ZONING REGULATIONS

Chapter 170
CODE of the TOWN OF TOLLAND
STATE OF CONNECTICUT

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Revised: October 1, 2012
Revised: May 1, 2013
Revised: July 1, 2013
ARTICLE V
Residential Design District

Section 5-1. Purpose.

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

A. Encourage flexibility of site design and housing construction which will provide for 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.

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:

   - Protecting large blocks of diverse contiguous land;
   - Protecting critical stream corridors to protect and enhance surface water and groundwater quality and to provide important connections in the life cycles of wildlife;
   - Keeping watersheds intact to provide the greatest diversity of wildlife resources.

Section 5-2. Permitted Uses.

The following uses are permitted as of right in the RDD Zone subject to any applicable provisions of these or the subdivision regulations and shall comply with minimum lot size, setbacks, frontage and coverage requirements in Section 5-4 unless otherwise stated:

A. Single-family dwellings.

B. Single-family mobile homes: seven hundred fifty (750) square feet minimum floor area for original structure; permanent foundation, well and septic system required; and shall meet livability standards of the United States Department of Housing and Urban Development or any other applicable agency.
C. Agriculture including all uses listed in Sec. 1-1 (q) of the Connecticut General Statutes except as might otherwise be prohibited or regulated by these regulations, and roadside stands for the sale of seasonal agricultural products.

D. Amusements, fairs and bazaars; temporary nonprofit organizations.

E. Government services: federal and state services permitted; local services permitted if in compliance with Connecticut General Statutes Section 8-24.

F. Historic or monument sites.

G. The 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-month extensions may be granted by the ZEO.

H. Temporary use (not to exceed six (6) months) of a trailer other than for human habitation by the builder, contractor and/or architect on a lot during construction on said lot. Under special circumstances, six-month extensions may be granted by the Commission.

I. Accessory uses. Customary accessory uses shall be permitted in the RDD subject to the provisions in Article XVII.

J. Accessory dwelling units. A single-family dwelling may be allowed to accommodate one accessory dwelling unit attached to or part of an existing dwelling, subject to the following provisions:

1. At least one of the occupants of either dwelling shall be the owner of record of said dwellings or shall have permanent life residency of said dwellings as evidenced by legal documentation satisfactory to the Commission or agent.

2. The accessory dwelling unit shall have a minimum net floor area of 400 square feet, a maximum net floor area of 700 square feet and a maximum of one bedroom. Seasonal unheated rooms shall not be included in net floor area.

3. No accessory dwelling unit shall be located in a basement or cellar unless one wall thereof opens to grade; no accessory dwelling unit shall be located over or in a detached accessory building.

4. The accessory dwelling unit shall be self-contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the occupant.

5. The Commission may permit the expansion of a dwelling beyond the existing building foundation to accommodate an accessory dwelling unit, provided that the dwelling retains the appearance of a single-family residence. If the proposed expansion is consistent with the single-family neighborhood, this approval may be permitted by staff review; however, the Commission may, at its discretion, review any and all applications.

6. Two additional parking spaces shall be provided for the accessory dwelling unit in addition to those required for the principal dwelling unit, in accordance with the requirements of Section 19-10.

K. Telephone exchanges, substations, sewer or water pumping stations, water tanks, standpipes or similar public utility uses 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.
Section 5-3. Special Permit Uses

The following uses may be permitted in the RDD Zone, subject to special permit and site plan approvals in accordance with Article XXII and shall comply with minimum lot size, setbacks, frontage and coverage requirements in Section 5-4 and all public utilities to be installed in any new nonresidential or multi-family development shall be placed underground unless otherwise stated:

A. Multi-family developments – See Section 5-6.

B. Elderly housing or assisted living facilities – See Section 5-6 E.

C. Private schools and private colleges, when located on a lot of at least five (5) acres and having at least 400 feet of frontage on one street.

D. A privately operated hospital, clinic, nursing or convalescent home or similar institution, provided the lot shall have at least five (5) acres and 400’ of frontage on a public street.

E. Places of worship, parish houses, convents and similar uses when located on a lot of at least two (2) acres.

F. Telephone exchanges, substations, sewer or water pumping stations, water tanks, standpipes or similar public utility uses, 100 square feet or over, with no outside service yard or outside storage of supplies unless fully enclosed or screened from public view.

