

**Legal Notice
Public Hearing**

Tolland Planning & Zoning Commission

The Tolland Planning & Zoning Commission will hold a Public Hearing on Monday, June 10, 2024 commencing at 7:00 p.m., to hear and discuss the following:

PZC #24-3- Zoning Regulation Amendment- Request to amend Article 17 “Accessory Uses and Structures” to allow for lots greater than five acres to construct one structure in excess of the size of the principal structure of the home to a maximum of 10,000 square feet. Applicant: Town of Tolland.

A copy of this application is on file and available for review in the Planning & Building Department at 21 Tolland Green, Tolland, CT.

To be advertised twice in the Journal Inquirer: Tuesday, May 28, 2024 and
Thursday, June 6, 2024



P&Z #:

TOWN OF TOLLAND APPLICATION TO AMEND REGULATIONS

Please attach the full text of the proposed changes, edits, amendments, and new text that you are proposing.

Which document are you proposing to amend?

Zoning Regulations

Wetlands Regulations

Subdivision Regulations

Plan of Conservation & Development

List all sections of the regulations that you propose to amend or add text to:

Describe the purpose for these proposed changes:

Describe how this request is consistent with the Tolland Plan of Conservation and Development:

Applicant Information

Applicant Name: _____
Mailing Address: _____
Phone Number: _____ Email Address: _____

(Over)

All of the above statements and the statements contained in any documents and plans submitted herewith are true to the best of my knowledge:

Applicant Signature: _____ **Date:** _____

Please note:

1. If also proposing to amend the Zoning Map, a separate Map Amendment Form and fee must be submitted.
2. The fee of \$300.00 plus a \$60.00 State fee must be submitted to be considered a complete application.

OFFICE USE ONLY

Fee Amount: _____ Approved: _____

Form of Payment: _____ Approval Date: _____

Date Submitted: _____ Effective Date: _____
(stamp)

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

- 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
Large Lot Accessory Structure – An accessory structure located on a lot of at least five acres in size with a footprint that exceeds that of the principal structure.			
Maximum Size	1,000 square feet per acre of land, with a maximum size of 10,000 square feet.	1,000 square feet per acre of land, with a maximum size of 10,000 square feet.	N/A
Front Setback	200 feet	200 feet	N/A
Side Setback	50 feet for structures of <5,000 square feet; 150 feet for	50 feet for structures of <5,000 square feet; 150	N/A

	<u>structures of >5,001 square feet</u>	<u>feet for structures of >5,001 square feet</u>	
<u>Rear Setback</u>	<u>50 feet for structures of <5,000 square feet; 150 feet for structures of >5,001 square feet</u>	<u>50 feet for structures of <5,000 square feet; 150 feet for structures of >5,001 square feet</u>	<u>N/A</u>
<u>Maximum Height</u>	<u>Shall be in accordance with Building Height for Principal Structure</u>	<u>Shall be in accordance with Building Height for Principal Structure</u>	<u>N/A</u>
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 and Quantity Limitations

1. Minor Structures, Accessory Structures, Swimming Pools, and All Other Detached Structures:

The combined footprint of all customary accessory structures other than large lot accessory structures and 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.

2. Large Lot Accessory Structures: Lots with greater than ten acres may construct one Large Lot Accessory Structure with a total square footage in excess of the footprint of the principal building by Zoning Permit. Such structures shall have a maximum size of 10,000 square feet.

E.-F. Height

Customary accessory structures shall have a maximum height of 25 feet, unless they are large lot accessory structures or farm structures as defined in Section 17-4.

F.-G. 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. [Farm structures shall be subject to the height restrictions for a Principal Use in Section 3-11.](#)
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.