237	12	11.85	\$ 592,500.00
238	12	11.9	\$ 595,000.00
239	12	11.95	\$ 597,500.00
240	12	12	\$ 600,000.00
241	13	12.05	\$ 602,500.00
242	13	12.1	\$ 605,000.00
243	13	12.15	\$ 607,500.00
244	13	12.2	\$ 610,000.00
245	13	12.25	\$ 612,500.00
246	13	12.3	\$ 615,000.00
247	13	12.35	\$ 617,500.00
248	13	12.4	\$ 620,000.00
249	13	12.45	\$ 622,500.00
250	13	12.5	\$ 625,000.00
251	13	12.55	\$ 627,500.00
252	13	12.6	\$ 630,000.00
253	13	12.65	\$ 632,500.00
254	13	12.7	\$ 635,000.00
255	13	12.75	\$ 637,500.00
256	13	12.8	\$ 640,000.00
257	13	12.85	\$ 642,500.00
258	13	12.9	\$ 645,000.00
259	13	12.95	\$ 647,500.00
260	13	13	\$ 650,000.00
261	14	13.05	\$ 652,500.00
262	14	13.1	\$ 655,000.00

Proposed Units	Affordable Units Required	Buyout Multiplier	Buyout Amount (\$50,000/full unit)
263	14	13.15	\$ 657,500.00
264	14	13.2	\$ 660,000.00
265	14	13.25	\$ 662,500.00
266	14	13.3	\$ 665,000.00
267	14	13.35	\$ 667,500.00
268	14	13.4	\$ 670,000.00
269	14	13.45	\$ 672,500.00
270	14	13.5	\$ 675,000.00
271	14	13.55	\$ 677,500.00
272	14	13.6	\$ 680,000.00
273	14	13.65	\$ 682,500.00
274	14	13.7	\$ 685,000.00
275	14	13.75	\$ 687,500.00
276	14	13.8	\$ 690,000.00
277	14	13.85	\$ 692,500.00
278	14	13.9	\$ 695,000.00
279	14	13.95	\$ 697,500.00
280	14	14	\$ 700,000.00
281	15	14.05	\$ 702,500.00
282	15	14.1	\$ 705,000.00
283	15	14.15	\$ 707,500.00
284	15	14.2	\$ 710,000.00
285	15	14.25	\$ 712,500.00
286	15	14.3	\$ 715,000.00
287	15	14.35	\$ 717,500.00
288	15	14.4	\$ 720,000.00
289	15	14.45	\$ 722,500.00
290	15	14.5	\$ 725,000.00
291	15	14.55	\$ 727,500.00
292	15	14.6	\$ 730,000.00
293	15	14.65	\$ 732,500.00
294	15	14.7	\$ 735,000.00
295	15	14.75	\$ 737,500.00
296	15	14.8	\$ 740,000.00
297	15	14.85	\$ 742,500.00
298	15	14.9	\$ 745,000.00
299	15	14.95	\$ 747,500.00
300	15	15	\$ 750,000.00