

applicant shall submit a special permit application, including four sets of complete, final plans depicting the approved layout, to the Planning and Zoning Commission in accordance with all applicable requirements of § **450-6.1N** and Article **XVI** of these regulations. Even though a site plan review approval action has been made by the Planning and Zoning Commission for the type of development, no on-site development of any kind shall commence until such time as the Planning and Zoning Commission has approved the special permit application and the applicant has satisfactorily completed any conditions of approval for which performance is required prior to commencement of development.

- (3) Open space requirements. The requirements of this Subsection **D(3)** are the same as those of Subsection **C(3)** of this section.
- (4) Density. Using the entire acreage of the parcel or contiguous parcels of land involved, the maximum density of any OSCD multiple dwelling complex shall be six dwelling units per acre. However, no OSCD multiple dwelling complex shall consist of more than 80 dwelling units (inclusive of all phases). No building within an OSCD multiple dwelling complex shall contain less than three ~~dwelling units~~ nor more than six ~~dwelling units~~.
- (5) OSCD multiple dwelling complex ~~-dimensional~~ requirements.
 - (a) Minimum lot frontage: 60 feet.
 - (b) Minimum front yard: 70 feet.
 - (c) Minimum side yard: 50 feet.
 - (d) Minimum rear yard: 50 feet.
 - (e) Maximum building height: 35 feet or 2 1/2 stories.
 - (f) Maximum lot coverage: 15%.
 - (g) Maximum impervious coverage: 20%.
- (6) Dwelling unit requirements. All dwelling unit requirements are as stated in § **450-6.1N(6)** of these regulations.
- (7) Separation distance. All separation requirements are as stated in § **450-6.1N(7)** of these regulations.
- (8) Roads, parking and sidewalks. All requirements for roads, parking and sidewalks are as stated in § **450-6.1N(8)** of these regulations.
- (9) Ownership of improvements. All requirements regarding ownership of improvements are as stated in § **405-6.1N(9)** of these regulations.
- (10) Landscaping and buffering. All landscaping and buffering requirements are as stated in § **450-6.1N(10)** of these regulations.

(11) Community septic systems. The requirements concerning community septic systems are as stated in § 450-6.1N(11) of these regulations.

(12) OSCD multiple dwelling complex for the elderly.

(a) OSCD multiple dwelling complexes for the elderly may be permitted, following the same age requirements as stated in § 450-6.1O of these regulations. An OSCD multiple dwelling complex for the elderly shall meet all requirements as stated within this Subsection **D**, with the following exceptions:

[1] No dwelling unit shall have a floor area greater than 1,000 square feet;

[2] Minimum parking space requirements shall be 1 1/2 spaces per dwelling unit.

(b) No OSCD multiple dwelling complex for the elderly, if approved by the Planning and Zoning Commission, shall be occupied as anything other than an OSCD multiple dwelling complex for the elderly unless a further special permit application, stating the intended change, is filed and approved by the Planning and Zoning Commission. Such intended change must comply with these Zoning Regulations.

E. Method of conveying open space.

(1) The owner shall convey the open space land approved by the Commission to the receiving entity as described below:

(a) Conveyance in fee simple to the Town.

(b) Conveyance in fee simple to the State of Connecticut.

(c) Conveyance in fee simple to a duly established conservation land trust, with the concurrence of the conveying property owner. The Commission may require the applicant to submit documentation concerning the mission of the organization and its ability to accept and maintain such property.

(d) Conveyance of an easement to the Town.

(2) The conveyance instrument for the open space land must dedicate the land to its intended open space purpose and the access to the land in perpetuity. A draft open space conveyance instrument must be included with the application. The open space conveyance instrument, as approved by the Commission, must be executed and made available for recording in the Town land records before the approved plans and/or permits are endorsed by the Commission.

(3) The application shall include written evidence, satisfactory to the Commission, from the entity proposed to own the open space land or easement, stating that the entity is willing to accept ownership of and responsibility for the preservation and maintenance of the open space land. No open space land proposal will be a valid proposal unless such written evidence is provided by the receiving entity. The Commission may require evidence of the entity's ability to preserve and maintain the land.

- F. Architectural and site design guidelines. The design of any OSCD subdivision shall be consistent with the Bolton, CT Architectural and site Design Guidelines (Appendix C), with the sole exception that individual lot improvements shall not be subject to these Guidelines. OSCD multiple dwelling complexes shall be subject to these Guidelines in their entirety. [Amended 6-25-2012]

ARTICLE VIII Business and Rural Mixed Use Zones

[Added 6-25-2012]

§ 450-8.1 General Business Zone (GB).

- A. Purpose. The purpose of the General Business Zone (GB) is to create an area where regional retail, service, professional office, and business activities can be located with access to the interstate and state highway system, sewer, and water. This zone is intended to allow intense commercial development, while still imposing a high standard of architectural and site design to preserve and enhance the scale, materials, and architectural character of Bolton as a small New England town. This zone recognizes that it is located at the gateway to Bolton for those arriving from the Hartford and Manchester urban areas, and that it will form the first impression of this Town that many travelers see. Control of signs, abundant landscaping, compatible uses, and limitation of curb cuts are essential.
- B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations, and subject to the Bolton, CT Architectural and Design Guidelines (Appendix C). See the definition, where applicable, for any use or term in Article II.
- (1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article XVI, Part 1, of these regulations and all requirements of the GB Zone and any applicable provisions of these regulations:
- (a) Public utility building or substation.
 - (b) State- or Town-operated public commuter parking lots.
 - ~~(c) Municipal facilities of the Town of Bolton.~~
 - ~~(d) Farm stands pursuant to § 450-3.26C(1) and farmer's markets pursuant to § 450-3.26C(2).~~
 - ~~(2) Special permit-operated public commuter parking lots.~~
 - (c) Municipal facilities of the Town of Bolton.
 - (d) Farm stands pursuant to § 450-3.26C(1) and farmer's markets pursuant to § 450-3.26C(2).

(2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article XVI, Part 2, of these regulations, and all requirements of the GB Zone and any applicable provisions of these regulations:

- (a) Grocery store.
- (b) Drugstore.
- (c) Beauty salon/barber shop.
- (d) Business or professional office.
- (e) Studio (photographic, graphic arts, crafts).
- (f) Retail shop.
- (g) Personal and business services.
- (h) Restaurants, full-service, per § 450-3.27.
- (i) Restaurants, fast-food, per § 450-3.27.
- (j) Restaurants, take-out, per § 450-3.27.
- (k) Taverns.
- (l) Package stores.
- (m) Bank/Financial institution.
- (n) Hotel, motel, subject to special regulations of § 450-3.28; bed-and-breakfast up to six rooms.
- (o) Motion picture or live theater, ~~subject to Section 8G.~~ **[Amended during codification]**
- (p) Newspaper printing and job printing
- (q) Mortuaries/Funeral homes.
- (r) Motor vehicle gasoline station, subject to the special regulations of § 450-3.24 of these regulations.
- (s) New and used car sales, subject to the special regulations of § 450-3.25 of these regulations
- (t) Motor vehicle service and repair (general and limited), subject to the special regulations of § 450-3.24 of these regulations.
- (u) Child day-care centers
- (v) Wholesale sales, sample room for such commodities as furniture, hardware, appliances, and other household goods.

- (w) Candy manufacturing, with retail sales.
- (x) Driving ranges and miniature golf courses.
- (y) Any light manufacturing, subject also to the additional conditions set forth in Subsection C. **[Amended eff. 12-1-2017]**
- (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which it is accessory, unless these regulations expressly allow a different review. **[Amended eff. 11-1-2021]**

C. Additional conditions:

- ~~(1) Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.~~
- ~~(2) All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations).~~ (1) Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.
- (2) All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations), subject to the following conditions:
 - (a) Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Article XVI, Part 1 or Part 2.
 - (b) There shall be no display or storage of goods or products within any minimum required yard for the General Business Zone.
 - (3) Permanent storage or display of materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.
 - (4) Any light manufacturing use approved per Subsection B(2)(y) above, shall require the approval of a site plan and special permit, pursuant to Article XVI of these regulations, and the following additional conditions shall apply:
 - (a) Design/Operational standards:
 - [1] Notwithstanding the provisions of Subsection C(1) to the contrary, not more than 150 employees shall be engaged in the light manufacturing use upon the premises, provided the applicant demonstrates, via a baseline traffic analysis, that the proposed number of employees will not cause undue congestion or adverse impact on traffic in the surrounding area. For purposes of this subsection, a baseline traffic analysis shall measure the existing background traffic at the time application is made for a special permit, shall include projections as to the anticipated number of employees, their average arrival and departure times and their expected travel routes, and shall

include a professional opinion as to whether there will be any negative impact upon traffic in the surrounding area. In the event of any subsequent change in the nature of the light manufacturing use or expansion of said use, the applicant shall make application to modify said special permit and shall demonstrate, via an updated baseline traffic analysis, that said change or expansion will not cause undue congestion or adverse impact on traffic.

- [2] There shall be no outdoor storage of goods or materials accessory to this use on the premises.
- [3] There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices.
- [4] Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.
- [5] Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute landscape elements other than those cited in § 450-16.3Q(4) to accomplish the buffer requirements at the street line. [Amended 12-1-2017]

D. Signage. Business signs visible from the exterior of a building shall be subject to the requirements of Article XVIII. Signage.

E. Lighting. See § 450-3.20 of these regulations.

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- ~~[3] There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices.~~
- ~~[4] Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.~~
- ~~[5] Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute other landscape elements other than those cited in § 450-16.3Q(4) to accomplish the buffer requirements at the street line. [Amended 12-1-2017]~~

- ~~D. Signage. Business signs visible from the exterior of a building shall be subject to the requirements of Article XVIII (Signage).~~
- ~~E. Lighting. See § 450-3.20 of these regulations.~~
- F. Adult-oriented establishments. All adult-oriented establishments, as described ~~in the Town of Bolton Ordinance entitled "Chapter 202, Adult-Oriented Establishments"~~, as may be amended from time to time, shall be subject to the following regulations and shall be in accordance with the special permit requirements of Article XVI of these regulations:
- (1) ~~Such establishments shall be a minimum of 1,000 feet from schools, churches, public parks and recreation lands, including publicly owned open space lands, municipal boundary lines, child day-care businesses and other adult-oriented establishments. Such establishments shall be a minimum of 350 feet from residentially zoned property, including publicly owned open space lands, municipal boundary lines, child day-care businesses and other adult-oriented establishments. Such establishments shall be a minimum of 350 feet from residentially zoned property. Measurements of distances shall be from the property lines of the uses; except in the separation from other adult uses, in which case the distance shall be measured from structure to structure.~~
 - (2) ~~The following specific site plan criteria shall apply to any adult-oriented establishment:~~
 - ~~(a) No sign visible from the exterior shall contain any photographic or artistic representation or written description of the human form or of any specified anatomical areas as defined in Chapter 202, Adult-Oriented Establishments.~~
 - ~~(b) All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent property.~~
 - ~~(c) No adult-oriented establishment shall be located in any building of which any part is used for residential purposes.~~
 - ~~(d) No residential use shall be established in any building of which any part is used as an adult-oriented establishment.~~
 - ~~(e) Stairways, sloping or rising paths and building entrances and exits shall be illuminated.~~
 - ~~(f) Parking.~~
 - ~~[1] One parking space for every 100 square feet of gross floor area devoted to the adult-oriented establishment shall be provided on the site or as otherwise required by Article XV of these regulations; except in the separation from other adult uses, in which case the distance shall be measured from structure to structure.~~

~~(2) The following specific site plan criteria shall apply to any adult-oriented establishment:~~

~~(a) No sign visible from the exterior shall contain any photographic or artistic representation or written description of the human form or of any specified anatomical areas as defined in the Adult-Oriented Establishments Ordinance.~~

~~(b) All building openings, entries, windows, doors, etc., shall be located, covered or screened in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent property.~~

~~(c) No adult-oriented establishment shall be located in any building of which any part is used for residential purposes.~~

~~(d) No residential use shall be established in any building of which any part is used as an adult-oriented establishment.~~

~~(e) Stairways, sloping or rising paths and building entrances and exits shall be illuminated.~~

~~(f) Parking.~~

~~[1] One parking space for every 100 square feet of gross floor area devoted to the adult-oriented establishment shall be provided on the site or as otherwise required by Article XV of these regulations, whichever requires more parking spaces.~~

[2] All adult-oriented establishments shall be provided with off-street parking for all vehicles on the site.

G. Use variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the General Business Zone if such uses are not otherwise allowed in the General Business Zone.

§ 450-8.2 Neighborhood Business Zone (NB).

A. Purpose. The purpose of the Neighborhood Business Zone (NB) is to provide convenience shopping and services in a village atmosphere for residents in the southern portion of Bolton. Because of its lack of access to the interstate highway system, and its lack of sewer and water, this zone cannot support the intensity of development intended for the General Business Zone. Because this zone is geographically small and surrounded by rural or residential uses, it will be essential to require a very high standard of architectural and site design to ensure compatibility with its traditional New England setting; to avoid adverse impacts to the value of surrounding properties; to avoid traffic hazards or congestion; and to regulate the nature of the uses so that they provide necessary convenience shopping for local needs, but no more than that.

B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations, and subject to the Bolton, CT Architectural and Design Guidelines (Appendix C). See the definition, where applicable, for any use or term in Article II.

(1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article XVI, Part 1, of these regulations and all requirements of the NB Zone and any applicable provisions of these regulations:

(a) Public utility building or substation.

(b) State- or Town-operated public commuter parking lots.

(c) Municipal facilities of the Town of Bolton.

(d) Farm stands pursuant to § 450-3.26C(1) and farmer's markets pursuant to § 450-3.26C(2).

~~(2) Special permit. -operated public commuter parking lots.~~

~~(c) Municipal facilities of the Town of Bolton~~

~~(d) Farm stands pursuant to § 450-3.26C(1) and farmer's markets pursuant to § 450-3.26C(2).~~

~~(2) Special permit.~~ Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article XVI, Part 2, of these regulations, and all requirements of the **GBNB** Zone and any applicable provisions of these regulations:

(a) Grocery store.

(b) Drugstore.

(c) Beauty salon/barber shop.

(d) Business or professional office.

(e) Studio (photographic, graphic arts, crafts).

(f) Retail shop.

(g) Personal and business services.

(h) Restaurants, full-service, per § 450-3.27.

(i) Restaurants, take-out, per § 450-3.27.

(j) Package stores.

(k) Bank/Financial institution.

(l) Bed-and-breakfast up to six rooms.

(m) Mortuaries/Funeral homes.

- (n) Motor vehicle gasoline station, subject to the special regulations of § **450-3.24** of these regulations.
 - (o) Motor vehicle service and repair (general and limited), subject to the special regulations of § **450-3.24** of these regulations.
 - (p) Child day-care centers.
 - (q) Light manufacturing, subject also to the additional conditions set forth in Subsection C. **[Added eff. 5-13-2012]**
 - (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which ~~it is~~**they are** accessory, unless these regulations expressly allow a different review. **[Amended eff. 11-1-2021]**
- C. Additional conditions:
- (1) Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.
 - (2) All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations). ~~(1) — Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.~~
 - (2) ~~All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations)~~ subject to the following conditions:
 - (a) Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Article **XVI**, Part 1 or Part 2.
 - (b) There shall be no display or storage of goods or products ~~with~~**within** any minimum required yard for the Neighborhood Business Zone.
 - (3) Permanent storage or display ~~o~~**f** materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.
 - (4) Any light manufacturing use approved per Subsection **B(2)(q)** above, shall require the approval of a site plan and special permit, pursuant to Article **XVI** of ~~the~~**these** regulations, and the following additional conditions shall apply:
 - (a) Design/Operational standards:
 - [1] Notwithstanding the provisions of Subsection **C(1)** to the contrary, not more than 150 employees shall be engaged in the light manufacturing use upon the premises, provided the applicant demonstrates, via a baseline traffic analysis, that the proposed number of employees will not cause undue congestion or adverse impact on traffic in the surrounding area. For purposes of this

subsection, a baseline traffic analysis shall measure the existing background traffic at the time application is made for a special permit, shall include projections as to the anticipated number of employees, their average arrival and departure times and their expected travel routes, and shall include a professional opinion as to whether there will be any negative impact upon traffic in the surrounding area. In the event of any subsequent change in the nature of the light manufacturing use or expansion of said use, the applicant shall make application to modify said special permit and shall demonstrate, via an updated baseline traffic analysis, that said change or expansion will not cause undue congestion or adverse impact on traffic.;

- [2] There shall be no outdoor storage of goods or materials accessory to this use on the premises.
- [3] There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices.
- [4] Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.
- [5] Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses.
- ~~[3] There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices;~~
- ~~[4] Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.~~
- ~~[5] Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute other landscape elements other than those cited in § 450-16.3Q(4) to accomplish the buffer requirements at the street line. [Added 5-13-2012]~~
- D. Signage. Business signs visible from the exterior of a building shall be subject to the requirements of Article XVIII (Signage).
- E. Lighting. See § 450-3.20 of these regulations.

