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**Legal Notice
Public Hearing**

Tolland Planning & Zoning Commission

The Tolland Planning & Zoning Commission will hold a Public Hearing on Monday, September 12, 2022, commencing at 7:00 p.m., to hear and discuss the following:

PZC #22-10, Zoning Regulation Amendment - Request to amend Section 5-2 and 5-3 of the Tolland Zoning Regulations to decrease the minimum lot size for two family dwellings to 2 acres and allow for two family dwellings by Zoning Permit. Applicant: Town of Tolland

Copies of this application are 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: Wednesday, August 31, 2022 and
Thursday, September 8, 2022



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:

Section 5-2 RDD Uses and Section 5-3 Traditional Residential Development

Describe the purpose for these proposed changes:

Allow for Two Family Dwelling Units by Zoning Permit and change the minimum lot size requirements for a two family dwelling to be consistent with single family dwellings

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

The request is consistent with the Tolland POCD objectives:

E.4: Encourage and promote affordable housing in all forms

E.1: Maintain Tolland's overall rural-suburban development patterns, form, and density, while providing greater opportunities for all income levels

Applicant Information

Applicant Name: Town of Tolland

Mailing Address: 21 Tolland Green, Tolland CT 06084

Phone Number: 860-871-3601

Email Address: dcorcoran@tolland.org

(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:** 8/3/2022

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)

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.

~~2.~~

- ~~3.~~ 4. Agriculture except as might otherwise be prohibited or regulated by these regulations, or roadside stands for the sale of seasonal agricultural products.
- ~~4.~~ 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.
- ~~5.~~ 6. Temporary amusement, fair or bazaar by a nonprofit organization.
- ~~6.~~ 7. Government service: federal or state services permitted; local services permitted if in compliance with General Statutes Section 8-24.
- ~~7.~~ 8. Historic or monument site.
- ~~8.~~ 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.
- ~~9.~~ 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.
- ~~10.~~ 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

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service yard or outside storage of supplies unless fully enclosed or screened from public view.

B. Special Permit Uses

The following uses require a Special Permit:

1. Multi-family development – See Section 5-5.
2. Elderly housing or assisted living facility – See Section 5-5.

~~3. Two-family dwelling:~~

~~a. The minimum lot size shall be three (3) acres for a conventional lot and seven and a half (7.5) acres for a rear lot.~~

~~b. The Commission may reduce the minimum lot size to no less than two and a half (2.5) acres for a conventional lot or six (6) acres for a rear lot, if:~~

~~1) There are no wetlands, water bodies or water courses on the parcel; and,~~

~~2) The Commission finds that there will be minimal visual impact to the neighborhood based on the location of the parcel or the layout of the site. Factors to consider may include location at the end of a cul-de-sac road or minimal visibility from the road and abutting parcels due to tree cover, topography, or distance to abutting residences.~~

~~c. Two-family dwelling units shall meet the following standards. The Commission may waive a standard if it determines there will be minimal visual impact to abutting residences and from the road:~~

~~1) The architecture of the structure shall be in harmony with the immediate neighborhood;~~

~~2) The overall size of the structure shall not substantially exceed that of the residential structures in the immediate neighborhood; and,~~

~~3) The placement of garage doors and entry doors generally shall resemble that of a single-family dwelling unit.~~

~~d. No more than one curb cut shall serve the parcel.~~

~~e. Two-family dwelling units shall not be allowed in the State Aquifer Protection Area, as designated on the Zoning Map.~~

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~~F. For any two-family dwelling approved under this provision, expansions in height or to the dwelling footprint shall require a new Special Permit, unless the Commission determines that the proposed expansion is minimal.~~

- ~~4.3.~~ 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.
- ~~5.4.~~ 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.
- ~~6.5.~~ Place of worship, parish house, convent or similar use when located on a lot of at least two (2) acres.
- ~~7.6.~~ 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.
- ~~8.7.~~ Private nonprofit club including sportsman's club.
- ~~9.8.~~ Community center.
- ~~10.9.~~ 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.
- ~~11.10.~~ 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.
- ~~12.11.~~ 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.

43-12 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.

44-13 Day-care center or group day-care home, caring for children or adults, provided that no play equipment shall be located in any required setback areas.

45-14 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.

46-15 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.

47-16 Cemetery.

48-17 Orphanage or children's home.

49-18 Domestic animal service

- a. The keeping of six (6) or more dogs or a commercial kennel, with a minimum lot area of five (5) acres. All buildings and enclosures housing the animals shall have a minimum front, side and rear setback of 75 feet. All animal enclosures shall be constructed to attenuate animal noise. Animals may be allowed to exercise in outdoor fenced in areas.
- b. Domestic animal grooming or domestic animal day care. The required acreage and setback may be reduced by the Commission to not less than two (2) acres and not less than the normal setback required for the zone, provided the facilities are used only for grooming or day care of animals and the following conditions are maintained:
 - 1) Animals, other than those owned by a resident of the premises, shall not be kept overnight.
 - 2) All animals, other than those owned by a resident of the premises, shall be kept inside a building constructed to attenuate animal noises to comply with levels allowed by the Tolland Noise Ordinance.

3) No more than five (5) animals, not including those owned by a resident of the premises, shall be allowed on the premises at the same time.

~~20.19.~~ Excavation or removal of earth products; filling operations in accordance with the requirements of Section 16-1.

~~24.20.~~ Commercial stable, provided that it shall be located on a lot of at least five (5) acres and that all buildings or enclosures where animals are kept shall have a minimum front, side and rear yard setback of 75 feet. Such use may also include instructing, training, riding and driving, if approved by the Special Permit.

~~22.21.~~ Solar array as a principal use, with a minimum lot size of 10 acres, per Section 16-12.

~~23.22.~~ 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.

Section 5-3. Traditional Residential Development

C. Rear Lots

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.