

printed 12/17/2022
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**Legal Notice
Public Hearing**

Tolland Planning & Zoning Commission

The Tolland Planning & Zoning Commission will hold a Public Hearing on Monday, January 09, 2023, commencing at 7:00 p.m., to hear and discuss the following:

PZC #22-13 Zoning Regulation Amendment – Request to amend section 2-2 Terms Defined and Section 19-2 pertaining to Signs to meet current case-law requirements regarding content neutrality, amend temporary sign regulations and clarify permanent sign regulations.
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: Monday, December 26, 2022 and
Thursday, January 5, 2023



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 2-2 Terms Defined and Section 19-2 pertaining to Signs

Describe the purpose for these proposed changes:

Revise the Town's sign regulations to meet current case-law requirements regarding content neutrality

Relax temporary sign regulations to support businesses and clarify permanent sign regulations

Allow for a wider variety of permanent signs

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

The request is consistent with the Tolland POCD objective:

D.3: Update the site development and design provisions in the Zoning Regulations.

D.12: Celebrate Tolland businesses

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: David Corcoran Date: 11/9/2022

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)

Article 2: Definitions

Section 2-2. Terms Defined

"SIGN" TERMS

SIGN – Any object, device, display, or structure, or part thereof, or form of public announcement situated outdoors or indoors but intended to be visible outdoors intended to aid directly or indirectly in the sale of goods or services

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

AREA OF SIGN – The smallest rectangular area which encompasses all letters, designs, symbols, logos or other sign features. It shall include any background material if such material is designed to be an integral part of the sign because of its texture, color or arrangement. Supports which affix a sign to the ground or building shall not be included unless such supports are obviously designed to be part of the sign. When attached to a wall, the area of the sign shall not include the wall itself unless the background is different from the balance of the wall and is designed as an integral part of or is obviously related to the sign. The area of any sign shall be determined by actual measurement.

Only one face of a double-faced sign shall be counted provided that both sign faces are equal in area and only one face can be seen at a time. If one face of a double-faced sign is larger than the gross area shall be the area of largest face. For multiple-faced signs, the gross area shall be the combined area of all faces.

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

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

FACE, SIGN – A plane defined by the continuous perimeter enclosing the extreme limits of the message of the sign, including other representation or material or color lying within said plane that draws attention to a message. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

SINGLE-FACED SIGN – A sign with one face.

“SIGN” TERMS (continued)

DOUBLE-FACED SIGN – A sign with two faces where the faces are mounted back to back not more than 18 inches apart and parallel to one another.

MULTIPLE-FACED SIGN – A sign with two or more faces, except a double-faced sign.

FREESTANDING SIGN – Any non-portable sign not affixed to a building.

ILLUMINATED SIGN

CHANNEL LIGHTING – Individual letters and symbols with a translucent face illuminated from within.

DIRECTLY ILLUMINATED SIGN – A sign emitting any artificial light directly or through any transparent or translucent material from a source of light in the interior of such a sign. A channel letter sign and an internally illuminated sign are examples of direct illumination.

HALO LIGHTING – A sign consisting of individual letters and symbols with an opaque face where lighting within illuminates the surface behind the letter or symbol.

INDIRECTLY ILLUMINATED SIGN – A sign illuminated with an artificial light external to the sign.

INTERNAL LIGHTING – An internal light source illuminates the sign face.

PORTABLE SIGN – A sign which is not permanent and not affixed to a building, a structure or the ground.

MOVING SIGN – A sign which has any visible revolving or rotating parts or any visible mechanical movement of any description, excepting clocks and thermometers.

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

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

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

WALL SIGNS

PRIMARY WALL SIGN – A sign or poster on any surface or plane that may be affixed to the front, rear or side wall of any building or any sign painted directly on any such wall.

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

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

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

Section 19-2. Signs

A. Purpose

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

1. Recognize the need for signs as a major form of communication while encouraging thoughtful design, spacing, materials and location, with a minimum of clutter.
2. Provide for consistent treatment of all signage.
3. Promote public safety by providing that official traffic regulating devices be easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs or signs resembling official traffic signs.
4. To balance economic development and the preservation of local and historically significant Town elements

B. Applicability

No sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations and until a sign permit, if required by this Section, has been issued.

C. Prohibited Signs

The following signs are prohibited:

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

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

D. Permanent Signs Permitted In Commercial or Industrial Zones

1. Attached Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Primary Attached Signs				
A wall sign mounted parallel to building façade, extending not more than 16 inches from wall; <u>or</u> , In lieu of a wall sign, an overhanging sign projecting perpendicular or oblique to building or extending more than 16 inches from wall.	1 per each ground floor business with direct outside access	1 sq. ft. per linear ft. of building frontage if single tenant building or unit frontage if multi-tenant building	Staff	Internal Indirect Channel Halo
An additional wall sign of equal size and design to the primary sign; or in the case of buildings with multiple frontages, multiple entrances, or location of parking one larger sign oriented to building entrance may be permitted	1 per each applicable business	0.5 sq. ft. per linear ft. of secondary building frontage		
Roof Signs				
In lieu of a wall sign, for buildings with flat roofs, not to exceed more than four (4) ft from the roof of the building	1 per business	1 sq. ft. per linear ft. of building frontage if single tenant building or unit frontage in multi-tenant building	Commission	Internal Indirect Channel Halo
In lieu of a Primary Attached sign for buildings with pitched roofs, not to exceed the height of the building				
Secondary Wall Signs				
Secondary Wall Sign < 12 sq. ft.; or,		1 sq. ft. per tenant, up to 12 sq. ft. total.	Staff	Internal