- F. Adult-oriented establishments. Adult-oriented establishments, as described in ~~the Town of Bolton Ordinance entitled "Chapter 202, Adult-Oriented Establishments"~~, as may be amended from time to time, are prohibited in the Neighborhood ~~Commercial~~Business Zone.
- G. Use variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the Neighborhood Business Zone if such uses are not otherwise allowed in the Neighborhood Business Zone.

§ 450-8.3 **Rural Mixed Use Zone (RMUZ).**

- A. Purpose. The principal purpose of the Rural Mixed Use Zone (RMUZ) is to encourage and produce quality, sustainable development in discrete nodes based on village-style design standards referred to herein as "unified village-style developments." Sustainable development preserves or enhances surface water and groundwater quality along the corridor, especially within aquifer protection areas and water supply watersheds, by employing low-impact development ("LID") measures; mitigates traffic impacts by consolidating access points, creating shared parking, creating flexible parking standards, and by allowing uses which are in keeping with the scale and character of the corridor; and by creating mixed-use opportunities which address Bolton's housing, retail, and service needs within village settings.
- B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use or term in Article **II**.
- (1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article **XVI**, Part 1, of these regulations and all requirements of the RMUZ and any applicable provisions of these regulations:
- (a) Public utility building or substation.
- (b) State- or Town-operated public commuter parking lots.
- ~~(c) Seasonal commercial agricultural uses (i.e., farm stand, farmer's market), in accordance with § 450-3, operated public commuter parking lots.~~
- (c) Seasonal commercial agricultural uses (i.e., farm stand, farmer's market) in accordance with § 450-3.26 of these regulations.
- (d) ADUs, subject to the following conditions: **[Added eff. 11-1-2021]**
- [1] The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
- [2] For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.

- [3] Only one ADU with a maximum of one bedroom shall be allowed per parcel.
 - [4] The ADU shall not exceed 35% of the total of the aboveground floor area of the primary dwelling and shall not exceed 900 square feet.
 - [5] The applicant shall submit a site plan to demonstrate that two parking spaces for the primary dwelling and one parking space for the ADU will be provided.
 - [6] An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
 - [7] No such unit shall be rented for a period of less than six months.
 - [8] A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
 - [9] Design and construction should be consistent with the primary dwelling.
- (2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article XVI, Part 2, of these regulations, and all requirements of the RMUZ and any applicable provisions of these regulations:
- (a) Business or professional office.
 - (b) Studios (photographic, graphic, crafts).
 - (c) Retail shop.
 - (d) Bakery.
 - (e) Personal/Business services.
 - (f) Restaurants, take-out, with outdoor seating, (including ice cream and desserts), per § 450-3.27. **[Amended eff. 11-1-2021]**
 - (g) Taverns and inns.
 - (h) Package stores.
 - (i) Bank/Financial institution.
 - (j) Hotel/Motel/B&B.
 - (k) Motor vehicle gas station.
 - (l) Mini-golf.
 - (m) Single-family homes, solely located on a lot for which a CO has been issued for one or more of the foregoing uses. **[Amended eff. 11-1-2021]**

- (n) Museums/Art studios/galleries.
 - (o) Home occupations.
 - (p) House of worship.
 - (q) Nursery (agricultural).
 - (r) Outdoor and indoor recreational facilities.
 - (s) Value-added agribusiness and forestry uses (processing and sale).
 - (t) Mixed use.
 - (u) Child and adult day care.
 - (v) Multifamily residences on the upper floors above first-~~floor~~ commercial uses and including at least 20% affordable dwellings.
 - (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which ~~it is~~they are accessory, unless these regulations expressly allow a different review. **[Amended eff. 11-1-2021]**
 - (4) Prohibited uses: residential uses, as that term is used in ~~Connecticut General Statutes Section C.G.S. § 8-30g~~, and that term has been construed by the Connecticut courts, except where authorized by ~~Section 7B~~the Incentive Housing Overlay Zone (IHOZ), if adopted, and except where authorized under Subsection **B(2)**. **[Amended during codification]**
- C. Additional conditions.
- (1) Preliminary development plan. No development within the RMUZ shall be permitted until the Commission has approved a special permit for the proposed use(s) and a preliminary development plan for the parcel(s) under consideration. The preliminary development plan review is established to assure that all components of a site in the RMUZ comply with the purposes and principles of the zone and with the criteria of § **450-16.8** of these regulations. Approval of the special permit for the uses, basic site layout, and other elements of the preliminary development plan shall constitute a conclusive finding of compliance with the criteria of § **450-16.8** of these regulations. Any application for an individual use or parcel indicated on the approved preliminary development plan shall require site plan review under Article **XVI**, Part 1, of these regulations and be governed only by the criteria and requirements of that ~~Section~~**Part 1**.
 - (a) Authority. Approval of a special permit and preliminary development plan and site development plan is required for any development in the RMUZ. The Commission shall hold a public hearing, in accordance with ~~Connecticut General Statutes~~**C.G.S.** § 8-7d, on any preliminary development plan application and any site development plan application within the RMUZ.

(b) Application procedure. Submission of a preliminary development plan application to the Land Use Official must be made at least six days prior to a regularly scheduled meeting. The official date of receipt of an application will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Commission's designated agent, or 35 days, whichever is sooner.

(c) Application requirements. The applicant shall file 17 copies of the following required materials:

- [1] A written statement, signed by the applicant and by the owner, if different from the applicant, explaining how the proposed development meets the purposes and design principles set forth in Subsection A.
- [2] A narrative description of the proposed development, including a description of existing site conditions; the nature and extent of proposed use or occupancy; a description of proposed utility systems (water, sewer, drainage, etc.); the number of persons estimated to occupy or visit the proposed development on a daily basis; the basis for determining parking and loading requirements and an estimate of the type and intensity of vehicular traffic associated with the proposed development; and disclosure of any toxic or hazardous substances used, stored or proposed in connection with the proposed use or occupancy.

~~[3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches), which shall include the following:~~

~~[a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan.~~

~~[b] A Class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered professional engineer, architect or landscape architect, whichever shall be appropriate.~~

~~[c] Information on areas in adjacent parcels within 100 feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man-made features; circulation systems; public facilities; and/or unique natural features.~~

~~[d] The existing and proposed topographic contours of the land and abutting streets with intervals of two feet or spot elevations where necessary.~~

~~[3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches) which shall include the following:~~

~~[a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan.~~

~~[b] A Class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered professional engineer, architect or landscape architect whichever shall be appropriate.~~

- ~~[c] Information on areas in adjacent parcels within 100 feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man-made features; circulation systems; public facilities; and/or unique natural features.~~
- ~~[d] The existing and proposed topographic contours of the land and abutting streets with intervals of two feet or spot elevations where necessary.~~
- [e] Location of existing watercourses, wetlands, wooded areas, flood hazard areas, ledge ~~out-~~ **eropsoutcrops**, single trees with a diameter of 20 inches or more measured three feet above the base of the trunk, with an indication of whether they are to be retained.
- [f] Notations to reference all previous approvals issued by all authorities, to include dates, conditions, site plan references, and permit numbers.
- [g] A subdivision plan, or parcel assembly plan, if part of the proposal.
- [h] A table summarizing the proposed and required zoning information as follows: lot size, setbacks, required yards, floor area devoted to use, building height, lot coverage, building coverage, parking calculations, landscaping and any other specific site elements required by these regulations.
- [i] Location and use of all existing and proposed structures, and location of any land uses not requiring structures.
- [j] Location and construction design of existing and proposed vehicular circulation system, including all roads, internal circulation, driveways, parking and loading areas with the number of stalls provided therewith, and pedestrian walkways or other means of separation.
- [k] A parking demand analysis, if requesting less than the minimum required parking as set down in accordance with § 450-15.16A of these regulations.
- [l] Location and construction design of all existing and proposed pedestrian circulation system and its relationship with the vehicular circulation system, areas open to the public, and open space dedicated for public use.
- [m] A plan and design details of the proposed method of sanitary waste disposal and source of potable water supply. In accordance with ~~Section C.G.S. § 8-25a of the Connecticut General Statutes~~, as amended by ~~Public Act 84-330~~, any development providing water by means of a "water company," as that term is defined in ~~Connecticut General Statutes Section C.G.S. § 16-262m(a)~~, shall provide to the Commission/Board a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Department of Public Utility Control. No application for a special permit/exception involving such a water company shall be deemed complete without said certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving said certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. For any development proposing to use public sewers from the Bolton Lakes Regional Water Pollution Control Authority, written confirmation that there is adequate capacity to support the proposed uses. **Amended during codification**

- [n] Grading, sedimentation and erosion control, and drainage plans.
- [o] A general landscaping plan, including location, number and identification of proposed plantings.
- [p] A development phasing plan, including a proposed schedule with projected completion dates for each phase.
- [q] Fire lanes, where required by Article XV of these regulations, as amended.
- [r] A plan incorporating the requirements of Article III, Part 3, Water Supply for Fire Protection, unless served by a public water system that is adequate for fire protection purposes.
- [s] The following approval block:

BOLTON PLANNING AND ZONING COMMISSION, BOLTON, CT

| <u>DATE APPROVED</u> | <u>DATE APPROVED</u> | DATE OF EXPIRATION |
|----------------------|----------------------|--------------------|
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- [4] Where the application includes proposed housing under ~~Section 7B~~, IHOZ, if approved, compliance with that section shall be demonstrated. **[Amended during codification]**
- [5] Low-impact development ("LID") measures to be employed on the site, as set forth in § ~~450-16.2L~~ of these regulations.
- [6] A fee to defray the cost of the legal notice, the processing of the application, and the technical review and inspection, per the Bolton Fees for Permits Ordinance.
- (d) Application referrals. The Commission shall refer the application to the Conservation Commission, Fire ~~Marshall~~ **Marshal**, the Bolton Lakes Regional Water Pollution Control Authority, Town Engineer or such other board, commission, or official deemed appropriate by the Commission for their comments. Failure of any commission or staff to provide written comments to the Commission within 35 days after the date of submission of the proposal shall be taken as a report of no objections or comments.
- (e) Decision guidelines. In approving a preliminary development plan, the Commission shall find the following:
 - [1] The proposal conforms to the Town of Bolton Route 44 Incentive Housing Zone Study.
 - [2] The proposal satisfies the purposes of the RMUZ ~~as established in Section 6D.1. above, and~~ for phased developments, each phase, standing alone, will comply with the purposes ~~and~~ of the RMUZ as established in Subsection A above. **[Amended during codification]**
 - [3] The proposal conforms to the Architectural and Site Design Guidelines of the Town of Bolton, (Appendix C).

- [4] The proposal conforms to the criteria of § **450-16.8** of these regulations.
- (f) Recording. An approved preliminary development plan, reflecting all conditions or modifications required by the motion for approval, shall be endorsed by the Commission and recorded in the Bolton Land Records within 90 days of the date of approval. The Commission may, for good cause shown, grant two extensions of up to 90 days each for such endorsement and filing.
- (g) Changes. Changes to an approved preliminary development plan may be permitted upon approval by the Commission. The Commission shall determine whether the proposed changes are substantial and require a public hearing. Substantial changes may include, but are not limited to: change in land uses, greater than 5% increase in proposed gross building square footage, changes requiring the addition of more than two parking spaces, and change in vehicular and pedestrian circulation systems layouts. Changes less than those thresholds may be approved by the Zoning Enforcement Officer in accordance with § **450-3.22** of these regulations. Requests for change approvals shall be submitted in writing to the Land Use Office at least six days prior to the next regularly scheduled Commission meeting. The date of receipt of such requests shall be the date of the next regularly scheduled meeting, or 35 days from the date of receipt, whichever is sooner.
- (2) Site development plan approval required. Before any development connected with a preliminary development plan can begin, a site plan must be approved by the Commission. If the approved preliminary development plan provided for phased development, then each phase shall require a site development plan approval. The site plan shall substantially conform to the approved preliminary development plan, and shall be in accordance with the submission requirements, procedures, and criteria of Article **XVI**, Part 1, of these regulations. Any substantive deviations from the approved preliminary development plan, or any details not indicated on the approved plan, shall be considered as amendments to the plan and shall be subject to the procedures and criteria of Article **XVI**, Part 2.
- (a) Procedure.
- [1] Site development plans must be submitted within 18 months of preliminary development plan approval, and the failure to do so shall render the preliminary development plan approval null and void. For phased developments, the site development plan for the first phase must be submitted within 18 months of preliminary development plan approval, and each subsequent phase site development plan must be submitted within 18 months of the previous phase site development plan approval. The Commission may approve one extension of 18 months per development (if not phased) or per phase.
- [2] Where required, the applicant shall comply with the provisions of the Town of Bolton Inland Wetlands Regulations and Subdivision Regulations. To the extent possible, the processing of any application for subdivision approval shall be coordinated with the processing of a site development plan application under these RMUZ regulations.
- (b) Site development plan application. In addition to the requirements of Article **XVI**, Part 1, of these regulations, without duplication, the following materials are required with a RMUZ site development plan application:

- [1] Architectural renderings and perspectives of all proposed structures and their interactions with existing structures;.
 - [2] Concept building plans, including schematic floor plans and exterior elevations.
 - [3] Where the site plan includes incentive housing ~~under Section 7B of these Regulations~~, the application shall include all materials required by that section.
- D. Signage. See Article XVIII of these regulations.
- E. Lighting. See § 450-3.20 of these regulations.
- F. Use variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the RMUZ if such uses are not otherwise allowed in the RMUZ.
- G. Special bulk requirements.
- (1) In addition to the bulk requirements in the table of § 450-11.3, the following shall apply in the Rural Mixed Use Zone:
 - (a) Build-to line. Except for unified village-style developments of sufficient scale to be oriented to an internal network of roads, parking, and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line. The Commission may waive this requirement for additions of less than 5% to buildings existing on the effective date of this § 450-8.3 where parking lots cannot be relocated to the sides or rear of the new and/or existing building, or where it is deemed by the Commission to be infeasible for the addition to meet the build-to line requirements of this section.
 - (b) First-floor uses ~~-(RESERVED)-~~ (Reserved)
 - (c) Upper-floor uses ~~-(RESERVED)-~~ (Reserved)
 - (d) Maximum building coverage for retail uses in a single building in a unified village-style development. The maximum building coverage for retail uses in a single building that is an integral part of a unified village-style development shall be 20,000 square feet. The Commission may allow an increase in square footage. Such decision to allow an increase in square footage shall be in accordance with the following findings:
 - [1] The use or uses occupying the building are an essential anchor to the development, or the building contains multiple uses and creates a street presence essential to a "Main Street" and village style;.
 - [2] The design of the building meets the design guidelines for large-scale buildings by breaking up mass, articulating the ~~faeade,façade~~ and by incorporation of elements adding interest and human scale;.
 - [3] Amenities have been provided to the site design which ~~enhanees~~enhance the pedestrian environment in connection with the building.

- [4] The site design creatively creates a street presence for the building and related satellite buildings, and de-emphasizes and buffers large-scale parking and loading and service areas.
- (e) Two-story buildings. Two-story buildings are strongly encouraged with a unified village-style development in the RMUZ. The Commission may approve a mix of buildings of various heights, provided that the Commission finds that the overall plan complies with the design guidance found in the Bolton Architectural and Design Guidelines, [\(Appendix C\)](#), and that such variation is essential to the design theme and economic objectives of the unified development. The Commission, as a part of this special permit, may require a higher first-floor height for single-story development to create a compatibility of facade heights where a mix of one- and two-story buildings occur in proximity to each other in a unified village-style development. The Commission may allow three-story buildings should an applicant choose to incorporate a residential component, and such added height is determined by the Commission not to be detrimental to abutting properties.
- (f) Flexible bulk standards for unified village-style developments. The Commission may, by special permit, allow for reduced or zero yards or buffers, increased building coverage, impervious coverage, or increased building height on sites where the criteria are met for unified village-style developments as set forth in the following Subsection **G(2)**, and in §§ **450-11.10**, **450-11.11**, and **450-11.12** and ~~HN~~. **[Amended during codification]**
- (2) Incentives and standards for unified village-style developments.
- (a) Parking, utilities, and vehicular and pedestrian/bike access shall be integrated with existing, planned, or future parking, utilities, and vehicular and pedestrian/bike access on abutting properties which are zoned RMUZ, to the extent that such connectivity is feasible from an engineering and environmental standpoint, and provided that reciprocal rights exist or have been acquired for such integration. At the very least, the applicant shall provide such rights to abutting landowners located in the RMUZ.
- (b) Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the RMUZ) shall be provided to abutting landowners, and the applicant shall design a road capable of supporting access from existing or future development on adjoining lots. In the alternative, the applicant may utilize common access from an abutting lot, provided reciprocal access rights have been obtained from an abutting lot or lot owners, and the existing common access has been designed or built to accommodate traffic from the combined lot development, and that such design and construction is deemed to meet engineering and public safety standards set down in Article **XVI**. The applicant shall enter into agreements with abutters as necessary to equitably share costs, and such reciprocal rights shall contain provisions for extension of related utilities, lighting, streetscape improvements, and provide for perpetual maintenance of the improvements subject to common rights.
- (c) Parking requirements set down in § **450-15.15** may be reduced to the minimum for any unified village-style development which establishes common access and utility rights, and integrated parking and circulation.