G. Clubs, private nonprofit including sportsman’s clubs.

H. Community centers.

I. Campgrounds, youth camps or resorts, provided that the lot area shall be at least forty (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 16-5 shall also apply.

J. Private, public or commercial golf courses, provided that the lot area shall be at least forty (40) acres and that all buildings shall be located no less than 200 feet from any street line or other lot line and that no part of the course shall be illuminated for night play. Subject to requirements in Section 16-6.
K. Commercial/Agricultural Uses. Such facility cannot exceed 5,000 sq. ft. gross floor area and must meet all the setback requirements for the RDD zone.

- Retail sales of agricultural produce, farm stores, storage, packing, processing and bottling of Connecticut grown farm products, provided a portion of the product is produced on land owned or leased by the proprietor.
- Carriage, wagon and sleigh rides and animal petting areas.
- Seasonal “pick your own” fruit and vegetables.
- Roadside stands, regional.
- Accessory food service.

L. Veterinary hospitals for the treatment and care of animals. Veterinary hospitals shall be located on a lot at least two (2) acres; five (5) acres 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 Town Noise Ordinance (Chapter 103 of the Tolland Code).

M. Day-Care Centers and Group Day-Care Homes, caring for children or adults, provided that no play equipment shall be located in any required setback areas.

N. A sales office located on the premises where a group of dwellings under construction or recently constructed shall be 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 year; one or more extensions six-month extensions may be granted by the Commission.

O. 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, provided that the owner of the dwelling shall reside in said dwelling.

P. Cemeteries.

Q. Orphanages or children’s homes.

R. Domestic Animal Services

1. Kennels and commercial kennels provided that they shall be located on a lot of at least five acres. All buildings and enclosures associated with the kennel 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.
2. Domestic animal Grooming or Domestic Animal Day Care: The required acreage and setback may be reduced by the Commission to not less than two 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:

   a. Animals, other than those owned by a resident of the premises, shall not be kept over night;
   b. 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 Town Noise Ordinance;
   c. No more than five animals, not including those owned by a resident of the premises, shall be allowed on the premises at the same time.

S. Excavation and/or removal of earth products; filling operations in accordance with the requirements of Section 17-4.

T. Commercial stables, provided that they 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.

Section 5-4. Traditional Residential Developments.

The following minimums shall apply unless modified by Section 5-5.B:

A. Minimum lot size: two (2) acres.

B. Minimum buildable area: 19,000 square feet, containing a minimum one hundred foot (100’) 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.

C. Minimum lot frontage at street line: 200 feet or 200’ at floating building line, with a minimum of 100’ road frontage.

D. Maximum building coverage: 15%.

E. Minimum front yard setback, principal structures: 60 feet from the streetline of collector and arterial roads (as designated in the Design Manual of the Subdivision Regulations, currently these are: All State Routes; Old Stafford Road, Goose Lane, Old Post Road, Grant Hill Road, Browns Bridge Road, Grahaber Road, and Buff Cap Road), 40 feet from the streetline of all other roads or at established floating building line – whichever is greater.

F. Minimum side yard setback, principal structures: 25 feet.
G. Minimum rear yard setback, principal structures: 50 feet.

H. Dwelling units per lot. Only one dwelling unit shall be permitted per lot except as provided in Section 5-6.

I. 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 concurring votes of the Commission. The purpose of this regulation is to promote orderly development by limiting contrived lots; however, shared driveways will be permitted if approved by the Commission.

J. Maximum number of dwellings served by a single driveway: four (4). See Design Manual for shared driveway specifications.