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

2. Detached Signs

Description	Max. Number	Max. Area Per Sign	Permit	Lighting
Freestanding				
Freestanding sign.	1 per parcel	32 sq. ft.	Commission	Internal Indirect Channel Halo
A second Freestanding sign of similar design may be approved if the Commission finds the second sign will promote safer traffic operations and the lot has frontage on and access from two public streets.	1		Special Permit	
Freestanding Low Profile				
In lieu of any other Freestanding sign, one Freestanding Low Profile sign less than 4 feet in height above surrounding grade (including those designed as a stone wall, retaining wall, or other landscape feature), which are designed to incorporate Natural materials that reflect site characteristics and additional plantings	1	48 sq. ft.	Commission	Internal Indirect Channel Halo

3. Other Signs

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

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Directional Device				
Shall be set back a minimum of 100 feet from a public street or oriented so that it is not directed towards traffic on a public street.	As approved by Staff	1 sq. ft. per business and 8 sq. ft. per sign face	Staff	No
Traffic Control Device				
On-premise traffic control structure necessary for direction, convenience of the public and control of traffic and parking and in accordance with the Manual on Uniform Traffic Control Devices, as amended.	n/a	2 sq. ft.	No permit required	No
Window Signs				
Non illuminated Window signs.	n/a	25% of window area	No permit required	No
Illuminated Window signs.	1	4 sq. ft.	No permit required	Internal Channel Halo

E. Permanent Signs Permitted in RDD and VCZ Zones

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

Directional Device				
On-premise traffic control structure necessary for direction, convenience of the public and control of traffic and parking and in accordance with the Manual on Uniform Traffic Control Devices, as amended.	n/a	2 sq. ft.	No permit required	No

F. Temporary Signs

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

Description	Max. Number	Max. Area	Permit	Property Use	Lighting
Roadside Sign					
Shall not be displayed for more than 60 days per calendar year. For properties with multiple businesses, approval is on a first-come basis. Signs shall be located on the same premise as the business and shall not obstruct driver visibility.	1 per business	8 sq. ft.	No permit required	Commercial	No
Sidewalk Sign					
One sandwich-board style sign placed no farther than 10 feet from the primary entry door to the business provided the placement does not obstruct pedestrian or vehicular access. The sign shall only be displayed during hours that the business is open.	1 per business	8 sq. ft.	No permit required	Commercial	No
Seasonal Sign					
For seasonal or temporary uses, a freestanding, portable, sandwich board sign or lawn style sign may be displayed during the operation of the use but may not be displayed year-round.	None	16 sq. ft.	No permit required	Any	No
Banner					
Made of flexible material, affixed or suspended between two (2) or more points and located on the ground or attached to a building or structure displayed for a period not to exceed sixty (60) consecutive days, and not to exceed a height of two and one-half feet (2½ ft) in height.	1	32 sq. ft. (2.5' x 12')	No permit required	Commercial	No

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Project Sign					
Located on a property actively offered for sale or lease or, during the time when such property is actively under construction, repair or improvement to be removed within thirty (30) days following project completion	1	8 sq. ft.	No permit required	Residential	No
	1	32 sq. ft.		Commercial	
Yard Sign					
Affixed to, or located on the ground, or any other structure or natural element, visible from a public right of way or adjacent property, displayed for a period not to exceed sixty (60) days	10	6 sq. ft each	No permit required	Residential	No
	1			Commercial	
Development Sign					
Located on a property with an active zoning approval related to the development and construction of a commercial building(s) or multiple residential dwellings, for a period not to exceed three (3) years. An additional extension of up to three (3) years may be granted by the Commission.	1 per street frontage	32 sq. ft.	Staff	Any	No

Freestanding Sign Location and Height

Zone	Maximum Height Freestanding	Maximum Height Freestanding Low Profile	Setback From Front Property Line	Setback from Side/Rear Property Line
Residential Design District (RDD)	8 feet	4 feet	10 feet	10 feet
Village Center Zone (VCZ)	8 feet	4 feet	10 feet	10 feet
Neighborhood Commercial Zone (NCZ)	10 feet	4 feet	10 feet	10 feet
Commercial / Industrial Zone (CIZ)	10 feet	4 feet	10 feet	10 feet
Gateway Design District (GDD)	10 feet	4 feet	10 feet	10 feet
Tolland Business Park (TBP)	10 feet	4 feet	10 feet	10 feet
Tolland Village Area (TVA)	8 feet	4 feet	10 feet	10 feet
Community Commercial Zone (CCZ)	8 feet	4 feet	10 feet	10 feet
Technology Campus Zone (TCZ)	10 feet	4 feet	10 feet	10 feet