- (d) Parcel consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a unified village-style development.
- (e) Incentive for parcel consolidation. The incentives listed in §§ **450-11.10, 450-11.11, 450-11.12** ~~and H.N~~ of these regulations shall apply to projects which consist of consolidated parcels.
- (f) Bulk. See the provisions of Subsection **G(1)**. The Commission may waive the build-to line of Subsection **G(1)** where it contributes to the character of a unified village-style development.
- (3) Disincentives and exceptions for single-structure development. The Commission may approve a preliminary development plan for a single structure only if the following requirements are met:
 - (a) The ~~site~~**Commission** finds that the lot is so limited in development potential due to size, environmental constraints, and/or abutting residentially zoned land such that a future linkage to adjoining lots and associated combined access and combined parking ~~such that~~**for** a unified village-style development is impractical. The burden is on the applicant to provide a feasibility plan leading to support of this conclusion. **[Amended during codification]**
 - (b) The Commission may approve a site development plan with a single building pursuant to the requirements of ~~Sections 6D.3.a.8.~~**Subsection C(2)** and Article **XVI**, Part 1, under the following circumstances:
 - [1] The Commission finds that it is in compliance with a preliminary development plan approved pursuant to ~~Section 6D.3.a.~~**Subsection C(1)**.
 - [2] The development contains a building and use existing as of the effective date of this section, and is the subject of an expansion request which does not exceed 5% of the area of the building, and/or two parking spaces, taken cumulatively as of the effective date of this section.
 - [3] The building has been destroyed by fire or act of nature, and is rebuilt with substantially the same footprint or architectural design that previously existed prior to destruction.
 - (c) Any site approved under this section is otherwise subject to the architectural ~~lines~~**guidelines** of the Town of Bolton (~~Appendix "C"~~).

ARTICLE IX

Industrial Zone (I) and Gateway Mixed Use Industrial Zone (GMUIZ)

[Amended 6-25-2012]

§ 450-9.1 **Industrial Zone (I).**

- A. Purpose. The purpose of the Industrial Zone (I) is to create an area where research facilities, warehousing, light manufacturing, professional offices, and other light industrial uses can be located with access to the interstate and state highway system, sewer, and water. This zone is intended to allow those activities which require truck traffic, materials processing, good employee access, and a certain degree of flexibility in site and building design to follow the function being

served, while still imposing a high standard of architectural and site design to avoid the blight of traditional industrial districts that produce noise, dust, fumes, or other offensive activities that adversely affect other properties both within the Industrial Zone and outside of it. This zone is also intended to allow office uses for businesses that provide services to other businesses or to a specialized clientele, and not the general public. The Business Zones, not the Industrial Zone, are intended for those businesses that provide products and services to the general public. Control of signs, outdoor storage, refuse, and truck parking; abundant landscaping; compatible uses; and limitation of curb cuts are essential.

- B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use or term in Article II.
- (1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article XVI, Part 1, of these regulations and all requirements of the Industrial Zone and any applicable provisions of these regulations:
 - (a) Town-owned or -operated public works or disposal facilities;
 - (2) Special permit. Uses and use categories permitted subject to the issuance of special permit by the Planning and Zoning Commission in accordance with Article XVI, Part 2, of these regulations, and all requirements of the Industrial Zone and any applicable provisions of these regulations:
 - (a) Motor vehicle use, subject to the same conditions as for the General Business Zone;
 - (b) Manufacturing or processing of goods;
 - (c) Warehouse or freight terminal;
 - (d) Construction business;
 - (e) Outdoor storage of equipment and materials accessory to a permitted use listed in the Industrial Zone, provided that such storage is appropriately screened and does not constitute a health or safety hazard. All materials and waste classified as hazardous by the State of Connecticut shall be stored and disposed of as directed by the Connecticut Department of Energy and Environmental Protection. There shall be no display or storage of goods or products ~~with~~within any minimum required yard for the Industrial Zone.
 - (f) Office buildings for corporate offices, medical services, financial businesses, and professional services, excluding those uses that are open to the general public such as insurance agencies, banks, law, ~~dentists, dentist's~~ and doctor's offices, and travel agencies.
 - (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which ~~it is~~they are accessory.

(4) Prohibited uses.

Acetylene gas, cyanide compound or oxygen manufacture;

Airport;

Asphalt manufacture or refining;

Bag, carpet or rug cleaning establishments;

Carousel, roller coaster, merry-go-round, Ferris wheel, shooting gallery, freak show or similar attractions and amusement devices, except that a certificate of registration may be issued by the Zoning Enforcement Officer upon application by a local charitable or nonprofit organization for temporary use of similar amusement devices for a period not to exceed three days;

Chlorine or bleaching powder manufacture;

Creosote manufacture;

Distillation of coal or wood;

Drop forge shop;

Explosives, fireworks or ammunition manufacture;

Fumigation plants;

Glue or size manufacture from fish or animal offal;

Gypsum, lime, cement, plaster or plaster of Paris manufacture;

Incineration or reduction of or dumping of offal, garbage or refuse on a commercial basis;

Linoleum manufacture;

Match manufacture;

Paint and lacquer manufacture;

Petroleum refining and the bulk storage of petroleum products;

Pyroxylin plastic manufacture;

Rubber, natural or synthetic, or gutta-percha manufactured from crude or scrap material;

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Sewage disposal plant other than operated by the Town of Bolton;

Soap, tallow, grease or lard manufacture;

Slaughterhouse;

Sulphurous, sulphuric nitric or hydrochloric acid manufacture;

Tannery;

Tar or asphalt roofing manufacture;

Tire recapping or retreading;

Concrete manufacturing;

Biological research, manufacturing, or processing;

All other enterprises or uses commonly regarded as hazardous, offensive or that pose a threat to the public health, safety or welfare or otherwise constitute a nuisance.

- C. Signage. Industrial signs visible from the exterior of a building shall be subject to the requirements of Article XVIII-(~~Signage~~).
- D. Lighting. See § 450-3.20 of these regulations.
- E. Use variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the Industrial Zone if such uses are not otherwise allowed in the Industrial Zone.

§ 450-9.2 Gateway Mixed Use Industrial Zone (GMUIZ).

- A. Purposes. The principal purpose of the GMUIZ is to encourage and produce quality, sustainable development in discrete nodes based on village-style design standards, referred to herein as "unified village-style developments." Sustainable development preserves or enhances surface water and groundwater quality along the corridor, especially within aquifer protection areas and water supply watersheds, by employing low-impact development ("LID") measures; mitigates traffic impacts by consolidating access points, creating shared parking, creating flexible parking standards, and by allowing uses which are in keeping with the scale and character of the corridor; and by creating mixed-use opportunities which address Bolton's housing, retail, and service needs within village settings.
- B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use or term in Article II.

- (1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article XVI, Part 1 of these regulations, and all requirements of the GMUIZ and any applicable provisions of these regulations:
 - (a) Public utility building or substation.
 - (b) State- or Town-operated public commuter parking lots.
 - (c) ~~Seasonal commercial agricultural uses (i.e., farm stand, farmer's market), in accordance with § 450-3. operated public commuter parking lots.~~
 - (e) ~~Seasonal commercial agricultural uses (i.e., farm stand, farmers market), in accordance with § 450-3-26C of these regulations.~~
- (2) Special permit. Uses and use categories permitted subject to the issuance of special permit by the Planning and Zoning Commission in accordance with Article XVI, Part 2 of these regulations, and all requirements of the GMUIZ and any applicable provisions of these regulations:

~~Taverns and Inns~~

~~Studios and specialty shops, i.e. tea, crafts, etc.~~

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~~Take out dining — drive thru permitted only in business zones (except NB) [Amended eff. 12-1-2015]~~

~~Restaurants/Banquet facilities with indoor and outdoor seated dining per § 450-3.27 [Amended eff. 11-1-2021]~~

~~Museums~~

Art studios/galleries

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~~Finance, insurance, real estate~~

~~Service uses~~

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~~Retail Shops (see Note 1)~~

Bakery

~~Personal/business services~~Bank/Financial institution

Barber/Salon

Child and adult day care

Cinema with or without accessory tavern or restaurant

~~Community theater/playhouse~~

~~Driving ranges/mini golf~~

~~Finance, insurance, real estate~~

~~Fitness center~~

Grocery/Convenience (See Note 1)

~~Package Stores~~~~Home occupations~~

~~Bank/Financial Institutions~~

Hotel/Motel/B&B

~~Motor Vehicle Service & Repair (see Note 2)~~

~~New and Used Car Sales (see Note 2)~~

~~Outdoor and indoor recreational facilities~~

~~Fitness Center~~

~~Driving ranges/mini golf~~

~~Manufacturing or processing of goods (see Note 2)~~

Manufacturing or assembly of outdoor recreation goods

~~Warehouse/freight terminal~~

~~Professional Offices~~

~~Telecommunications facilities~~

~~Veterinary hospital/veterinary emergency care~~

Lawn and garden equipment sales with accessory small engine repair

~~Child and adult day care~~~~Manufacturing or assembly of outdoor recreation goods~~

~~Community theatre/playhouse~~~~Manufacturing or processing of goods (see Note 2)~~

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Home occupations

Mixed uses

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Motor vehicle service and repair (see Note 2)

Multifamily residences on the upper floors above first-floor commercial uses and including at least 20% affordable dwellings

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Museums

New and used car sales (see Note 2)

Outdoor and indoor recreational facilities

Package stores

Personal/Business services

Professional offices

Restaurants/Banquet facilities with indoor and outdoor seated dining per § 450-3.27 [Amended eff. 11-1-2021]

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Retail Shops (see Note 1)

Service uses

Studios and specialty shops, i.e. tea, crafts, etc.

Take out dining — drive-thru permitted only in business zones (except NB) [Amended eff. 12-1-2015]

Taverns and inns

Telecommunications facilities

Veterinary hospital/veterinary emergency care

Warehouse/Freight terminal

Notes:

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- 1. See building coverage requirements and limitations for retail uses in Subsection **B(4)**.

2. Such use is permitted to continue, and may by special permit be altered or expanded on the same lot or contiguous lots under the same ownership or control, if existing in the Town as of the effective date of this section.
- (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which ~~it is~~ they are accessory, unless these regulations expressly allow a different review. **[Amended eff. 11-1-2021]**
 - (4) Prohibited uses.
 - (a) Residential uses, as that term is used in ~~Connecticut General Statutes Section C.G.S. § 8-30(g)~~, and that term has been construed by the Connecticut courts, except where authorized by ~~Section 7B,~~ the Incentive Housing Overlay Zone, if adopted. **[Amended during codification]**
 - (b) Motor vehicle services and repair (See Note 2, above).~~).~~
 - (c) New and use car sales (See Note 2, above).~~).~~
 - (d) Manufacturing or processing of goods (See Note 2, above).~~).~~
 - C. Additional conditions.
 - (1) Preliminary development plan. No development within the GMUIZ shall be permitted until the Commission has approved a special permit for the proposed use(s) and a preliminary development plan for the parcel(s) under consideration. The preliminary development plan review is established to assure that all components of a site in the GMUIZ comply with the purposes and principles of the zone and with the criteria of § **450-16.8** of these regulations. Approval of the special permit for the uses, basic site layout, and other elements of the preliminary development plan shall constitute a conclusive finding of compliance with the criteria of § **450-16.8** of these regulations. Any application for an individual use or parcel indicated on the approved preliminary development plan shall require site plan review under Article **XVI**, Part **1**, of these regulations and be governed only by the criteria and requirements of that section.
 - (a) Authority. Approval of a special permit and preliminary development plan and site development plan is required for any development in the GMUIZ. The Commission shall hold a public hearing, in accordance with ~~Connecticut General Statutes~~C.G.S. § 8-7(d), on any preliminary development plan application and any site development plan application within the GMUIZ.
 - (b) Application procedure. Submission of a preliminary development plan application to the Land Use Official must be made at least six days prior to a regularly scheduled meeting. The official date of receipt of an application will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Commission's designated agent, or 35 days, whichever is sooner.

(c) Application requirements. The applicant shall file 17 copies of the following required materials:

- [1] A written statement, signed by the applicant and by the owner, if different from the applicant, explaining how the proposed development meets the purposes and design principles set forth in Subsection A.
- [2] A narrative description of the proposed development, including a description of existing site conditions; the nature and extent of proposed use or occupancy; a description of proposed utility systems (water, sewer, drainage, etc.); the number of persons estimated to occupy or visit the proposed development on a daily basis; the basis for determining parking and loading requirements and an estimate of the type and intensity of vehicular traffic associated with the proposed development; and disclosure of any toxic or hazardous substances used, stored or proposed in connection with the proposed use or occupancy.
- ~~[3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches) which shall include the following:~~
- [3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches) which shall include the following:
 - [a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan.
 - [b] A Class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered professional engineer, architect or landscape architect. [a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan.
 - ~~[b] A Class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered professional engineer, architect or landscape architect whichever shall be appropriate.~~
- [c] Information on areas in adjacent parcels within 100 feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man-made features; circulation systems; public facilities; and/or unique natural features.
- [d] The existing and proposed topographic contours of the land and abutting streets, with intervals of two feet or spot elevations where necessary.
- [e] Location of existing watercourses, wetlands, wooded areas, flood hazard areas, ledge ~~out-~~ ~~erops~~ ~~outcrops~~, single trees with a diameter of 20 inches or more measured three feet above the base of the trunk, with an indication of whether they are to be retained.
- [f] Notations to reference all previous approvals issued by all authorities, to include dates, conditions, site plan references, and permit numbers.

- [g] A subdivision plan, or parcel assembly plan, if part of the proposal.
- [h] A table summarizing the proposed and required zoning information as follows: lot size, setbacks, required yards, floor area devoted to use, building height, lot coverage, building coverage, parking calculations, landscaping and any other specific site elements required by these regulations.
- [i] Location and use of all existing and proposed structures, and location of any land uses not requiring structures.
- [j] Location and construction design of existing and proposed vehicular circulation system, including all roads, internal circulation, driveways, parking and loading areas, with the number of stalls provided therewith, and pedestrian walkways or other means of separation.
- [k] A parking demand analysis, if requesting less than the minimum required parking as set ~~down~~forth in § **450-15.15** of these regulations.
- [l] Location and construction design of all existing and proposed pedestrian circulation ~~systems~~systems and ~~its~~their relationship with the vehicular circulation system, public areas and open space.
- [m] A plan and design details of the proposed method of sanitary waste disposal and source of potable water supply. In accordance with ~~Section C.G.S. § 8-25a of the Connecticut General Statutes~~, as amended ~~by Public Act 84-330~~, any development providing water by means of a "water company", as that term is defined in ~~Connecticut General Statutes Section C.G.S. § 16-262m(a)~~, shall provide to the Commission/Board a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Department of Public Utility Control. No application for a special permit/exception involving such a water company shall be deemed complete without said certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving said certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. For any development proposing to use public sewers from the Bolton Lakes Regional Water Pollution Control Authority, written confirmation that there is adequate capacity to support the proposed uses. [Amended during codification]
- [n] Grading, sedimentation and erosion control, and drainage plans.
- [o] A general landscaping plan, including location, number and identification of proposed plantings.
- [p] A development phasing plan, including a proposed schedule with projected completion dates for each phase.
- [q] Fire lanes, where required by Article **XV** of these regulations, as amended.
- [r] A plan incorporating the requirements of Article **III**, Part 3, Water Supply for Fire Protection, unless served by a public water system that is adequate for fire protection purposes.

[s] The following approval block:

BOLTON PLANNING AND ZONING COMMISSION, BOLTON, CT

DATE APPROVED _____ DATE OF EXPIRATION _____

CHAIRMAN

SECRETARY

- [4] Where the application includes proposed housing under ~~Section 7B, the~~ Incentive Housing Zone, if approved, compliance with that section shall be demonstrated. **[Amended during codification]**
- [5] ~~Low-~~impact development ("LID") measures to be employed on the site, as set forth in § **450-16.2L** of these regulations.
- [6] A fee to defray the cost of the legal notice, the processing of the application, and the technical review and inspection, per the Bolton Fees for Permits Ordinance.
- (d) Application referrals. The Commission shall refer the application to the Conservation Commission, Fire Marshall, the Bolton Lakes Regional Water Pollution Control Authority, Town Engineer, appropriate Town of Manchester officials (concerning public water supply issues), or such other board, commission, or official deemed appropriate by the Commission for their comments. Failure of any Commission or staff to provide written comments to the Commission within 35 days after the date of submission of the proposal shall be taken as a report of no objections or comments.
- (e) Decision guidelines. In approving a preliminary development plan, the Commission shall find the following:
 - [1] The proposal conforms to the Town of Bolton Route 44 Incentive Housing Zone Study.
 - [2] The proposal satisfies the purposes of the GMUIZ as established in Subsection A above.
 - [3] For phased developments, each phase, standing alone, will comply with the purposes of the GMUIZ as established in Subsection A above.
 - [4] The proposal conforms to the Architectural and Site Design Guidelines, Town of Bolton, CT (Appendix ~~"C"~~ of these Regulations).
 - [5] The proposal conforms to the criteria of § **450-16.8** of these regulations.
- (f) Recording. An approved preliminary development plan, reflecting all conditions or modifications required by the motion for approval, shall be endorsed by the Commission and recorded in the Bolton Land Records within 90 days of the date of approval. The Commission may, for good cause shown, grant two extensions of up to 90 days each for such endorsement and filing.
- (g) Changes. Changes to an approved preliminary development plan may be permitted upon approval by the Commission. The Commission shall determine whether the proposed changes are substantial

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and require a public hearing. Substantial changes may include, but are not limited to: change in land uses, greater than 5% ~~change~~ ~~(increase?)~~ in proposed gross building square footage, changes requiring the addition of more than two parking spaces, and change in vehicular and pedestrian circulation systems layouts. Changes less than ~~these~~ ~~these~~ thresholds may be approved by the Zoning Enforcement Officer in accordance with § 450-3.22 of these regulations. Requests for change approvals shall be submitted in writing to the Land Use Office at least six days prior to the next regularly scheduled Commission meeting. The date of receipt of such requests shall be the date of the next regularly scheduled meeting, or 35 days from the date of receipt, whichever is sooner.