K. Rear lots. Rear lots shall be permitted as part of subdivision approval in the RDD Zone, subject to the following conditions:

1. Each rear lot shall have an accessway which has a continuous width of at least 35 feet, which is owned in fee simple by the owner of the rear lot and which has frontage on a public road.
2. 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.
3. Each rear lot shall contain a minimum:
   a. Lot area of five (5) acres computed as the area of the lot exclusive of accessway. The Commission may, by four (4) concurring votes, permit the lot area to be reduced to no less than two (2) acres exclusive of the accessway if:
      • the difference between the minimum rear lot acreage and the reduced rear lot acreage will be added to contiguous open space in addition to the minimum open space set aside specified in Zoning and Subdivision Regulations;
      • the addition of the land will provide increased protection of sensitive habitats, preservation of corridors or connectivity;
      • sufficient buffer can be provided to adjacent frontage lots.
   b. Single undivided buildable area of a least 19,000 square feet, containing a minimum 100 foot square.
   c. Setback of 50 feet from the side and rear property lines and 100’ from the front line of the rear lot, said front line being that lot line from which the accessway starts at the rear lot leading to the street.
4. One single-family dwelling and appurtenant accessory structures shall be permitted on a rear lot. Special Permit Uses in the RDD Zone 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.
5. No more than 2 rear lot accessways may be abutting, unless waived by the Commission taking into consideration the best development of the land, configuration, and topography.
6. The owner of the rear lot shall provide and maintain the driveway, drainage and utilities installation in the accessway.
7. 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.

L. Maximum Density:

1. The maximum number of lots into which a parcel of land existing as of December 1, 2005 may be divided shall be determined by:
   a. First deducting 20% from the acreage of the total parcel for Open Space;
   b. Then deducting:
      • Wetlands, watercourses and waterbody areas,
      • Land with slopes greater than 20%, as measured over a distance of 50 or more lineal feet,
      • Ledge outcropping areas of more than 200 sq.ft.
   c. 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.

2. Density Factors:
   0.40 in the Residential Design District
   0.36 in Natural Resource & Wildlife Protection Areas

   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.

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** | **100.00 acres** |
| **Minus:** | |
| • 20% Open Space | -20.00 acres |
| • wetlands, watercourses and waterbodies | -15.00 acres |
| • areas of slope >20% | -5.00 acres |
| • areas of ledge greater than 200 sq.ft. | -2.00 acres |
| **58.00 acres** | |

**RDD Zone:** 0.40 density factor x 58.00 acres = 23 building lots.
**NRWP Areas:** 0.36 density factor x 58.00 acres = 20 building lots.
Section 5-5. Flexible Residential Developments.

A. The Planning & Zoning Commission may permit the division of a parcel into three (3) or fewer lots after December 1, 2005, provided that:

   A. All lots shall comply with the minimum lot specifications in Section 5-4. A through K. - Density, Lot Sizes and Other Dimensional Requirements
   B. Any parcel that has been subdivided into three (3) lots under the provisions of this section after December 1, 2005, shall comply with Section 5-5.L. for the creation of any additional lots.

B. Development Flexibility For Open Space Preservation

   1. The Planning and Zoning 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 5-4.L.1.c.

   2. Prior to modifying any such requirements, the Planning and Zoning 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, and
      b. there will be a significant or community benefit resulting from the open space that is being preserved in perpetuity, such as:
         i. protection of important natural resources,
         ii. protection of scenic resources,
         iii. preservation of a sizable area of open space,
         iv. preservation of areas along Town or State roads that will protect rural appearance or character,
         v. establishment of an open space corridor or greenway or interconnection of existing open spaces, and/or
         vi. provision for public access and/or recreation.

   3. The Planning and Zoning Commission may reduce the following requirements on frontage lots by up to one and a half 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 percent of the parcel is preserved as open space and the minimum open space requirement is 20 percent, a requirement may be modified by up to 30 percent). 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 size 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:
   - Minimum front setback on a proposed public street: 30 feet. Front setbacks on existing public streets may not be reduced.
   - Minimum side setback: 20 feet.
   - Minimum rear setback: 25 feet.

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<th>Required Open Space</th>
<th>Minimum Lot Size</th>
<th>Required Frontage</th>
<th>Required Front Setback</th>
<th>Required Rear Setback</th>
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<td>Reduced Lot Size Sqft/acres (40,000 sqft. min.)</td>
<td>Reduced Frontage (125’ min.)</td>
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Section 5-6. Multi-Family Developments.

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. Location Criteria. Multi-Family Development shall be permitted by Special Permit in residential zones subject to the following criteria:

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.
3. The Location Criteria may be waived in the RDD Zone only by four votes of the Commission if proposed multi-family development is 20 units or less.