G. Other Standards

1. A freestanding and low profile sign shall include a street number on the proposed sign in a separate sign element measuring no more than 15 inches high and 24 inches wide with numerals at least nine (9) inches high. Such element shall not be counted towards the sign area provided it is similar in design, construction and color to the main portion of the sign.
2. An overhanging sign shall not project greater than four (4) feet, measured at right angles to the building to which the sign is attached.
3. No sign shall be erected within or overhang a public right-of-way, except the Commission may permit an exception if the sign shall be installed behind the sidewalk or area where sidewalks would normally be built and the sign shall not overhang the traveled portion of the right-of-way.
4. No sign shall be installed so as to interfere with safe sight lines at a street intersection.

H. Sign Lighting

1. Indirect Lighting:
 - a. Indirect lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign façade and shall not be aimed toward adjacent streets, roads or properties.
 - b. The light source (bulb) of light fixtures shall not be directly visible from adjacent streets, roads or properties.
 - c. Ground mounted fixtures shall be screened by bushes or other appropriate means.
 - d. Sign mounted fixtures shall blend with the background color of the sign or its surroundings as deemed appropriate for the site.
 - e. The average level of illumination on the vertical surface of the sign shall not exceed three (3) foot-candles and the uniformity ratio shall not exceed 2:1.
 - f. The ZEO may require readjustment or relocation of a sign and its lighting to prevent glare and ensure vehicular and pedestrian safety.
 - g. No lighting shall interfere with motorist and/or pedestrian safety. Any lighting creating a hazardous condition shall be removed.

2. Channel Lighting: the average level of illumination on the translucent surface of the individual letters shall not exceed three (3) foot-candles and the uniformity ratio shall not exceed 2:1.
3. Halo Lighting: the average level of illumination on the vertical surface behind the individual letters shall not exceed three (3) foot-candles, and the uniformity ratio shall not exceed 2:1.
4. Internal Lighting:
 - a. The average level of illumination on the vertical surface of the sign shall not exceed three (3) foot-candles, and the uniformity ratio shall not exceed 2:1.
 - b. Internally illuminated signs existing at the date of adoption of these Regulations may remain and may have minor modifications to reflect changing business names, but more significant changes in location, size or structure, shall require compliance with these Regulations.

I. Sign Design and Construction

1. Signs should complement and reinforce the architecture of the building façade through size, style, materials and location.
2. Where there is more than one (1) business tenant occupying a commercial site, a comprehensive sign plan showing consistent scale, materials and style may be required by the Commission as part of a Site Plan or Special Permit application.
3. Signs shall be constructed of sound and appropriate materials (such as wood and metals) and firmly supported.
4. No balloons, streamers, pennants, banners or other devices shall be attached to a sign so as to not distract drivers or pedestrians.
5. Freestanding signs shall:
 - a. Have permanent, durable materials (e.g. stone, brick or wood) used as the base.
 - b. Be landscaped at the base and around the sign with durable, low maintenance plant material with year round appeal per Section 19-3, Landscaping Requirements.

J. Sign Maintenance

1. Signs shall be maintained in good condition and repair.
2. A sign which may be unsafe or in disrepair in the opinion of the Commission shall, upon notice from the ZEO, be repaired or removed by the owner or lessee of the property on which such signs stand within one (1) month of notice.

K. Application Requirements

An application for a sign shall include:

1. The position of the sign and its structure in relation to adjacent buildings or structures and the property line.
2. A detailed plan of the proposed sign showing the dimensions, colors and materials of the sign and all supporting structures, lighting and landscaping.
3. A statement showing the size, dimensions and location of all signs existing on the premises at the time of making said application. For properties with multiple businesses, staff may waive this requirement and only require information on existing signs related to the business subject to the application.

L. Special Permit Criteria for Signs

When granting a Special Permit for a sign, the Commission shall consider make the following findings and considerations.

1. The Commission shall find that:
 - a. The location, size and other aspects of the proposed sign will be in harmony with the orderly development of the area and will not alter the essential characteristics of the area.
 - b. The landscaping, lighting, materials and design elements of the proposed sign are attractive and suitable in relation to site characteristics, the architecture of the building and the style of other buildings in the immediate area.
2. The Commission may also consider special circumstances or conditions which may:
 - a. Be unique to the premises and not shared by other premises in the neighborhood.
 - b. Diminish recognition of the business conducted therein.
 - c. Limit easy identification of a commercial complex.
 - d. Create a potential traffic hazard.
3. Such special circumstances or conditions may include, but shall not be limited to:
 - a. The location of the building on the lot.
 - b. The location of buildings on adjacent lots.
 - c. Topography.
 - d. The configuration of the lot.

M. Increase in Allowed Signage

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

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

N. Administration and Enforcement

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

1. Enforcement of Section 19-2(F)

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