- (2) Site development plan approval required. Before any development connected with a preliminary development plan can begin, a site plan must be approved by the Commission. If the approved preliminary development plan provided for phased development, then each phase shall require a site development plan approval. The site plan shall substantially conform to the approved preliminary development plan, and shall be in accordance with the submission requirements, procedures, and criteria of Article XVI, Part 1, of these regulations. Any substantive deviations from the approved preliminary development plan, or any details not indicated on the approved plan, shall be considered as amendments to the plan and shall be subject to the procedures and criteria of Article XVI, Part 2.
 - (a) Procedure.
 - [1] Site development plans must be submitted within 18 months of preliminary development plan approval, and the failure to do so shall render the preliminary development plan approval null and void. For phased developments, the site development plan for the first phase must be submitted within 18 months of preliminary development plan approval, and each subsequent phase site development plan must be submitted within 18 months of the previous phase site development plan approval. The Commission, at its discretion, may approve an extension of 18 months per development (if not phased) or per phase.
 - [2] Where required, the applicant shall comply with the provisions of the Town of Bolton Inland Wetlands Regulations and Subdivision Regulations and with the Town of Bolton Aquifer Protection Area Regulations. To the extent possible, the processing of any application for subdivision approval shall be coordinated with the processing of a site development plan application under these GMUIZ Regulations.
 - (b) Site development plan application. In addition to the requirements of Article XVI, Part 1, of these regulations, without duplication, the following materials are required with a GMUIZ site development plan application:
 - [1] Architectural renderings and perspectives of all proposed structures and their interactions with existing structures;
 - [2] Concept building plans, including schematic floor plans and exterior elevations.
 - [3] Where the site plan includes incentive housing ~~under Section 7B of these Regulations~~, the application shall include all materials required by that section and Article XVI, Part 1. **[Amended during codification]**

- D. Signage. See Article **XVIII** of these regulations.
- E. Lighting. See § **450-3.20** of these regulations.
- F. Use variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the GMUIZ if such uses are not otherwise allowed in the GMUIZ.
- G. Special bulk requirements. In addition to the bulk requirements in the table of § **450-11.5**, the following shall apply in the GMUIZ:
- (1) Build-to line. Except for unified village-style developments of sufficient scale to be oriented to an internal network of roads, parking, and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line. The Commission may waive this requirement for additions of less than 5% to buildings existing on the effective date of this § **450-9.2** where parking lots cannot be relocated to the sides or rear of the new and/or existing building, or where it is deemed by the Commission to be infeasible for the addition to meet the build-to line requirements of this section. See waiver provision for unified sites in Subsection **H(5)**.
 - (2) First-floor uses ~~-(RESERVED)-~~. (Reserved)
 - (3) Upper-floor uses ~~-(RESERVED)-~~. (Reserved)
 - (4) Maximum building coverage for retail uses in a unified village-style development on 10 or more acres. The maximum building coverage for retail uses in a single building or buildings that is an integral part of a unified village-style development of 10 acres or more shall be 75,000 square feet. The Commission reserves the right to limit the numbers of such buildings in a single unified village-style development. The Commission may accept an increase in the size of this threshold. Such decision to allow an increase in square footage shall be in accordance with the following findings:
 - (a) The use occupying the building is an essential anchor to the development, or the building contains multiple uses and creates a street presence essential to a "Main Street" and village style.
 - (b) The design of the building meets the design guidelines for large-scale buildings by breaking up mass, articulating the ~~faeade~~, façade and by incorporation of elements adding interest and human scale.
 - (c) Amenities have been provided to the site design which enhance the pedestrian environment in connection with the building.
 - (d) Site design creatively creates a street presence for the building and related satellite buildings, and ~~deemphasizes~~ de-emphasizes and buffers large-scale parking and loading and service area.
 - (5) Maximum building coverage for all other buildings shall be 25,000 square feet, unless increased in size by a majority vote of the Commission.

- (6) Two- and three-story buildings are strongly encouraged in a unified village-style development in the GMUIZ. The Commission may approve a mix of buildings of various heights, provided that the Commission finds that the overall plan complies with the design guidance found in the Architectural and Site Design Guidelines of the Town of Bolton, and that such variation is essential to the design theme and economic objectives of the unified development. The Commission, as a part of this special permit, may require a higher first-floor height for single-story development to create a compatibility of facade heights where a mix of one-story and multiple-story buildings occurs in proximity to each other.
- (7) Flexible bulk standards for unified village-style developments. The Commission may, by special permit, allow for reduced or zero yards or buffers, increased building coverage, increased impervious coverage, or increased building height on sites where the criteria are met for unified village-style developments as set forth in the following Subsection H, and in §§ 450-11.10, 450-11.11, and 450-11.12 and 11N. [Amended during codification]
- H. Incentives and standards for unified village-style developments.
- (1) Parking, utilities, and vehicular and pedestrian/bike access shall be integrated with existing, planned, or future parking, utilities, and vehicular and pedestrian/bike access on abutting properties which are zoned GMUIZ, to the extent that such connectivity is feasible from an engineering and environmental standpoint, and provided that reciprocal rights exist or have been acquired for such integration. At the very least, the applicant shall provide such rights to abutting landowners located in the GMUIZ.
- (2) Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the GMUIZ) shall be provided to abutting landowners, and the applicant shall design a road capable of supporting access from existing or future development on adjoining lots. In the alternative, the applicant may utilize common access from an abutting lot, provided reciprocal access rights have been obtained from an abutting lot or lot owners, and the existing common access has been designed or built to accommodate traffic from the combined lot development, and that such design and construction is deemed to meet engineering and public safety standards set downforth in Article XVI. The applicant shall enter into agreements with abutters as necessary to equitably share costs, and such reciprocal rights shall contain provisions for extension of related utilities, lighting, streetscape improvements, and provide for perpetual maintenance of the improvements subject to common rights.
- (3) Parking requirements set downforth in § 450-15.17 may be reduced to the minimum for any unified village-style development containing multiple lots and/or businesses, and which establishes common access and utility rights, a common sign plan, and integrated parking and circulation, with perpetual cross-easements to assure continued integration of the site or sites.
- (4) Parcel consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a unified village-style development.
- (a) Incentive for parcel consolidation. The incentives listed in §§ 450-11.10, 450-11.11, and 450-11.12 and 11M of these regulations shall apply to projects which consist of consolidated parcels. [Amended during codification]

- (5) Bulk. See the provisions of Subsection **G**. The Commission may waive the build-to line of Subsection **G(1)** where it contributes to the character of a unified village-style development.
 - I. Disincentives and exceptions for single-structure development.
 - (1) The Commission may approve a preliminary development plan for a single structure only if the following requirements are met:
 - (a) The site finds that the lot is so limited in development potential due to size, environmental constraints, and/or abutting residentially zoned land such that a future linkage to adjoining lots and associated combined access and combined parking such that a unified village-style development is impractical. The burden is on the applicant to provide a feasibility plan leading to support of this conclusion.
 - (2) The Commission may approve a site development plan with a single building pursuant to the requirements of ~~Sections~~ Subsection **C(2)** and Article **XVI**, Part 1, under the following circumstances:
 - (a) The Commission finds that it is in compliance with a preliminary development plan approved pursuant to Subsection **C(1)**.
 - (b) The development contains a building and use existing as of the effective date of this section, and is the subject of an expansion request which does not exceed 5% of the area of the building, and/or two parking spaces, taken cumulatively as of the effective date of this section.
 - (c) The building has been destroyed by fire or act of nature, and is rebuilt with substantially the same footprint or architectural design that previously existed prior to destruction.
 - (3) Any site approved under this section is otherwise subject to the Architectural and Site Design Guidelines of the Town of Bolton, ~~(Appendix "C" of these Regulations).~~

ARTICLE X Golf Courses

§ 450-10.1 Location and definition.

A Golf Course Overlay Zone may be applied to an area in the R-1 or R-2 Residence ~~Zones~~Zone only by the sole discretionary action of the Planning and Zoning Commission. When a Golf Course Overlay Zone is applied to any land, the former R-1 or R-2 Residence Zone ~~designations~~designation shall be deemed to be the "underlying zone or zones" for that land. For purposes of this Article X, the term "golf course" shall mean an area on which uses are the principal use as the game of golf, with a length of play of at least 3,000 yards for each nine holes and other general and special accessory uses as described in this Article X.

§ 450-10.2 General standards

Golf courses and accessory uses to golf courses shall be subject to special permit procedures and criteria as set forth in Article **XVI** of the Bolton Zoning Regulations. Before determining whether to issue a special permit, the Planning and Zoning Commission shall consider the following criteria to determine if

the proposed use provides for the protection of the public health, safety, convenience and property values:

- A. Compatibility with neighboring uses.
- B. Anticipated noise levels, traffic congestion, odors, lighting or general appearances.
- C. Impacts on neighboring property values.
- D. Accessibility by emergency vehicles and equipment; potential fire or traffic hazards; and potential for damage to Town roads, bridges or other public facilities.
- E. Potential for destroying or defacing historic areas or scenic landmarks; potential detriment to the neighborhood or alteration of the neighborhood's essential characteristics.
- F. Hours of operation and lighting for each use must be established so as to not adversely affect neighboring properties or traffic on neighboring streets.
- G. Need for screening from adjoining properties and public streets.

§ 450-10.3 Dimensional, parking and access requirements.

- A. Golf courses and accessory uses to golf courses shall comply with the dimensional, parking and access requirements of this § **450-10.3**, which shall supersede any conflicting requirements in other sections of the Bolton Zoning Regulations.
- B. The minimum contiguous acreage of a nine-hole golf course shall be 75 acres. Public roads may pass through a golf course. The entire golf course must be owned by the same people or entities.
- C. No buildings, except open shelters, shall be constructed within 400 feet of a property line, except that buildings may be located no closer than 50 feet to the property line along the public road on which the motor vehicle entrance for the general public is located.
- D. All buildings except maintenance buildings and open shelters shall be located within ~~one~~ 1,000-foot-diameter circle located on the golf course.
- E. A 25-foot-wide buffer area of trees must be provided on a golf course along residential properties to provide for safety and privacy. If there is less than one tree at least six inches in diameter per 100 square feet of buffer area, the Planning and Zoning Commission may require that evergreen trees at least five feet high, or other trees suitable for the conditions as approved by the Commission, be planted in the buffer area to obtain this tree density. The Planning and Zoning Commission may substitute the tree buffer requirement in various locations with either of the following alternates:
 - (1) A fence acceptable to the Planning and Zoning Commission, to be maintained by the golf course owner for the life of the course.
 - (2) No fence, provided that the adjacent property owner does not object before the close of the public hearing for the special permit.

- F. The maximum building area coverage, not including structures that are actively being used for farming, shall not exceed 2% of the golf course area, exclusive of any lands that have been previously designated as open spaces.
- G. The maximum impervious area coverage, not including structures that are actively being used for farming, shall not exceed 7% of the golf course area, exclusive of any lands that have been previously designated as open spaces.
- H. The minimum frontage along a public street shall not be less than 200 feet.
- I. The maximum building height shall not exceed 35 feet.
- J. The minimum number of parking spaces shall be as required in ~~the Article XV, Parking, Loading and Fire Lane Requirements section,~~ of the Zoning Regulations for each use or building unless otherwise specified in this section. Parking areas are not required to be paved, but all unpaved areas and travel ways shall be maintained so as not to create any off-site dust.
- K. A paved road at least 12 feet wide with three-foot shoulders capable of carrying emergency vehicles shall be provided from the golf course public entrance at the public street to the golf course maintenance buildings and all enclosed buildings open to the public, except that open shelters and unheated buildings shall only require access as approved by the Fire Marshal.

§ 450-10.4 Specific requirements for golf courses.

Golf courses, all changes to golf courses, all accessory uses to golf courses and all changes and expansions of uses on golf courses shall require a special permit in accordance with Article XVI of the Bolton Zoning Regulations, and, in addition, shall meet the following specific requirements except as otherwise permitted by § 450-10.7 of these regulations:

- A. Each golf course shall be designed by a golf course architect, registered with a nationally recognized golf organization and shall have a minimum of nine holes in active use.
- B. A minimum of eight parking spaces shall be provided for each golf course hole.
- C. A comprehensive traffic study by a qualified traffic engineer shall be provided that addresses at least the following items: existing and future traffic volumes, traffic accident history and existing geometric conditions from the golf course public entrance to the nearest arterial road, the improvements necessary to provide the minimum requirements for a commercial street, as defined in the Subdivision Regulations for Bolton, on Town roads from the golf course public entrance to the nearest arterial road. Arterial roads and other road classifications are as described in the Plan of Development, Town of Bolton.
- D. The golf course shall have one motor vehicle entrance for the general public along a public road. If more than one public road could be used for the golf course entrance, the Commission will determine which road will be used to minimize the impact on the adjacent roads and neighborhoods.
- E. The golf course owner shall improve the public road between the golf course public entrance and the nearest arterial road to the same conditions required for a commercial street as described in the

Subdivision Regulations for Bolton; except that the Planning and Zoning Commission may allow a paved travel way width as narrow as 26 feet and may waive any requirements for curbs. The golf course owner shall provide for safe and convenient vehicular movement on all private travel ways.

- F. A comprehensive drainage study prepared by a qualified engineer shall be provided that includes drainage calculations for the existing and proposed development conditions for the two-, ~~ten-~~, ~~twenty-five~~ 10-, 25- and ~~one-hundred~~ 100-year storms. The drainage flows from the developable area described in Subsection D and from the golf course site after it is developed shall each not vary by more than 10% from the flows before any development occurs.
- G. A comprehensive water use management plan prepared by a qualified environmental consultant shall be provided that as a minimum addresses the following items: an integrated pest management (IPM) system as endorsed by the Environmental Protection Agency, the application times and volumes of specified fertilizers, herbicides and pesticides, the periodic testing of surface water flowing off-site at specified locations for chemicals used on the golf course, and the periodic testing of the ~~ground-water~~ groundwater at specified well sites for the chemicals used on the golf course and for the static level of the ~~ground-water~~ groundwater near wells on adjacent properties. As a minimum, there shall be a surface water test location at each off-site flow point and at least four ~~ground-water~~ groundwater monitoring wells. Testing shall begin before any development work starts, and if possible one year before development starts, and shall continue for as long as the golf course is in use. The water use management plan shall describe the chemical concentrations allowed by the Connecticut Department of Energy and Environmental Protection and it shall describe the procedures to follow if chemical concentrations are near or exceed the allowable limits for all chemicals. The water use management plan shall recommend a minimum static level in each monitoring well to protect levels in nearby wells. If the minimum level is approached in a monitoring well, ~~ground-water~~ groundwater shall only be used at the golf course site for domestic uses. Static ~~ground-water~~ groundwater reports for each monitoring well shall be obtained as often as once per week when irrigation equipment is being used or as otherwise required by the Zoning Enforcement Officer and shall be retained by the golf course superintendent and provided to the Zoning Enforcement Officer upon request. The water quality and water availability in wells on adjacent properties shall not be affected. The golf course owner shall at all times engage the services of a qualified environmental consultant and testing laboratory to conduct the water monitoring and other requirements of the water use management plan.

§ 450-10.5 General accessory uses.

The following uses shall be deemed to be accessory uses to a golf course, provided the golf course is actively open and in playable condition for daily use for at least six consecutive months of the year. All general accessory uses shall require a special permit in accordance with Article XVI of the Bolton Zoning Regulations.

- A. One clubhouse with locker rooms and a restaurant with the sale of alcoholic beverages.
- B. One pro -shop with a snack bar with a gross floor area not to exceed 3,000 square feet. No additional parking is required for this use. The retail items for sale shall be limited to items associated with recreational activities on the golf course.

- C. One tennis court for each two holes of play on the golf course. A minimum of two parking spaces shall be provided for each tennis court. Each tennis court shall be no closer than 400 feet to a property line.
- D. One swimming pool for each nine holes on the golf course. Each pool shall be no closer than 400 feet to a property line.
- E. Maintenance, operational and storage buildings, including golf cart storage.
- F. One freestanding sign meeting the requirements of § 450-18.9B.