C. Special Permit Uses.

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

D. Site, Density and Other Requirements.

1. Minimum lot area: ten (10) acres.
2. Minimum lot frontage: one hundred and twenty-five (125) feet.
   Minimum lot frontage can be reduced to fifty (50’) feet by four votes of the Commission for Multi-Family developments with less than twenty (20) units.
3. Maximum building coverage, all principal and accessory structures: fifteen percent (15%).
4. Minimum front setback: one hundred (100) feet.
5. Minimum side and rear setbacks and buffers: one hundred (100) feet abutting a residential zone; fifty (50) feet abutting a nonresidential zone or existing nonresidential use.
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 acre.
   Developable Area shall be defined as land exclusive of wetlands, watercourses, water bodies, steep slopes in excess of 20%, as measured over a distance of 50 or more lineal feet, and ledge outcroppings over 200 sq. ft. in area.
7. Maximum number of dwelling units per building: twelve (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 fifty percent (50%) of total dwelling units. Elderly or assisted living facilities do not have a restriction for % of single-family dwelling units.
10. Minimum open space: A minimum of twenty percent (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 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, in the opinion of the Commission, 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 22-8.E.

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

E. Affordable Housing.

The purpose of this section 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 Connecticut General Statutes.

1. Maximum permitted density. The maximum permitted density for multi-family affordable developments may be increased by up to forty percent (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 Connecticut General Statutes for a period of at least thirty (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 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 Connecticut General Statutes.
F. Elderly Housing

Housing for the elderly shall be defined by the provisions of the United States Fair Housing Act, as amended, and Connecticut State 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 55 and older provide that (1) at least 80% of the occupied units are occupied by at least one person who is 55 or older, (2) the community publishes and adheres to policies demonstrating the intent to be age-restricted; and (3) 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.

As long as is required by the Zoning Regulations of the Town of Tolland (as may be amended from time to time), the permanent occupancy of any unit is restricted to:

1. Any person of the age 55 or over, (“Age Qualified Person”).
2. A husband, wife or companion, over the age of 18 years, residing with the “Age Qualified Person”;
3. 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;
4. An individual, over the age of the 18 years, residing with and providing physical or economic support to the Age Qualified Person; or
5. 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.
6. Any person considered to be totally disabled under the Federal Security Act.

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 55 or over housing for older persons exemption under The Fair Housing Act. The Town of Tolland 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 55 or over 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.
The provisions for Multi-Family Development shall apply with the following exceptions:

1. Maximum density/bedrooms per acre.
   
a. To be served by onsite septic system: ten (1) bedrooms per acre.
   
b. To be served by sewer: twelve (12) bedrooms per developable acre as defined in Section 5-6.D.6.b.

2. Maximum number of dwelling units per building shall be twelve (12). The Commission may, at its discretion, allow more units per building, but in no case shall the number of units exceed forty (40).

3. 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 so designed as to avoid monotonous patterns of construction or repetitive spaces or modules between buildings. The roofs shall have adequate pitch and flat roofs shall not be permitted.

2. The location of structures shown on the Site Plan shall be so arranged as to be harmonious and compatible with the adjacent existing structures and with the general development of the neighborhood.

3. The Commission may require such changes in the Site Plan as are necessary to meet the specific requirements of the development type and may make additional requirements as are necessary to promote and protect the sound and orderly growth of the community.

4. Streets shall be designed to discourage through traffic on the site. All required improvements shall conform with applicable sections of these regulations. 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.

5. 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.

6. Entrance to development shall be landscaped in accordance with Section 22-8. School and public transportation shelters may be required, if appropriate.

7. Two (2) 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 street within two hundred (200’) feet of the streetline or in required setback areas.

8. 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.

9. Roof-mounted satellite dishes over two (2) feet in diameter and individual television and radio antennas shall not be permitted.

10. No common hallway shall serve more than two (2) dwelling units on each floor.
11. Minimum noise standards of the Federal Housing administration shall be met or exceeded.
12. No part of a building, which is below grade, shall be used for dwelling purposes except as approved by the Commission.
13. Each dwelling unit shall have individual utilities and metering.