§ 450-10.6 **Special accessory uses.**

The following uses shall be deemed to be special accessory uses and may be permitted only in connection with a golf course having a length of play of at least 6,000 yards for 18 holes on at least 125 acres of land, and only if the golf course is actively open and in playable condition for daily use for at least six consecutive months of the year. All special accessory uses shall require a special permit in accordance with Article XVI of the Bolton Zoning Regulations. If the eighteen-hole golf course has not been actively open and in playable condition for daily use for a period of six consecutive months, all special accessory uses shall cease operation immediately until full resumption of the golf course use.

- A. One guest bedroom per golf hole, with only interior entrances to the guest rooms.
- B. Retail sales with a gross floor area not to exceed 12,500 square feet. Retail sales shall be allowed only for the following: antiques, books, clothing, flowers, gifts, jewelry, leather goods, novelties and photography.
- C. Farming, including one farm store with a gross floor area not to exceed 5,000 square feet. The items for sale shall be limited to farm products, with at least 50% of the items being produced from a local farm.
- D. The sign allowed ~~in above pursuant to § 450-18.9B above~~ may be increased in area by no more than 16 square feet per side, with the additional area being for the purpose ~~to advertise of advertising~~ the special uses described in Subsections A, B and C.

§ 450-10.7 **Uses permitted by underlying zone.**

- A. For purposes of this § 450-10.7, the term "underlying use" shall mean a use that would be permitted by the regulations for the underlying zone.
- B. The designation of any area as a Golf Course Overlay Zone shall not preclude the establishment or continuation of any underlying use, provided that the following requirements are fulfilled:
 - (1) If special accessory uses have been permitted pursuant to § 450-10.6, no underlying use shall be allowed in the minimum area required by § 450-10.6 unless and until all such special accessory uses are physically and completely removed from the property and all disturbed ground surfaces, with the exception of landscaped or other already vegetated areas, are restored with vegetation.
 - (2) No underlying use shall be allowed in the minimum area required by § 450-10.3 unless and until the golf course use and all general accessory uses are physically and completely removed from the

property and all disturbed ground surfaces, with the exception of landscaped or other already vegetated areas, are restored with vegetation.

- (3) Notwithstanding the provisions of Subsection **B(1)** and **(2)** above:
 - (a) No building or structure that was used for a golf course or a general or special accessory use to a golf course shall be required to be removed if the building or structure otherwise complies with all requirements applicable to an underlying use and the landowner has obtained any zoning permit, special permit or site plan approval that may be necessary to conduct the underlying use.
 - (b) Farming activities may be conducted without a special permit outside of the area designated for golf course uses. No farming or other activities shall be conducted that disturb the golf course, its tees, fairways or greens.
 - (4) If a proposed underlying use would require the modification of any area that is shown on the currently approved plan as being used for a golf course or a general or special accessory use to a golf course, a special permit shall be required for the proposed modifications. The applicant shall be required to submit revised plans demonstrating that the golf course and accessory uses, as modified, comply with these regulations.

ARTICLE XI Dimensional Requirements

§ 450-11.1 Single-family dwellings and accessory uses in Residence Zones. [Amended eff. 11-1-2021]

The following standards shall be required for single-family dwellings and associated accessory uses and structures within Residence Zones, except as expressly permitted by §§ 450-6.1M, N, 450-7.1C and D, and 450-11.4, respectively, of these regulations:

| Zone | Min. <u>Minimum</u> Lot (square feet) | Min. <u>Minimum</u> Lot Frontage (feet) ¹ | Min. <u>Minimum</u> Front Yard (feet) | Min. <u>Minimum</u> Side Yard (feet) ² | Min. <u>Minimum</u> Rear Yard (feet) |
|------|--|---|--|--|---|
| R-1 | 40,000 | 200 | 35 | 25 | 40 |
| R-2 | 40,000 | 200 | 35 | 25 | 40 |
| R-3 | 22,500 | 150 | 35 | 10 | 30 |

| Zone | Maximum Building Height (feet/ <u>stories</u>) ³ | Minimum Dwelling Unit Floor Area (square feet) ⁴ | Maximum Lot Coverage (%) | Maximum Impervious Coverage (%) |
|------|--|---|--------------------------------|---------------------------------------|
| | | | | |

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| Zone | <u>Min. Minimum</u> Lot (square feet) | <u>Min. Minimum</u> Lot Frontage (feet) ¹ | <u>Min. Minimum</u> Front Yard (feet) | <u>Min. Minimum</u> Side Yard (feet) ² | <u>Min. Minimum</u> Rear Yard (feet) |
|------|---|--|---|---|--|
| R-1 | 35 (or/2.5-stories) | One-story: 1,000 Others: 810 (foundation) ±200 1,200 (total) | | 15% | 20% |
| R-2 | 35 (or/2.5-stories) | One-story: 1,000 Others: 810 (foundation) ±200 1,200 (total) | | 15% | 20% |
| R-3 | 30 (or/2.5-stories) | One-story: 810 Others: 1,000 | | 15% | 20% |

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- 1 For a corner lot, this requirement must be satisfied along one existing public street.
- 2 For any side yard that abuts an existing or future public street, the minimum side yard shall be equal to the minimum front yard required for the zone.
- 3 Whichever is less, the height in feet or the number of stories.
- 4 No dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable building, housing and/or health codes.

§ 450-11.2 **Two-family dwellings and accessory uses in Residence Zones. [Amended eff. 11-1-2021]**
 The following standards shall be required for all two-family dwellings and associated accessory uses and structures within Residence Zones, except as expressly permitted by §§ 450-6.1M, N, 450-7.1C and D and 450-11.4, respectively, of these regulations:

| Zone | <u>Min. Minimum</u> Lot (square feet) | <u>Min. Minimum</u> Lot Frontage (feet)¹ | <u>Min. Minimum</u> Front Yard (feet) | <u>Min. Minimum</u> Side Yard (feet)² | <u>Min. Minimum</u> Rear Yard (feet) |
|-------------|--|--|--|---|---|
| R-1 | 60,000 | 300 | 35 | 40 | 40 |
| R-2 | 60,000 | 300 | 35 | 40 | 40 |

| Zone | <u>Max. Bldg. Ht.</u> <u>(Ft.) Maximum</u> <u>Building Height</u> <u>(feet/stories)³</u> | <u>Min. Minimum</u> Floor Per Dwelling Unit (square feet)^{4, 5} | <u>Max. Maximum</u> Lot Coverage (%) | <u>Max. Maximum</u> Imperv. Impervious Coverage (%) |
|-------------|--|---|---|--|
| R-1 | 35 (or/2.5 stories) | One-story: 860 Others: 1,000 | 15% | 20% |
| R-2 | 35 (or/2.5 stories) | One-story: 860 Others: 1,000 | 15% | 20% |

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Notes:

- 1 For a corner lot, this requirement must be satisfied along one existing public street.
- 2 For any side yard that abuts an existing or future public street, the minimum side yard shall be equal to the minimum front yard required for the zone.
- 3 Whichever is less, the height in feet or the number of stories.
- 4 Areas for heating equipment, garages, bay windows, outside vestibules and open porches shall not be included.
- 5 No dwelling unit shall be erected or created that does not comply with the minimum standards as set forth in all applicable building, housing and/or health codes.

§ 450-11.3 Business and Industrial Zones.

The following standards shall be required within Business (GB, NB, RMUZ) and Industrial (I and GMUIZ) Zones:

| Zone | <u>Min. Mini</u> <u>mum</u> Lot Area (square feet) | <u>Min. Mini</u> <u>mum</u> Lot Frontage (feet) ¹ | <u>Min. Minim</u> <u>um</u> Front Yard (feet) | <u>Min. Mini</u> <u>mum</u> Side Yard (feet) ² | <u>Min. Mini</u> <u>mum</u> Rear Yard (feet) |
|-------|--|---|---|--|---|
| GB | 40,000 | See § 450- 11.10. | 35 | See § 450- 11.11. | See § 450- 11.11. |
| NB | 40,000 | See § 450- 11.10. | 35 | See § 450- 11.11. | See § 450- 11.11. |
| I | 40,000 | 200 | 35 | 30. but see § 450- 11.13 | 10. but see § 450- 11.13. |
| GMUIZ | 120,000 | See § 450- 11.10. | See build-to line requirement of § 450- 9.2G(1). | See § 450- 11.11. | See § 450- 11.11. |
| RMUZ | 80,000 | See § 450- 11.10. | See build-to line requirement of § 450- 8.3G(1)(a). | See § 450- 11.11. | See § 450- 11.11. |

| Zone | <u>Max. Bldg.</u> <u>Ht.</u> <u>(Feet/Maxim</u> <u>um Building</u> <u>Height</u> <u>(feet/stories)</u> 3 | <u>Min. Minim</u> <u>um</u> Floor Area (square feet) | <u>Max. Maxim</u> <u>um</u> Lot Coverage (%) | <u>Max. Imperv. Maxi</u> <u>mum</u> <u>um</u> Impervious Coverage (%) |
|------|--|---|---|---|
| GB | 40 (or 3 Stories) | 600 (or 4 Flr.)ground floor) | 25% | 65% |

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| Zone | Min. <u>Min.</u> Mini <u>mum</u> Lot Area (square feet) | Min. <u>Min.</u> Mini <u>mum</u> Lot Frontage (feet) ¹ | Min. <u>Min.</u> Mini <u>mum</u> Front Yard (feet) | Min. <u>Min.</u> Mini <u>mum</u> Side Yard (feet) ² | Min. <u>Min.</u> Mini <u>mum</u> Rear Yard (feet) |
|-------|--|---|--|--|---|
| NB | 35 (or/2.5 stories) | 600 (Grd. Flr.) <u>ground</u> <u>floor)</u> | 20% | 50% | |
| I | 45 | 1,000 (Grd. Flr.) <u>ground</u> <u>floor)</u> | 25% | 65% | |
| GMUIZ | 40 (or/3 Stories) | 600 (Grd. Flr.) <u>ground</u> <u>floor)</u> | 25% (See § 450- 11.14.) | 50% (See § 450-11.14.) | |
| RMUZ | 35 (or/2.5 stories) | 600 (Grd. Flr.) <u>ground</u> <u>floor)</u> | 25% (See § 450- 11.14.) | 50% (See § 450-11.14.) | |

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Notes:

- 1 For a corner lot, this requirement must be satisfied along one existing public street.
- 2 For any side yard that abuts an existing or future public street, the minimum side yard shall be equal to the minimum front yard required for the zone.
- 3 Whichever is less, the height in feet or the number of stories.

§ 450-11.4 Accessory buildings.

- A. Front and side yard requirements for accessory buildings shall be the same as for the principal building. In R-1 and R-2 Zones, the minimum rear yard requirement for accessory buildings shall be 25 feet. In the R-3 Zone, the minimum rear yard requirement for accessory buildings shall be 10 feet.
- B. In the R-1 and R-2 Zones, including lots in open space conservation developments, one shed per property may be located as close as 10 feet to a side or rear property line, provided that no principal building on the land adjacent to that property line is located within the minimum yard area along that property line. The front yard requirement for sheds shall be the same as for the principal building. Other sheds shall be located in accordance with the requirements of ~~the previous~~ paragraph Subsection A.

§ 450-11.5 **Encroachment.**

Cornices, eaves, gutters, entrance steps, basement hatchways and chimneys may encroach no more than two feet within a required yard area.

§ 450-11.6 **Rear lots. [Amended 11-1-2017]**

A. Purpose: ~~and intent.~~

- (1) Irregular or rear lots, sometimes known as "flag lots", are unconventional and pose a number of potential problems compared to standard lots. They are difficult to find and access in an emergency; increase the density of neighborhoods; and can reduce the level of privacy that homeowners have come to expect in abutting established backyards and side yards. To limit their use to only the most appropriate locations, and ensure that they are both safe and have minimal impact on their neighboring properties, review is required by the Commission.
- (2) The following provisions are intended for use when, after laying out lots within a subdivision in accordance with the dimensional requirements of these regulations, some "leftover" land remains. Accordingly, these provisions are meant as a last resort in the design of a lot, and as such are to be employed sparingly, and not as a common design technique.
- (3) Applications under this section shall be considered as special situations, each requiring individual justification by the applicant. The burden of proof shall be on the applicant to demonstrate no adverse effects on surrounding properties.

B. Rear lots shall be permitted only in the R-1 Zone in subdivisions of four lots or more. A rear lot shall not be created by a first or free cut. The number of rear lots shall not exceed one lot for every four lots contained within a subdivision, as it is originally divided, and any resubdivision thereof. Rear lots shall comply with all requirements of this § 450-11.6.

C. An access strip/frontage for a rear lot shall:

- (1) Be at least 50 feet wide at its narrowest point, including frontage exiting to a public street.
- (2) Be owned in fee as part of a single parcel comprising the rear lot.
- (3) Contain only one driveway.
- (4) Provide access for one lot only.
- (5) Be separated by a minimum distance of 400 feet from any other rear lot access as measured along any public street.

D. Rear lots shall:

- (1) Contain at least a minimum lot area of 80,000 square feet, exclusive of any access strip area. In computing such lot area, the access strip extending from the front lot line to the public roadway shall not be counted towards satisfying the lot area requirement.

- (2) The front, side and rear yard setbacks shall be a consistent perimeter of 85 feet from the property lines.
 - (3) The design of the rear lot shall be such that a rectangle of 200 feet by 400 feet can be placed within the parcel lines of the rear lot.
 - (4) No more than one rear lot shall be permitted to abut any other rear or interior lot created by a prior subdivision or first cut.
- E. Driveways serving rear lots shall:
- (1) Meet the Town Driveway Specifications.
 - (2) Be located generally in the center of the ~~forty~~50-foot strip subject to the needs of topography.
- F. It is not the intention to allow the creation of lots behind other existing properties which would change the characteristics of the neighborhood. The Commission may require a landscape buffer where necessary within the lot and along the ~~access way~~accessway to ensure that any new development will be in harmony with the surrounding areas and protect existing homes.

§ 450-11.7 Cul-de-sac lots.

Where a portion or all of a lot is located along the main circular curve of the turnaround area for a permanent cul-de-sac street that will not be further extended, the minimum lot frontage may be measured along a building line parallel or concentric with the street line. The distance between the street line and the building line used to measure the lot frontage must be specified and must be at least 35 feet. This building line shall be the front building line for the lot, and no building may be located between the front property line and the front building line. See the cul-de-sac drawing in the appendix.

§ 450-11.8 Frontage in Business Zones.

The minimum lot frontage in the General Business and GMUIZ Zones shall be 200 feet, and the minimum lot frontage in the Neighborhood Business and RMUZ Zones shall be 150 feet, provided that the Commission may, by special permit, allow a lesser frontage where all of the following conditions exist:

- A. Driveways curb cuts in the General Business and GMUIZ Zones are no less than 200 feet from any other driveway curb cut located on the property or on an adjacent property. ~~Driveways~~
- B. ~~Driveway~~ curb cuts in the Neighborhood Business and RMUZ Zones are no less than 150 feet from any other driveway curb cut located on the property or on an adjacent property.
- BC. Two or more adjacent lots are under separate ownership but ~~having~~have a combined frontage of at least 200 feet, with combined parking lots and driveway curb cuts and perpetual cross-easements that provide for the maintenance of parking areas, driveways, landscaping, and illumination; and provide cross-easements for signs at the driveway curb cuts such that all ~~business~~businesses located on the lots shall share a single ground sign for the entire development.

§ 450-11.9 Side and rear yards in Business Zones. [Amended 6-25-2012]

The minimum side and rear yards in the General Business and GMUIZ Zones shall be 25 feet, or equal to the height of the principal building at its tallest point, whichever is greater. The minimum side and rear yards in the Neighborhood Business and RMUZ Zones shall be 25 feet, except that the side and rear yards shall be 50 feet where abutting a Residential Zone. The Commission may, by special permit, allow for a reduction in side yards where all of the following conditions are met:

- A. One or more adjoining lots are designed as a single site, with combined parking lots and driveway curb cuts and perpetual cross-easements that provide for the maintenance of parking areas, driveways, landscaping, and illumination.
- B. The buildings have been designed, or existing buildings will be modified, such that the buildings on the combined site are of a harmonious architectural style, illumination, ~~roof line~~roofline and landscaping pattern.
- C. The signage is of uniform design throughout the entire combined site, having the same basic size, shape, mounting method and location, and type of illumination. There shall be a single ground sign identifying the driveway curb cut, with cross-easements for each owner to install and maintain its own message on such ground sign.
- D. There shall be no reduction in side yards except for the interior lot lines between the lots which are submitted for unified site, building, access, and sign designs in accordance with this section, and not on the side of any lot adjacent to a parcel that is not included in such overall unified plan.

§ 450-11.10 Minimum landscaped areas in Business and Mixed Use Zones. [Amended 6-25-2012]

No less than 25% of the lot in any General Business and GMUIZ Zone, and no less than 30% of the lot in any Neighborhood Business and RMUZ Zone, shall be landscaped with grass, trees, shrubs, or other ornamental plantings. Such landscaped areas may include benches and other ornamental street furniture, but sidewalks and outdoor dining or display areas shall not be counted as landscaping.

§ 450-11.11 Side and rear yards in Industrial Zone.

The minimum side and rear yard in the Industrial Zone shall be 50 feet where abutting a Residential Zone.

§ 450-11.12 Maximum lot coverage and maximum impervious coverage in GMUIZ and RMUZ Zones. [Added 6-25-2012]

In connection with unified village-style developments encompassing multiple lots, the Commission may allow a greater maximum lot coverage and/or maximum impervious coverage on one or more lots, provided the overall coverage of the combined lots conforms to these regulations.

ARTICLE XII

Excavation and Filling or Removal of Earth Products

§ 450-12.1 Special permit required.

The Planning and Zoning Commission may grant a special permit for the excavation and filling or removal of earth products in all zones, subject to the requirements of the specific zone or zones in which

the excavation operation is located, the provisions of Article **XVI** of these regulations, and any other review and approval which may be required by these regulations; and, in addition, the conditions, standards and requirements set forth in this ~~section~~article. Notwithstanding the above, the quarrying of stone or rock is specifically prohibited in all zones.

§ 450-12.2 Purpose.

The purpose of these regulations is to:

- A. Regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, gravel, soils, minerals, loam, fill, clay, peat moss and any other earth products;
- B. Prevent conditions detrimental to the public health, safety and general welfare, including, but not limited to, erosion, nuisances; or permanent damage to the landscape;
- C. Conserve and preserve wetlands, watercourses and water storage areas, the value of adjoining and surrounding properties, and the land itself for future useful purposes;
- D. Assure continuity of operation at a given location until a deposit is fully utilized in conformance with these regulations;
- E. Minimize or eliminate any deleterious effects on adjacent or nearby land uses and prevent the emergence of any blighting influences.

§ 450-12.3 Exemptions from special permit for excavation operations.

- A. The following operations are exempt from the requirements of this ~~section~~article:
 - (1) Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Bolton or the State of Connecticut or within streets or roads as shown on a subdivision map or a plan of development map approved by the Planning and Zoning Commission.
 - (2) Excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.
 - (3) Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural; or construction ~~operation~~operations, for which no building permit is required from the Town of Bolton, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal ~~of~~ or filling in ~~of~~ more than 600 cubic yards of earth products for each individual premises.
 - (4) Excavation operations either conducted in accordance with and pursuant to a permit granted by the Planning and Zoning Commission prior to the effective date of these regulations; or existing prior to the effective date of these regulations.
- B. The owner of any premises or rights-of-way falling within the provisions of this § **450-12.3**, from or into which any earth products have been removed or filled, shall, within 30 days after the completion of such operations or any substantial portion thereof, grade and cover any exposed areas where removal or filling takes place with not less than four inches of topsoil or loam removed

from such premises or rights-of-way and seed with a suitable cover crop or cultivation acceptable to the Zoning Enforcement Officer. Any such seeding shall be sowed at a rate not less than three pounds of seed for every 1,000 square feet of area covered. This requirement may be held in abeyance during the months of November, December, January and February or until such time as conditions permit proper germination.

- C. Notwithstanding this § 450-12.3, a site plan review in accordance with the provisions of these regulations may be required for any excavation operations 50 feet or less from any watercourses or wetlands. In addition, excavation operations as noted in this § 450-12.3 shall not include the disposing of said earth products within the Town of Bolton after removal, or the obtaining of said earth products prior to filling in. The Planning and Zoning Commission may require a site plan review for said disposition and/or obtaining, in accordance with the provisions of these regulations.

§ 450-12.4 **Permitted ~~stipulation with~~ special permit for excavation stipulations.**

The Planning and Zoning Commission may, after applying these regulations in harmony with their purposes, stipulate such restrictions as appear to the Commission to be reasonable to protect the rights of individuals, property values in the area as a whole, and the public health, safety and welfare and which promote sound land use and resource excavation practices.

§ 450-12.5 **Criteria for evaluating ~~a~~ special permit for excavation.**

The Planning and Zoning Commission shall evaluate each and every application for a special permit for excavation operations and shall consider the provisions of this Article XII in light of the following criteria (at a minimum ~~;-~~):

- A. Appropriateness of location. The compatibility of the proposed excavation operations with the adopted Town Plan of Development, the specific zone and neighborhood, including but not limited to property values, noise levels, traffic, odor, dust, general appearance and surrounding development, both existing and proposed.
- B. Conformance. Conformance with the Bolton Zoning Regulations, other applicable Town codes or ordinances and the purposes of these regulations as set forth in § 450-12.2.
- C. Safety. Accessibility for emergency vehicles and equipment; potential for increased fire or traffic hazards; potential for damage to Town roads, bridges or other public facilities.
- D. Historic and scenic. Potential for destroying or defacing historic areas or scenic landmarks or otherwise being detrimental to a neighborhood or altering a neighborhood's essential characteristics.
- E. Traffic. Impact of anticipated additional vehicle traffic generated by the excavation operation on local access, Town and state roads. This impact will be evaluated in conjunction with the impact of truck traffic generated by all other excavation operations at the time of application for the permit.

§ 450-12.6 **Required standards for special permit for excavation operations.**

- A. Prior to approving any application for a special permit for excavation operations, the Planning and Zoning Commission shall consider each such operation in terms of the criteria set forth in the preceding § 450-12.5, and shall determine whether such operations conform to the following

standards. Failure of the operations to properly satisfy the criteria set forth in § 450-12.5, or to conform to any of the following standards shall be sufficient reason for the Commission to deny or withhold the special permit.

B. The following standards are requirements for excavation operations based on the criteria set forth in § 450-12.5:

(1) Site standards.

(a) Lot size. The minimum size of any lot proposed to contain an excavation operation shall be five acres. Prior to the issuance of any special permit for excavation operations, boundaries of the site shall be clearly surveyed and marked with permanent monuments by a Connecticut registered land surveyor.

(b) Area of excavation. The Planning and Zoning Commission shall have the discretion to determine the limits of the area of excavation within the subject lot.

(c) Minimum setbacks. All excavation operations shall be located at least 50 feet from any property line, public street, road or highway right-of-way, except as may otherwise be permitted by the Commission.

(d) Access roads. All vehicular access to any excavation ~~operations~~operation shall be arranged and aligned to minimize danger to traffic and nuisance to surrounding properties and the general neighborhood. All access roads shall be finished with a properly bound material so as to provide a durable anti-tracking surface to the property line from the work area. In addition, the section of the street right-of-way between the traveled portion of the street and the property line shall be paved to Town standards, at a width equal to that of the access road, plus turning radii.

(e) Fences. All motor vehicle accesses to any excavation operations shall be barred by a fence and/or gate deemed appropriate by the Planning and Zoning Commission.

(f) Buildings and structures. No buildings or structures related to the excavation operations shall be permitted or erected on the premises during the excavation operation except as may be permitted by the Planning and Zoning Commission and subject to any conditions set forth by the Commission.

(g) Machinery and equipment.

[1] No fixed machinery or equipment shall be permitted, erected or maintained on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted on the premises, except as may be permitted by the Planning and Zoning Commission.

[2] Such fixed equipment and machinery as permitted by the Planning and Zoning Commission shall be located a minimum distance of 300 feet from any residential zone or any existing residential dwelling in any zone, except as may otherwise be permitted by the Commission.

[3] All equipment and machinery, whether fixed or not, shall be properly maintained and secured and shall be dismantled and removed from the premises by the owner not later than 60 days after the termination of the excavation operations or expiration of the special permit, whichever occurs first.

- (2) Operating standards.
- (a) Hours of operation. Operating hours for excavation operations shall be restricted to weekdays (Monday through Friday), between the hours of 7:00 a.m. and 4:00 p.m., and Saturdays between the hours of 8:00 a.m. and 1:00 p.m., except as may otherwise be permitted by the Planning and Zoning Commission. Excavation operations shall not be allowed on Sundays or legal state holidays. Equipment startup and/or engine idling on or adjacent to the site shall not be permitted prior to the approved hours of ~~operations-operation.~~ **[Amended during codification]**
- (b) Equipment and machinery. All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke, dust, unsightly conditions and any other nuisance.
- (c) Dust and wind erosion. All storage areas, yards, access roads, service roads or other untreated open areas within the premises shall be improved with proper landscaping, paving or other appropriate materials to minimize dust, other wind-blown air pollutants and wind erosion.
- (d) ~~Spillage/~~ vehicle identification. To prevent spillage from vehicles and wind-blown air pollution, any truckload of earth material which is to travel on a public street shall be covered with a tarpaulin or other suitable material. All commercial haulers shall utilize vehicles clearly marked with the hauler's name and an identification number. Vehicles with a hauling capacity of less than eight cubic yards shall be exempt from the above marking/identification requirements, but not from the above-mentioned spillage prevention requirements.
- (e) Drainage and water erosion. The owner and operator of the premises shall provide proper drainage, as approved by the Planning and Zoning Commission, at all stages during and after completion of the excavation operations. This shall be done in order to prevent the collection and stagnation of water, any interference with, or disturbance of, the flow, banks or bed of any watercourses, the erosion of the premises or adjoining properties, and any other harmful effects to adjoining properties or the future use of the premises.
- (f) Natural water or drainage areas. No watercourse, wetland, drainage area or buffer area within 100 feet, on all sides, of such watercourse, wetland or drainage area shall be altered in any way until and except as approved by the Planning and Zoning Commission and the Inland Wetlands Commission, subject to any conditions set forth by both Commissions. No waste products or process residues from any excavation operations shall be disposed of in any watercourse, wetland or drainage area. Proper sedimentation and erosion control measures shall be taken in the case of watercourses, wetlands and drainage areas regarding filtration, sedimentation, stabilization and grading.
- (g) Lateral support.
- [1] Adequate provisions, as approved by the Planning and Zoning Commission, shall be provided for the lateral support and stabilization of all banks and slopes. No bank, both during the operation (except during the time of actual active excavation or filling in a particular location) and upon completion of the operation, shall exceed a slope of one foot of vertical rise in three feet of horizontal distance (i.e., 1:3), except that in any case the acceptable slope shall be determined by the Commission.

- [2] In appropriate instances, as determined by the Commission, terracing of banks to achieve proper slope and ~~insure~~ensure adequate support and stabilization of such banks, may be permitted, subject to any conditions or limitations set forth by the Commission.
- (h) Stockpiling and overburden. All overburden shall be stockpiled in windrows or concentrated piles and stabilized (and appropriately covered if necessary) in a manner acceptable to the Planning and Zoning Commission so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other wind-blown air pollutants. There shall be no stockpiling of materials within 100 feet of any property line, watercourse or wetland area.
- (i) Topsoil preservation. A minimum of the top four inches of soil shall be set aside on the premises for ~~re-spreading~~respreading over the excavated area in accordance with these regulations. Such topsoil stockpiles shall be treated, as approved by the Planning and Zoning Commission, to prevent the effects of erosion by wind or water and shall not be sold or removed from the premises.
- (j) Loaming and seeding. No later than 60 days after expiration of the special permit, or completion of the excavation operations or completion of any substantial portion thereof as determined by the Commission or its agent, any exposed area where filling or removal has taken place shall be covered to a depth of not less than four inches with topsoil or loam and seeded with a suitable cover crop acceptable to the Planning and Zoning Commission. This requirement may be held in abeyance during the time period of November through February.
- (k) Screening and landscaping. The Planning and Zoning Commission may require excavation premises and/or operations to be properly screened from adjoining properties or public streets because of the location, size, extent or intensity of the operations, particularly in the case of any permitted structures, buildings or fixed equipment and machinery.
- (l) Curbs and sidewalks. It shall be the responsibility of the operator of the excavation operations to repair, immediately, any damage to any sidewalks, curbs, surface drains or other improvements or utilities that may be caused as a result of the excavation operations and/or any related activity.
- (m) Safety. All operations shall be conducted in a safe manner to prevent hazards to persons, physical damage to adjacent land or improvements, and damage to any road, street, highway or property because of slides, sinking, collapse or blasting.

§ 450-12.7 Time period.

- A. The Planning and Zoning Commission may grant a special permit for excavation operations for a limited period of time, but in no case shall a special permit be issued for a period longer than 24 months.
- B. In fixing the period of time for the special permit, the Commission shall consider the size and location of the area proposed for excavation operations, the overall magnitude of the operations, and the character and development of the surrounding neighborhood, both existing and proposed.
- C. Any permittee seeking to renew a special permit for earth excavation or filling must submit an application for renewal no less than 30 days prior to the expiration date. Each such special permit may be renewed by the Commission, without need for any public hearing, for up to an additional

period of two years per extension, provided the following conditions are met: ~~(1)~~ the permitted activity must be in compliance with all terms and conditions of the special permit, as initially issued or subsequently modified by the Commission, and of these regulations; ~~(2)~~ the applicant shall certify that there have been no material changes in the facts or circumstances which served as the basis for the issuance of the current special permit; and ~~(3)~~ the Zoning Enforcement Officer or other authorized agent of the Commission must provide a report to the Commission that he or she has inspected the property no more than 90 days prior to the expiration date of the special permit, as it may have been previously renewed, and has found no violations of any terms and conditions of the special permit or of these regulations. The Commission or its staff retains the right to require an updated engineering plan and an updated bond calculation, and may adjust the bond amount accordingly. [Amended 2-1-2014]

- D. Upon notice to the applicant, the Commission and its staff shall have the right to enter the permit property at reasonable times in order to determine compliance with the approved application and these regulations. Denial of such permission by the permit holder is cause for revocation ~~or~~of any permit issued hereunder. [Amended 2-1-2014]

§ 450-12.8 Monthly reports.

All excavators shall maintain monthly reports available for inspection by the Planning and Zoning Enforcement Officer which specify the number of vehicle trips completed during that month. Additionally, the Commission may require that an updated site plan map be completed during the term of an excavation if it is deemed necessary to determine the operation's compliance with these regulations.

§ 450-12.9 Expiration of permit.

Any special permit for excavation operations shall expire and become null and void at the time the excavation operations are completed to the limits shown on the approved application and site plan map.

§ 450-12.10 Change or extension of permit.

Nothing herein shall prevent the applicant from filing a revised site plan map, modifying, expanding or reducing the scope and area of the excavation operations originally approved by the Planning and Zoning Commission, except that any such expansion of the operations beyond the limits approved by the Commission shall be considered a new application and shall require complete conformance with all the requirements of these regulations.

§ 450-12.11 Compliance with special permit.

- A. All excavation operations, except those exempted under § ~~450-12.3~~ of these regulations, shall comply with all the standards and conditions set forth in its special permit as approved by the Planning and Zoning Commission. Failure to comply with all such standards and conditions shall be grounds for the Commission, following an additional special permit procedure, to revoke the original special permit. A new application shall then be required in conformance with the provisions of these regulations for any continued operation of the excavation operations. If there is noncompliance with any standards or conditions, the excavator shall report to the next regularly scheduled Planning and Zoning Commission meeting to explain such noncompliance.
- B. The Zoning Enforcement Officer may, at his discretion and after inspection of the premises, permit minor deviations from the approved application and site plan map during the operation of the

excavation operations which may be necessary to allow normal operations of field equipment and machinery. Such minor deviations shall not affect in any way the final results, grading, contours, and the like, of the premises as shown on the approved application and site plan map.

ARTICLE XIII Certificate Certificates and Fees

§ 450-13.1 Exterior work prohibited without permission.

No construction, erection or alteration which affects the exterior of a building, shall be started until the plans for such construction, erection or alteration have been certified by the Zoning Enforcement Officer to be in compliance with these regulations.

§ 450-13.2 Building permit plans; permit term.

All applications for approval of a building permit for a principal building shall fulfill the requirements of § 450-3.8 of these regulations. Such plan shall be 8 1/2 ~~inches by~~ 11 inches in size or multiples thereof; i.e., 11 x 17, 17 x 22, 22 x 34, etc. No building permit as herein required shall be valid for more than one year from date of approval.

§ 450-13.3 Required plans. [Amended during codification]

All applications for a building permit for an accessory building or alterations or additions to existing buildings shall be accompanied by a plan drawn to scale based on a prior certified plan or a plan certified by a land surveyor licensed in the State of Connecticut, subject to the discretion of the Zoning Enforcement Officer.

§ 450-13.4 Required certificates. [Amended during codification]

No building shall hereafter be occupied or used until a certificate of approval or occupancy has been issued by the Zoning ~~Agent~~Enforcement Officer to certify that the permittee has complied with the Zoning Regulations. The plan submitted for the building permit shall be updated and certified to show actual dimensions and installed locations prior to the granting of the certificate of approval or occupancy. Certification for a principal building shall be Class A-2 by a land surveyor licensed in the State of Connecticut.

§ 450-13.5 Certification of location of principal building.

The foundations of all new principal buildings shall have their locations certified, by letter or by map, to be in compliance with the Bolton Zoning Regulations, before any further construction may continue. Such certification must be made by a land surveyor licensed in the State of Connecticut. New construction other than principal buildings, may be required to have this certification as well at the discretion of the Zoning Enforcement Officer.