H. Evaluations for Special Permit Approval:

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

a. Conformance with the Tolland Plan of Conservation and Development.
b. Conformance with the standards and conditions of these regulations.
c. Impact on highways and public facilities.
d. Preservation and character of existing single-family neighborhoods.
e. Streets and drives suitable to carry anticipated traffic and that increased densities will not generate traffic in such amounts as to overload the street network in the area.
f. Access and distance to commercial, recreational or community facilities.
g. Transitional character of the development to existing or potential developments.
h. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities.
i. Preservation of the character of existing neighborhoods.
j. Impacts to surface or groundwater public drinking water supplies within a public drinking water supply watershed or aquifer area.

I. Requirements of submission:

a. All Special Permit and Site Plan requirements in Section 22-2 & 22-3.
b. Number of units proposed.
c. Density of proposed development in terms of bedrooms per developable acre.
d. Acreage in buildings and parking.
e. Acreage in open space and recreational area.
f. Breakdown of dwelling unit types if more than one type is planned.
g. Projected dwelling unit floor areas.
h. A phasing plan if the development is to be constructed over a period of years.
i. Traffic impact data when requested by the Commission or required by these regulations.
j. Building elevations.
ARTICLE VII
Tolland Village Area (TVA)

Section 7-1. Preamble.

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

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

Section 7-2. Purpose and Intent.

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

B. It is further intended that the TVA zone and approval process will:
   1. be consistent with the Tolland Plan of Conservation and Development.
   2. encourage property owners to coordinate development.
   3. provide flexibility in design, placement and layout of sites.
   4. provide buffers to adjacent residential development.
   5. protect important natural resources (especially surface and groundwater).
   6. provide guidelines so that development is consistent with New England village architecture.
   7. provide safe streets for motorists, pedestrians and bicyclists.
   8. incorporate open space, parks and/or greenways.
   9. promote sustainable design, high performance buildings and “green” technology.

Section 7-3. Reference Documents

The following documents and materials provide guidance for land uses and design in the TVA:
   1. Tolland Plan of Conservation and Development, 2009 and as amended
   2. Tolland Village Area Concept Sketches (October 2010 and November 2010)
   3. Tolland Village Area 3-D Model
   4. Tolland Village Area Design Guidelines, which is an advisory document that cannot be used as denial of an application.
Section 7-4. General.

A. Except as otherwise provided for in this section, no new building, structure or use shall be permitted in the TVA until:
   1. an Area Development Plan has been approved pursuant to this Section and Section 22-2, Special Permits, and
   2. a Site Plan has been approved in accordance with the standards in the approved Area Development Plan and Site Plan Standards contained in this Section and in Section 22-3, Site Plans.

B. Once an Area Development Plan has been approved, any development within the Plan area shall be subject to standards contained in the approved Plan.

C. An Area Development Plan may be modified by submitting a revised Area Development Plan and Special Permit Application for approval, in accordance with this section.

Section 7-5. Lots and Uses existing as of July 1, 2011.

A. For the purpose of the TVA zone, an existing use or structure is a use or structure in existence as of the effective date of these regulations (July 1, 2011).

B. Existing uses and structures in the Tolland Village Area that are conforming as of June 31, 2011 (July 1, 2011) shall be considered conforming uses and structures after the effective date of this Section.

C. Changes in use or modifications to existing structure shall be subject to Section 3-5 of these regulations.

D. The Town Planner or Commission determines, pursuant to Section 3-5, that a Special Permit review is required for a proposed change in used or modification of a building then the following provisions shall apply:
   1. expansions equal to or less than 10% of the gross floor area in existence as of the effective date of this regulation shall require a Special Permit.
   2. expansions that result in a gross floor area that is 10% greater than the gross floor area in existence as of the effective date of this regulation shall require the submittal of an Area Development Plan and Special Permit application.
   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 shall require the submittal of an Area Development Plan and Special permit application.
Section 7-6. Special Permit Use.

As shown on the Tolland Village Area Use Diagram included as part of these regulations, the following uses shall be permitted in each of the designated use areas subject to the Tolland Village Area regulations and Special Permit and Site Plan approvals in Article XXII of the Zoning Regulations:

A. Mixed Use Areas – The purpose of this area is to allow a mixture of uses, organized in a “mainstreet” and village setting. Permitted uses are:

1. stores or shops for the conduct of retail or personal service business, excluding drive-through service
2. banks or financial institutions, excluding drive-through service
3. restaurants, with or without liquor sales, excluding drive-through service
4. retail food / serving establishments, excluding drive-through service
5. offices, including general, medical and professional
6. hotels, bed and breakfast establishments, in which all guest rooms are accessed through in internal corridor
7. clubs, community centers, places of worship, municipal or other public and semipublic use
8. art or music centers, museums, dance studios or other cultural activities
9. pharmacies, including drive-through service, provided that such facility is in accordance with Section 16-7 of the Zoning Regulations and the Tolland Village Area Design Guidelines.
10. multi-family dwelling units, except that no housing unit shall be located on the first floor on the primary mixed use travel way or street
11. town-house dwelling units, except that no town house dwelling shall be located on the primary mixed use travel way or street
12. parking lots or garage including a public parking lot serving off-premise uses

B. Residential Areas – The purpose of this area to provide a range of housing opportunities. Permitted uses are:

a. single-family dwellings, attached and detached
b. two-family dwellings
c. multi-family town house dwellings

d. other multi-family dwellings located on upper floors of a mixed use building

e. accessory dwelling units in a single-family detached dwelling

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

a. open space

b. recreation amenities such as trails, picnic area, and wildlife viewing area

c. Low Impact Development facilities providing storm water management for the Tolland Village Area.

Section 7-7. Workforce Housing Required.

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

A. Requirements:

1. At least 20% of all dwelling units shall be workforce housing units except that the Commission may reduce the required percentage to no lower than 12% if the applicant demonstrates that they are providing additional amenities that provide a community-wide benefit and are not required as part of these Tolland Village Area regulations. The provisions for open space, trails and sidewalks shall not be considered an additional benefit that allows a reduction in the percentage.

2. The workforce housing units shall be subject to a deed restriction or other mechanism acceptable to the Commission containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable to the workforce.

3. An Affordability Plan, prepared in accordance with Connecticut 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 Connecticut 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; and

e. other information as may be required by the Commission.

4. Workforce housing units shall meeting 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; and,

e. units shall be provided pro rata so that the percentage of affordable units for each phase does not fall below percentage required for the full project.

B. Post Approval Procedures:

1. A binding deed restriction or other mechanism acceptable to the Commission containing covenants and restrictions in conformance with Connecticut General Statutes 8-30g shall be recorded in the Tolland Land Records and said covenants and restrictions shall be subject to review and approval by the Commission’s attorney.

2. The developer or his or her successors shall certify to the Town on an annual basis that rental units developed as workforce housing units are being leased or have been sold to
eligible persons or families at prices or rents consistent with the regulations of the Connecticut General Statutes.

Section 7-8. Consolidated Parcels.
The provisions of Section 10-7, Consolidated Parcels, in the GDD shall apply in the TVA zone.

Section 7-9. Standards for Area Development Plans.
The purpose of an Area Development Plan is for the applicant to present a conceptual plan for the development of the site and to determine whether the proposed uses and layout conform to the Plan of Conservation and Development and to applicable requirements in these regulations.

A. In addition to standards contained in the Tolland Zoning Regulations which are not in conflict with the specific standards and review criteria set forth in this Section, all Area Development Plans must meet the following standards:

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

2. At a minimum, vegetated buffers shall be provided in areas depicted on the Conceptual Use Diagram for the Tolland Village Area in the Plan of Conservation and Development.

3. Sidewalks and pathways shall be provided to connect uses within the TVA and to existing or planned sidewalks and pathways that abut the TVA.

4. Applicants must demonstrate vehicular connectivity within the TVA and to adjacent areas. Cul-de-sac streets are strongly discouraged.
5. Off-premise private accessways may be used to access development in the TVA, provided:

   a. the applicant has submitted a letter from the owner of the private accessway agreeing to its use for access and egress from the proposed development,

   b. a draft legal agreement for use of the private accessway has been submitted for Commission review and approval, and,

   c. the private accessway can accommodate expected traffic and emergency vehicles.