§ 450-13.6 Fee schedule for Zoning Commission permits and approvals. [Amended during codification]

The items listed below shall require payment as stated in Chapter 228 of the Town Code of Ordinances:

- A. Zone change application;
- B. Zoning regulations amendment;

- C. Special permit application;
- D. Site plan review;
- E. Zoning permit and certification of zoning compliance.

ARTICLE XIV

Enforcement and ~~Violation~~Violations

§ 450-14.1 Intent.

It is the intent of this ~~section~~article to provide for effective administrative procedures to assist in the application and enforcement of these regulations in order to promote the public health, safety, and general welfare of the community of Bolton.

§ 450-14.2 Zoning Enforcement Officer.

The Zoning Enforcement Officer or Officers, shall enforce these regulations. The Officer(s) shall be that employee(s) of the Town of Bolton designated by the Planning and Zoning Commission, and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "Zoning Enforcement Officer" is used throughout this ~~section~~article, it shall be presumed to include all those individuals so designated by the Commission.

§ 450-14.3 Enforcement and penalties.

The Zoning Enforcement Officer(s) shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist in violation of any provision of these regulations, or any permit or approval which has been issued. The owner or agent of a building, structure, or property where such violation has been committed or exists, or the lessee or tenant of an entire building or an entire lot where such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation, or who maintains any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission or the Zoning Enforcement Officer may, at its sole discretion, direct the Town Counsel to commence criminal or civil action in state or federal court for the purpose of enforcing the provisions of these regulations, and securing such remedies or penalties as are provided by law.

§ 450-14.4 Certificate of zoning compliance.

A. Issuance and requirement.

- (1) The Zoning Enforcement Officer(s) is hereby authorized to issue a certificate of zoning compliance (also referred to as a "zoning permit" in these regulations) for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these regulations. Such certificate shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any site plan approval, variance, special permit, or other permit or approval issued under these regulations.

- (2) In addition, the Zoning Enforcement Officer(s) is hereby authorized to issue a certificate of zoning compliance for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these regulations. Such certificate shall be evidence that such site, use, building or structure is permitted as of right by these regulations, or is a valid nonconforming use, building or structure, as defined in these regulations. The Commission may provide for such certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.
- (3) Except for agricultural uses, no use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a preexisting use or substitution of an identical use, without the issuance of a certificate of zoning compliance.
- (4) Prior to the issuance of certificate of zoning compliance, the Zoning Enforcement Officer shall require the approval of the Town Sanitarian for any building, structure, or use which requires the review and approval of said Town Sanitarian. In addition, in accordance with Town ordinance, no certificate of zoning compliance shall be issued for a new curb cut onto a local or state highway until the same has been approved for location and construction by the Town Engineer and the Board of Selectmen or the Department of Transportation, as the case may be.

B. Site plans.

- (1) Prior to the issuance of any certificate of zoning compliance, the property owner shall provide two complete sets of plans prepared by a licensed land surveyor, professional engineer, architect, landscape architect, or certified soils scientist, as the case may be, licensed to practice in the State of Connecticut, which plan shall be drawn to a scale of not smaller than one inch equals 40 feet and all information required by this section shall be certified to the "Class A-2" standard of accuracy, as defined in the Regulations of State Agencies adopted pursuant to ~~Conn. Gen. Stats~~ C.G.S. § 20-300b, as amended. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, zone classification, new principal and accessory buildings and structures, driveways and parking areas, sanitary disposal systems, wells, wetlands, watercourses, floodplains, contours at two-foot intervals, erosion and sedimentation control measures, and other information required to determine compliance with these regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, or any other permit or approval issued thereunder. The Zoning Enforcement Officer may permit a survey of "Class C" standard of accuracy for buildings, structures, or uses occupying, in the aggregate, no more than 500 square feet, or where there is no reasonable difficulty in determining that adequate separations, and compliance with Bolton Zoning Regulations and Bolton Inland Wetland and Watercourses Regulations, can be achieved. Maps to be filed in the office of the Town Clerk shall conform to the filing requirements as set forth in regulations of the State of Connecticut adopted pursuant to ~~Connecticut General Statutes~~ C.G.S. § 11-8, et seq., as amended.
- (2) Any site plan shall include, in both plan and narrative, an erosion and sedimentation control plan complying with the Connecticut Guidelines for Soil Erosion and Sediment Control, published by the Connecticut Council on Soil and Water Conservation, Connecticut Department of Energy and Environmental Protection Bulletin No. 34, as amended.

- C. Building plans. In addition, the property owner shall provide two sets of dimensioned floor plans and building elevations for all proposed buildings, and illustrative plans for any other structure. The Zoning Enforcement Officer may modify or waive this requirement when the proposed work consists of simple construction or repairs and the nature and scope of such construction can be adequately described in narrative form.
- D. Application fees. Any application for a certificate of zoning compliance shall be accompanied by an application fee which shall be in accordance with Town ordinance entitled, "Permits, Fees: Land Use Development Activities and Construction Activities," as amended; (such fees to be payable at the time of application for a building permit only, and not at the time of application for certificate of occupancy or certificate of completion).
- E. Compliance with regulations. No certificate of zoning compliance shall be issued if it is determined that a violation of these regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, or any approval or permit issued thereunder, is proposed or exists.
- F. Expiration of certificate.
 - (1) For any use for which the issuance of a certificate of zoning compliance; is the only requirement under these regulations (hereafter referred to simply as; "such certificate"), any such certificate shall be null and void if the subject land use is not established, or the subject construction is not completed, within one year from the date of issuance of such certificate. Such certificate may be renewed for additional periods of one year, provided it is obtained prior to the expiration of the original or the preceding period. Each such renewal shall require the payment of the application fee prescribed by the Town ordinance entitled, "Permits, Fees: Land Use Development Activities and Construction Activities," as amended.
 - (2) Notwithstanding the provisions herein for renewal of any certificate, in accordance with ~~Connecticut General Statutes~~C.G.S. § 8-3(i), any such certificate issued under this § **450-14.4** after October 1, 1984, shall become null and void unless all physical improvements required have been completed five years from the date of the issuance of such certificate; provided, however, that, in accordance with ~~C.G.S. § 8-3(j) of the Connecticut General Statutes, for~~ C.G.S. § 8-3(j), any such certificate issued after June 19, 1987, for a project consisting of 400 or more dwelling units shall become null and void unless all physical improvements required have been completed 10 years from the date of the issuance of such certificate.
- G. Compliance with application; revocation.
 - (1) All work performed pursuant to a certificate of zoning compliance issued by the Zoning Enforcement Officer shall comply with any and all application forms, plans; or other documents submitted, or verbal representations made, in connection with the issuance of such certificate. No foundation walls for any building, building addition; or structure shall be constructed until the recipient of the certificate has filed with the Zoning Enforcement Officer a survey, certified to the same standard of accuracy as the original, verifying that the subject foundation footings were installed in accordance with the original plan. The Zoning Enforcement Officer may approve minor modifications of an approved foundation location, provided that all provisions of these regulations,

the Bolton Subdivision Regulations; or the Bolton Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit or approval issued thereunder, continue to be met.

- (2) In the event that the Zoning Enforcement Officer shall discover that any work is being performed in violation of such certificate, or the ~~said~~ documents or representations provided in connection with its issuance; or in the event that the Zoning Enforcement Officer discovers that, for any reason, the certificate should not have been issued in the first instance, the Zoning Enforcement Officer may revoke any certificate issued by him/her, in which event the Building Official shall likewise revoke any building permit or certificate of occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

§ 450-14.5 Building permit.

- A. Issuance. In accordance with ~~Connecticut General Statutes~~C.G.S. § 8-3(f), no building permit of any kind (including, but not limited to, so-called ~~Foundation Permits,~~"foundation permits," or permits for repairs or renovations~~);~~) shall be issued by the Building Official for any building, use or structure without the prior issuance of a certificate of zoning compliance indicating that the plans submitted to the Building Official conform to these regulations and any site plan, special permit, variance~~;~~ or other permit or approval. During the course of construction, the Building Official and Zoning Enforcement Officer shall ~~insure~~ensure continued compliance with these regulations, and any such special permit, site plan, variance~~;~~ or other permit or approval, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any building permit. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of the certificate of zoning compliance, or any documents or representations submitted in support thereof, or of these regulations or any special permit or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer or Building Official, and/or any building permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this section, the property owner shall allow any officials of the Town of Bolton free access to the site.
- B. Amendments. Nothing in this section shall be construed to require any change in the plans, construction, size~~;~~ or designated use of a building for which a building permit has been issued prior to the effective date of these regulations or any amendment thereto, provided construction shall have been completed in accordance with § **450-14.4F**. See § **450-16.4H** for special provisions regarding site plans and § **450-16.11** for special provisions regarding special permits.

§ 450-14.6 Certificate of occupancy.

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension~~;~~ or alteration of any building, structure~~;~~ or use be occupied or used until a certificate of occupancy is issued by the Building Official. In accordance with ~~Connecticut General Statutes~~C.G.S. § 8-3(f), no certificate of occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a certificate of zoning compliance indicating that the use, building~~;~~ or structure, as actually established or constructed, conforms to these regulations and any site

plan, special permit, variance, or other permit or approval, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these regulations. Similarly, no certificate of occupancy shall be issued until an as-built plan has been submitted to and approved by the Eastern Highlands Health District. The Building Official may issue a temporary certificate of occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in § 450-14.7.

§ 450-14.7 Temporary certificates.

In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may issue a temporary certificate of zoning compliance at the time of the application for a certificate of occupancy, provided that he/she shall require a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount necessary to cover 100% of the construction cost, as estimated at the time of projected completion, to ~~insure~~ensure the completion of such improvements not more than six months following such occupancy. All public health and safety components of a project must be completed prior to occupancy or use of any parcel of land, building, or structure, and may not be bonded.

§ 450-14.8 Appeals of decisions.

Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of 30 days from the date of any action or decision of the Zoning Enforcement Officer to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said ~~thirty~~30-day period.

ARTICLE XV

Parking, Loading and Fire Lane Requirements

§ 450-15.1 Purpose. [Amended 6-25-2012]

These parking regulations are adopted for the purpose of providing sufficient parking facilities to meet actual demand off the street and on the same lot as the building or buildings they serve for all existing and proposed uses, and to:

- A. Allow flexibility in addressing vehicle parking, loading and access issues;
- B. Present a menu of strategies to solve parking issues rather than parking space requirements;
- C. Maintain and enhance a safe and efficient transportation system that is consistent with environmental goals and clean air;
- D. Ensure that off-street parking, loading and access demands associated with new development will be met without adversely affecting other nearby land uses and surrounding neighborhoods;
- E. Provide landscaping in parking areas to improve lot appearance and safety, intercept and manage stormwater runoff and optimize natural infiltration of rainwater;

- F. Support and promote safe and convenient pedestrian and bicycle movement in parking lots.
- G. Mitigate against the urban heat island effect.

§ 450-15.2 Dimensions.

All non-handicapped parking spaces shall measure nine feet in width and 18 feet in length.

§ 450-15.3 Handicapped parking.

All aspects of handicapped parking spaces, including dimension, design, location, quantity, signage and stenciling, shall be as required in the State of Connecticut Building Code, as amended from time to time.

§ 450-15.4 Construction and design. [Amended 6-25-2012]

- A. All parking areas consisting of greater than five spaces shall be provided with an asphalt or bituminous paved, all-weather surface or other dust-free, structurally suitable, stable material as approved by the Commission and suitable subbase throughout their entirety. All spaces shall be clearly marked with standard pavement paint. Permanent curbing shall be installed around the perimeter of any such parking area as well as around the perimeter of any interior islands. Wheel stops or bumper strips within parking spaces shall not be permitted. Adequate drainage flow, drainage structures, traffic safety signage and exterior illumination shall be provided. Within parking areas of greater than 50 spaces speed bumps may be permitted, subject to review by the Town of Bolton Fire Marshal. Back-up areas, measuring four feet in length and 16 feet in width, shall be provided at "dead-end" sections of parking areas. For all of the above, proposed construction and design must be demonstrated to the satisfaction of the Town Engineer. In the Business and Industrial Zones, unless otherwise permitted by the Commission, parking or parking areas shall not be permitted between the building and any street.
- B. Notwithstanding the above, the Commission may waive certain requirements of this section as appropriate to implement the low-impact development requirements of § 450-16.2L, Stormwater management, and the flexible design standards set forth in § 450-15.717, Waivers and exceptions.

§ 450-15.5 Angle of spaces.

Parking spaces shall interface with the abutting curb at either a 90° or 45° angle. The mixing of angles within a parking area shall be discouraged, unless recommended by the Town Engineer and approved by the Planning and Zoning Commission.

§ 450-15.6 Drive aisles.

Drive aisles serving parking spaces angled at 90° shall have a width either as designated by the Town of Bolton Fire Marshal, or 22 feet, whichever is greater. Such drive aisle shall accommodate two-way traffic flow, with appropriate pavement marking with arrows indicating such flow. A drive aisle serving parking spaces angled at 45° shall have a width either as designated by the Town of Bolton Fire Marshal, or 11 feet, whichever is greater. Such drive aisle shall accommodate one-way traffic flow, with appropriate pavement marking with arrows indicating such flow.

§ 450-15.7 Location.

All parking spaces plus any associated parking area shall be located on the lot containing the use or uses served by such parking. Except for single-family and two-family residences, no pavement or other all-

weather surface material shall be installed within 50 feet of the front property line (except for entrance/exit drives), and no more than 25% of the proposed parking spaces shall be situated in the area between the building line and the front property line unless a landscaping plan is provided to improve the parking area appearance as approved by the Commission.

§ 450-15.8 Landscaping.

For all parking areas of greater than 10 spaces, landscaped areas shall be provided within the perimeter of the parking area at the rate of 20 square feet of landscaping per parking space. Such landscaping shall be contained within raised, curbed islands. If any parking is proposed in the area between the building line and the front property line, a landscaped berm, suitable in size and choice of plantings to the Planning and Zoning Commission, shall be installed between the parking area and the front property line. For any parking area within a Business or Industrial Zone which is proposed to abut a Residence Zone or a lot containing a residential use, such area shall be separated from the abutting zone or lot by a landscaped buffer strip 10 feet in width consisting of a solid screen of evergreens measuring at least four feet in height and four feet on center at the time of initial use of such area.

§ 450-15.9 Fire lanes.

Dimension, design, location, quantity, signage and stenciling of fire lanes shall be as required by the Town of Bolton Fire Marshal.

§ 450-15.10 Obstruction.

Except for permitted motor vehicle usage, all parking spaces, drive aisles, and fire lanes shall remain free and clear of obstruction at all times. In addition, no curb, sidewalk or raised island, or portion thereof, shall be contained within the dimensions of any parking space, drive aisle, or fire lane.

§ 450-15.11 Expansion or change of use.

For any proposed expansion or change of use, additional parking as required by this ~~section~~ article in order to serve such expansion or change, shall be provided prior to opening or occupancy of such expansion or change.

§ 450-15.12 Loading spaces.

Loading spaces shall be located to the rear or side of the building to be served, and shall be used solely for the loading and unloading of goods onto and from authorized motor vehicles. Each loading space shall be not less than 10 feet in width, 25 feet in length, and 14 feet in height. In Business and Industrial Zones, the number of loading spaces required shall be as follows:

- A. Less than 5,000 square feet of floor area: none required.
- B. From 5,000 square feet to 20,000 square feet of floor area: one required.
- C. For floor areas greater than 20,000 square feet: one required for each 20,000 square feet (or fraction thereof).

§ 450-15.13 Access to street.

All parking areas shall be designed so as to provide safe and appropriate means of vehicular ingress ~~from~~ to, and egress ~~to~~ from, an adjacent or abutting street. The Planning and Zoning Commission shall

recommend a suitable curb cut location to either the Board of Selectmen or the State Department of Transportation, whichever is applicable.

§ 450-15.14 **Bicycle accommodations.** [Added 6-25-2012]

A. Number required. Bicycle parking spaces shall be provided for developments within the Business, Industrial, and Mixed Use Zones as follows:

- (1) Industrial uses: one space for every 15 parking stalls.
- (2) Mixed-use developments: sum of residential and commercial/office/retail requirements.
- (3) Residential: one space for every four residential units.
- (34) Commercial/Office/Retail: one space for every 25 parking stalls.

B. Design requirements. All bicycle parking spaces shall be provided in the form of anchored bicycle racks or locker-type facilities unless otherwise approved by the Commission. Bicycle parking facilities shall be designed and installed to include:

- (1) A minimum area per bike rack of 12 square feet;
- (2) Minimization of the number of potential conflict points between bicycles and motor vehicles or pedestrians;
- (3) Adequate lighting;
- (4) Provision for locking of bicycles to the rack or bicycle locker;
- (5) Where possible, bicycle parking located within view of building entrances or in view of windows, and/or security personnel stations and evenly dispersed throughout the project site to provide convenient parking opportunities;
- (6) Bicycle racks located at least three feet from any wall or obstruction;
- (7) Bicycle rack design utilizing materials that are durable finishes that can tolerate abrasions, and the materials and form shall be consistent with the streetscape elements;
- (8) Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side shall be counted as one required space; and, [Amended during codification]

C. Waiver. The Commission may reduce or waive the preceding requirements where the applicant can demonstrate bicycle activity will not occur at the particular location. The Commission may reduce one vehicular parking space for every five bicycle rack spaces provided.