6. New private accessways proposed in an Area Development Plan shall be located and designed to facilitate future use by adjacent properties in the TVA. The Commission encourages shared access and the construction of internal links between the parking lots of adjacent properties to promote access management and lessen traffic and congestion on the public street. As part of the application process, the Commission may require an owner or applicant to file easements on the land records providing access to abutting property owners.

7. Developments shall comply with Article XIX, Parking, Loading, Driveways and Access except that the Commission may reduce the number of required parking and loading spaces.

8. Mixed use and commercial buildings shall meet the following setbacks and other dimensional requirements unless specifically approved by the Commission as part of an Area Development Plan:

   a. setbacks: Buildings with frontage along a new public way should be no more than 10 feet from the edge of a sidewalk along that public way closest to the building. The Commission may approve up to a 20 foot setback if part of an approved Area Development Plan.

   b. Building height:

      i. Mixed use and commercial buildings One story buildings are not permitted, 1.5 or 2 stories are permitted, 2.5 stories are preferred, the maximum is three stories, The Commission may approve an additional story in an area where steep grades cause a large differential in building height on sides.
ii. Hotels not located in a Main Street setting: the façade that is visible from a Main Street shall not exceed 2.5 stories. Up to 30% of the façade may exceed 2.5 stories, but be no greater than four stories.

c. Building width (excluding hotels): shall not exceed 200 feet spans greater than 75 feet should provide variations through techniques identified in the Design Guidelines.

9. Residential – single-family, two-family and townhouses:

a. Front yard setback should be a minimum of 10 feet and a maximum of 25 feet.

b. Garages for single and two-family houses shall be located behind the housing unit. If this is not possible due to site constraints, the garage entry shall be recessed at least 15 feet behind the front façade of the house.

10. Signs

a. Sign lighting shall be non-glaring and comply with Section 20-C 3 of the Zoning Regulations

b. Each side of a building may have a total square footage of wall and over-hanging signs that is equal to that side’s linear feet. For example, if a building’s façade is 50 feet wide, the cumulative square footage of all wall and over-hanging signs on that wall should not exceed 50 square feet.

c. Temporary signs used to convey specific information, alert the public to special events or announce a new business shall be designed and placed in a manner closely related to existing sign systems, landscape improvements and building design to avoid visual clutter.

d. Wall signs:

   • should be located within the frieze of the cornice, on a covered transom or other flat and unadorned surface that is suitable for sign location.

   • where there are multiple storefronts in one building, wall signs should be coordinated in terms of size, placement, color and overall design.

e. Overhanging signs:

   • should hang perpendicular to the façade wall

   • upper story overhanging signs are not appropriate
f. Roof-mounted signs are not appropriate, except in limited cases where such a sign is not visible from the main street and is the only means to convey the presence of the business.

g. Lettering or logos painted onto windows should not exceed more than 25% of the glass area and should not block views.


12. All electrical, cable, telephone and other service utilities shall be placed underground.

Section 7-10. Procedures.

A. Tolland Area Development Plan and Special Permit.

1. The applicant shall submit an Area Development Plan and Special Permit application, accompanied by an Area Development Plan.

2. The application procedure shall be the same as that contained in Special Permits.

3. The Area Development Plan shall include the following information:

   a. A description of the proposed development, including proposed uses.

   b. A map and preliminary plan of the area to be developed, prepared by a licensed professional engineer, a licensed land surveyor, or a licensed landscape architect or architect at a scale of not more than 100 feet to the inch. The preliminary plan shall include the following, unless an item is waived by the Commission:

      i. existing buildings, structures, open space, watercourses, wetlands, topography and easements

      ii. proposed site access

      iii. proposed uses and their proposed locations on the parcel

      iv. proposed square footage of buildings by use
v. location of proposed open space, as required

vi. location of parking areas and loading areas

vii. description of vehicular and pedestrian circulation on the site

viii. location and description of how uses, streets and sidewalks in the development are oriented; in addition, possible connections to future development on adjacent parcels shall be shown where feasible.

ix. a Signage Plan, showing the locations, sizes, and types of signs proposed. If sandwich board signs are proposed, the Signage Plan shall provide for separating distances, a limit on the total that may be displayed at one time, and a process for allocating space and amount among tenants.

x. a report prepared by a professional engineer demonstrating the feasibility of proper management of stormwater and compliance with the Tolland LID Regulations and Design Manual. A description of ownership and maintenance of stormwater facilities shall be provided.

xi. a report prepared by a professional traffic engineer describing the feasibility of proper management of the traffic anticipated from the proposed development, including the adequacy of streets, private accessways, and traffic controls, and a description of proposed improvements to accommodate projected traffic.

xii. a description of ownership and maintenance for private accessways, parking areas, sidewalks and other common areas.

xiii. a report by a professional engineer demonstrating the feasibility of sewerage disposal to be generated by the proposed development.

xiv. a report prepared by a professional engineer demonstrating the feasibility of providing sufficient water to the proposed development for daily and emergency needs.

xv. street perspective renderings of streetscapes, schematic architectural elevations of all sides of proposed buildings, and descriptions of building material, colors and other design-related aspects.
xvi. a discussion of proposed mitigation actions, such as buffering, traffic improvements and other actions.

c. Where the Area Development Plan is for only a portion of a parcel, the applicant shall submit a conceptual plan showing possible future development for the remainder of the parcel in conformance with these regulations. Such conceptual plan shall include general location of future roads, driveways, buildings and uses. Such a conceptual plan shall provide sufficient information for the Commission to determine that approval of the Area Development Plan shall not preclude the ability of future development on the remainder of the parcel to comply with these TVA regulations.

4. Upon receipt of the application, the Commission may require additional information deemed necessary to assist it in evaluating the application and performing its duties.

5. Based on evidence in the record, in addition to the Standards for Approval for Special Permits contained in Section 22-2 H, the Commission shall determine the following:

a. whether the Area Development Plan is consistent with section 7-2, Purpose and Intent of the Tolland Village Area.

b. whether the proposed use or activity will have impacts upon the neighboring area resulting from the use of signs, lighting or noise.

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


a. Minor changes to an approved Area Development Plan may be approved by the Town Planner provided such changes shall not substantially affect the overall architecture and site design. Such minor changes may include, but are not limited to:

i. locations of drainage infrastructure or other utilities
ii. slight alterations of streets, accessways, sidewalks, structures or buildings due to unforeseen topographic or geologic features

iii. minor rearrangement of lighting, benches or other site amenities

b. Any change not determined to be minor in addition to the following changes to an approved Area Development Plan shall require the submittal of a new Area Development Plan and Special Permit Application:

i. a change in use, if the Commission determines that such change in use might affect the nature of the original approved Area Development Plan

ii. an increase in the approved gross floor area of any building

iii. an increase in the number of approved housing units

iv. a change in the type of housing units

v. a change in the affordability component of Workforce Housing units

vi. a change in any approved area or dimensional requirement

vii. a change in layout, building orientation, or other change that deviates from the approved Area Development Plan

B. Site Plan Approval for Buildings, Structures and Improvements approved as part of a Area Development Plan. The purpose of the Site Plan is to determine compliance with the approved Area Development Plan, with applicable requirements in these regulations, and with the Design Guidelines.

1. The applicant shall submit a Site Plan application, accompanied by a Site Plan.

2. The application procedure shall be the same as that contained in Section 22-3 through 22-7, Site Plans.

3. In addition to those Site Plan requirements in Sections 22-3 through 22-7, the application shall also include:
a. a copy of the approved Area Development Plan and description of how the Site Plan complies with the approved Area Development Plan.

b. a phasing schedule for construction.

c. Architectural elevations of all sides of buildings including information on materials, colors and other design-related information

4. In addition to the decision considerations for Site Plans contained in Section 22-7, the Commission shall consider the following:

a. compliance with the design principles that were approved in the Area Development Plan.

C. Design Review Required. Any new construction, modeling of or addition to the exterior of an existing structure, or exterior modification to a structure, development or use within the Tolland Village Area shall be subject to review by the Design Advisory Board.

Section 7-11. Conflicting Regulations

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

Section 7-12. LID Stormwater Treatment

Designs shall comply with the Low Impact Design Manual. See Section 7-13 for specific requirements for the Tolland Village Area.

ARTICLE VIII
Neighborhood Commercial Zones (NCZ-G and NCZ-T)

Section 8-1. Purpose.

A. The purpose of the Neighborhood Commercial Zone-G is to:
   • Promote for 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.