§ 450-15.15 **Parking standards.** [Amended 6-25-2012; amended during codification]

Off-street parking for customers and employees shall be provided and maintained in connection with any use, any substantial change in use, construction, conversion, or increase in intensity of use of

buildings or structures. Such spaces shall be provided using the following guidelines in amounts per 1,000 square ~~foot (square-feet)~~ of gross floor area (GFA) unless otherwise indicated:

| Land Use | Maximum <u>Number of Spaces</u> | Minimum <u>Number of Spaces</u> |
|---|---|---|
| Bank/Financial institution | 6 | 2 |
| Small commercial centers (up to 20,000 square feet) | 5 | 2 |
| Large commercial centers (>20,000 square feet) | 3 | 2 |
| Free-Standing Freestanding retail | 5 | 2 |
| Farmers Farmers' market | At the discretion of the Commission based on parking demand study | At the discretion of the Commission based on parking demand study |
| Farm stand | 2 | 2 |
| General office building | 5 | 2 |
| Manufacturing, single shift | 2 | 1 |
| Manufacturing, multiple shifts | 4 | 2 |
| Medical office building | 9 | 4 |
| Veterinary hospital | 9 | 4 |
| Nursing home | 4 | 1 |
| Restaurants/Taverns/Eating/Drinking establishments/banquet facilities | 11 | 6 |
| Motion picture/live theater/pub and cinema | 11 | 6 |
| Bed-and-breakfast | 1.2 spaces per guest room or suite | 1 space per guest room or suite |
| Personal services | 3 | 2 |

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| Land Use | Maximum <u>Number of Spaces</u> | Minimum <u>Number of Spaces</u> |
|--|---|---|
| Mortuaries/Funeral homes | 4 | 3 |
| Printing establishment | 2 | 1 |
| Public utility building, substation, cable/satellite TV office | 4 | 3 |
| Day-care centers | 1 space per 4 children at max- <u>maximum</u> capacity | 1 space per 8 children at maximum capacity |
| Churches and places of worship | 1 space per 3 seats in <u>the</u> portion of the building used for services | 1 space per 5 seats in the portion of the building used for services |
| Museums, art studios, art galleries, and libraries | 2 | 1 |
| Social, fraternal clubs and organizations | 4 | 3 |
| Private elementary, middle and high schools | 1 space per 4 children at max- <u>maximum</u> capacity | 1 space per 8 children at maximum capacity |
| Hotels and motels | 1.2 spaces per guest room or suite | 1 space per guest room or suite |
| Warehouse | 1 per employee | 1 per employee |
| Home occupation | 4 per d.-u. <u>dwelling unit</u> , plus 1.5 per nonresident employee | 2 per d.-u. <u>dwelling unit</u> , plus 1 per nonresident employee |
| Single-family residences (in Mixed Use Zone) | 2 /d.-u. <u>per dwelling unit</u> | 2 /d.-u. <u>per dwelling unit</u> |
| Two-family residences (in Mixed Use Zone) | 2 /d.-u. <u>per dwelling unit</u> | 2 /d.-u. <u>per dwelling unit</u> |
| Accessory Apt. <u>Apartment</u> | 2 | 1 |

| Land Use | Maximum <u>Number of Spaces</u> | Minimum <u>Number of Spaces</u> |
|---|---|---|
| Multifamily residences | 2.5 /d.u.per dwelling unit | 1 /d.u.per dwelling unit |
| Continuing-care retirement communities | <u>?At the discretion of the Commission based on parking demand study</u> | <u>?</u> |
| Health-care facility | At the discretion of the Commission based on parking demand study | At the discretion of the Commission based on parking demand study |
| Automotive sales and/or rental (employee, customer and display) | 3 | 1 |
| Automotive repair and/or service (employee and customer) | 4 | 2 |
| Gymnasiums, physical fitness centers, health spas, martial arts centers and dance studios | 10 | 2 |
| Outdoor recreation facilities | At the discretion of the Commission based on parking demand study | At the discretion of the Commission based on parking demand study |
| Indoor recreation facilities | 5 | 5 |

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§ 450-15.16 Restrictions and clarifications. [Added 6-25-2012]

- A. For uses not listed in this ~~section~~article, the minimum and maximum number of parking spaces required shall be comparable to the closest other similar use as determined by the Commission.
- B. Where two or more different principal or accessory uses are located on the same premises, the parking requirements for the various uses shall be computed separately and cumulatively.
- C. When computation of required parking spaces results in a fraction of a parking space, the required number of spaces shall be increased to the next whole number of spaces.
- D. No area shall be credited as a parking space which is in any part credited or used as a loading space or travel way.
- E. No required parking space shall be used for the sale, storage, or display of goods.
- F. The Commission may require the submission of a parking demand analysis to guide it in its decision as to the appropriate parking standard between the maximum and minimum range.

§ 450-15.17 **Waivers and exceptions.** [Added 6-25-2012; amended 6-20-2013]

- A. It is the intent of these regulations that all structures and land uses be provided with a sufficient amount of off-street motor vehicle parking, while allowing for some flexibility of site design to accommodate the unique characteristics of individual properties or aggregation of properties. This section of the regulations is intended to set standards for conditions under which a waiver or exception from the general parking requirements may be allowed.
- B. The Commission may require the submission of a parking demand analysis as part of any request for a waiver or exception from the general parking requirements. Except for buildings or parts of buildings used or occupied for residential use, all or part of the off-street parking requirements may be waived by the Commission where the proposed site creates unique parking demand, design or construction.
- (1) Parking reduction requests. In the case that an applicant believes that the required parking amounts are in excess of what is needed for the proposed use, the applicant may submit a request with justification to the Commission for a reduction in parking space requirements based on a parking demand analysis. The Commission will consider and act on this request concurrent with, and as a part of, the full development application process.
 - (2) Parking in excess of the maximum.
 - (a) The Commission may approve parking lots with more spaces than the allowed maximum, provided all of the spaces above the maximum number are composed of a pervious surface, such as permeable pavement concrete or grass pavers, and where adequate stormwater management is provided as specified in § 450-16.2L of these regulations.
 - (b) The Commission may also approve parking lots with additional impervious parking spaces above the allowed maximum spaces where the use of pervious spaces would not be environmentally sound and where a stormwater management plan in which the increase in runoff volume for a two-year rainfall event is completely retained on the site utilizing the LID measures found in § 450-16.2L of these regulations.
 - (3) Shared parking. By special permit, the Commission may allow up to 25% of the required parking spaces for a use which operates primarily during the evening or on weekends to be counted toward the parking requirements of a use which operates primarily during the daytime or on weekdays, and vice versa. All of the shared parking spaces shall be located within 500 feet more or less of the main building entrance of the recipient use. In approving such a special permit, the Commission shall find that there shall not be a substantial overlap of peak parking periods for the uses and that legally documented arrangements satisfactory to the Commission have been made to guarantee long-term access to and use of the shared parking spaces by the recipient use.
 - (4) Common parking. By special permit, the Commission may allow common parking for multiple lots and multiple uses, especially in connection with a unified village plan, provided that the applicant provides evidence of reciprocal parking and access and utility rights affecting all uses within the unified plan, and provided that the parking meets the requirements of this ~~section~~[article](#).

- (5) Reserved parking. If an applicant can demonstrate that the demand for off-street parking spaces for the proposed use is less than the minimum required, the Commission may agree to the applicant reserving up to 25% of the required spaces for future parking needs. Such reserved spaces shall be of standard size, shown in dotted lines on the site plan and labeled "Reserved Parking," and shall be limited to natural or grassed areas without trees or buildings thereon. The Commission may require the future construction of said reserved parking, or a portion thereof, into paved parking within three months of written notice to do so based upon a change in parking demand, a change of use or a change in traffic safety circumstances as determined by the Commission. Such notice shall take into account the time of the year suitable for pavement installation.

ARTICLE XVI

Application Procedures for Site Plans, Special Permits, Zoning Map Amendments and Zoning Regulation Amendments

[Amended 10-27-2012; 12-17-2012]

Purpose: This ~~section~~ article sets ~~forth~~ the procedures to be used and the criteria to be applied for various types of applications. Where these regulations are directly contrary to an applicable provision of the Connecticut General Statutes, as amended, the Statutes shall control. The Commission may, consistent with the Statutes and these regulations, prescribe additional or modified procedures and criteria where the unique conditions of that application so warrant.

Part 1 Site Plan Review

§ 450-16.1 General.

- A. Certain uses of premises, buildings and other structures, and the construction, reconstruction, expansion, extension, moving and alteration of buildings, and other structures and site development in connection therewith, and any changes in site development of a previously approved site plan, are permitted under these regulations subject to the submission of a site plan and approval of the plan by the Commission under this ~~section~~ article.
- B. The provisions which follow establish the site plan submission requirements and the general standards and special standards for site development. The provisions which follow also establish the procedures for the Commission's administrative approval of site plans for uses, other than special permit uses, for which such a plan is required to be submitted and approved.

§ 450-16.2 Submission requirements.

The site plan submission shall consist of the following:

- A. Application form and fee. The completed site plan application form as adopted by the Commission, and the payment of the application fee as provided by § 450-13.6 of these regulations and Town ordinance. See § 450-16.4B below. The application form shall be accompanied by the checklist included as an appendix to these regulations, and all items set forth on that checklist, whether listed below or not, shall be included with the application. [Amended during codification]

B. Statement of use. A written statement, signed by the applicant, and by the owner if different from the applicant, describing the following in sufficient detail to determine compliance with these regulations and to establish the nature and extent of site occupancy as proposed; 14 copies shall be submitted:

- (1) A detailed narrative description as to the nature and extent of the proposed use or occupancy;
- (2) Provision to be made for water supply, sewage disposal, solid and liquid waste disposal, drainage and other utilities;
- (3) The number of persons estimated to occupy or visit the premises on a daily basis, and the basis for determining the parking and loading requirements for the use; provisions for pedestrian access within and into the site, where appropriate;
- (4) An estimate of the type of vehicular traffic and number of vehicle trips to be generated on a daily basis and at peak hours;
- (5) The equipment or other methods to be established to comply with required performance standards; and
- (6) Disclosure of any toxic or hazardous materials to be used, stored or processed in connection with the proposed use or occupancy as identified in the U.S. Environmental Protection Agency list of priority pollutants, Section 3001 of the Resource Conservation and Recovery Act (40 CFR Part 261) or the State of Connecticut Hazardous Waste Regulations, which disclosure shall include a description of how such materials are to be managed and a report on the status of permits and approvals required from federal, state and town agencies having jurisdiction.

C. Site plan. A site plan prepared in accordance with the specifications and showing the information hereinafter required; 14 copies shall be submitted.

- (1) Preparation. The site plan shall be clearly and legibly drawn on good-quality fixed-line Mylar or other material that will enable production of clear prints as required by these regulations. The site plan shall be prepared by and shall bear the name, signature, and seal of a licensed land surveyor, professional engineer, architect and/or landscape architect, each as required by law for preparation of parts of the site plan and licensed to practice in the State of Connecticut. The seal shall be impressed on all copies of the site plan presented for approval.
- (2) Size and scale. The site plan shall be drawn to a scale of not less than one inch equals 40 feet or such greater scale as may be necessary to show the site development features clearly and in detail. The parts of the site plan that are intended for approval and will be required to be endorsed and filed in the office of the Bolton Town Clerk, shall be prepared on sheet sizes 36" x 24", 24" x 18" or 18" x 12", and shall be printed on material acceptable for such filing.
- (3) Information on plans. The information listed below is the minimum required to be shown on the site plan to the extent that the information occurs on or is applicable to the particular site or is required to demonstrate compliance with §§ 450-16.3 and 450-16.4 of these regulations, unless, in accordance with Subsection N, a determination is made by the Commission that the particular

information is not required or is deferred. The title of individual site plan sheets and orientation of North arrows shall, to the extent practicable, be consistent from one sheet to the other.

- (4) General information, as follows:
- (a) Title of development.
 - (b) Name and address of applicant and owner.
 - (c) North arrow, numerical and graphic scale.
 - (d) Date of plan and revision dates, with each revision identified.
 - (e) A key map at a scale of one inch equals 500 feet showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
 - (f) A schedule specifying in square feet the area of the lot, certified by a Connecticut licensed land surveyor or professional engineer; the area of wetlands and watercourses, as determined by a certified soils scientist and calculated by a Connecticut licensed land surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these regulations.
- (5) Property information, as follows:
- (a) The boundaries of and existing conditions on the lot based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to ~~Conn. Gen. Stats C.G.S. § 20-00b300b~~, as amended.
 - (b) The names of all abutting lot owners, as disclosed in the records of the Town Assessor.
 - (c) Any line delimiting a portion of the lot to be used under the application and any zoning district boundary on the lot.
 - (d) Location, width and purpose of all existing and proposed easements and other encumbrance lines.
 - (e) Existing and proposed grading contours at an interval not exceeding two feet, or equivalent ground elevations, based on mean sea level, including identification of a ~~bench mark~~ benchmark at the site and certified in accordance with Class T-1, T-2, or T-3 by a land surveyor licensed in the State of Connecticut.
 - (f) Location of all wetlands, watercourses, rock outcrops, wooded areas, floodway and flood hazard area boundaries, established encroachment or building lines, and other significant physical features.
 - (g) ~~U.S.D.A. Soil~~ USDA Natural Resources Conservation Service soils type boundaries and codes. [Amended during codification]

- (h) The Commission may require submittal of a descriptive report, prepared by an individual qualified in the on-site (in-situ) evaluation and characterization of soils for on-site sewage disposal leaching system suitability, detailing the soils present, evaluation of the results of on-site soil testing, location of ledge and ~~ground-water~~groundwater levels; and providing ratings of soils for suitability as on-site sewage disposal leaching areas (as defined in "Soil Potential Ratings Septic Tank Absorption Fields for Single Family Residences, New London County, Connecticut", dated 1986).
- (6) Location of existing and proposed buildings and uses, as follows:
- (a) The height, bulk, use and location of all buildings and structures; typical floor plans or other plans for the use of interior spaces of proposed buildings; location of heating, air-conditioning, ventilation; and similar equipment if located outside the building;
- (b) Signs.
- (c) Fences; and walls, including retaining walls, including details.
- (d) Outside storage areas.
- (e) Supporting or accessory uses, including underground and overhead services and utilities, as well as any associated ~~above-ground~~aboveground equipment.
- (7) Location, design and dimensions for existing and proposed parking, loading and circulation, as follows:
- (a) The site plan shall include all information necessary to establish conformance with the requirements of Article XV of these regulations, Parking, Loading and Fire Lane Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.
- (b) The site plan shall depict and dimension all access aisles and ~~circulations~~circulation driveways, the dimensions of all parking and loading spaces, the total number of such spaces; and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations; and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.
- (c) For any site plan which depicts impervious surface, be it building areas or paved areas, the site plan shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff, and demonstrate that drainage from the site will not adversely impact down-gradient inland wetlands or watercourses. The methods used to meet this requirement shall conform to the current Connecticut Department of Transportation requirements.
- (d) Sidewalks and other pedestrian ways.
- (e) Fire ~~access~~-lanes. **[Amended during codification]**
- (f) Specifications for parking, loading and circulation improvements.

- (g) Off-site roadway improvement and traffic management facilities.
- (8) Signs and outdoor illumination, as follows:
 - (a) Location, size, height, character and illumination of project signs.
 - (b) Location, size and message of traffic management signs.
 - (c) The proposed design, location, height and illumination level of all outdoor lighting, including manufacturer's specifications, particularly in pedestrian and vehicular areas. Such lighting shall comply with § **450-3.20** of these regulations.
- (9) Landscaping and open spaces, as follows:
 - (a) Location of existing trees of six inches caliper or more [~~excepting~~~~except~~ densely wooded areas shown under the requirements of Subsection **C(5)(f)** above].
 - (b) Location, arrangement, type and size of planting for all landscaped areas.
 - (c) Trees required for parking areas and landscape strip along street lines.
 - (d) Lines delimiting areas not to be disturbed and the top and toe of graded slopes.
 - (e) Materials for required transition landscape strips, screening of outside storage areas, including refuse collection facilities and utility lines and mechanical equipment.
 - (f) Ornamental paved areas, plazas and courts.
 - (g) A schedule of new plant materials to be used by botanical and common name, size and spacing, and size at maturity.
 - (h) Methods of planting.
 - (i) Provision to preserve existing trees, vegetation, wetlands and watercourses.
 - (j) Methods to protect plantings from vehicles.
 - (k) Special natural features identified for preservation under § **450-16.3S** and lot requirement modification ~~thereforetherefor~~.
 - (l) Significant archeological sites identified under § **450-16.3T**.
- (10) Existing and proposed drainage, utilities and related facilities and services, as follows:
 - (a) Electric, telephone and cable television lines (underground and aboveground).
 - (b) Storm drainage, including pipe, catch basins, manholes, sediment chambers, oil separators, grates, ditches, detention basins, recharge facilities and swales and the size, specifications and inverts ~~thereforetherefor~~. In any site plan requiring the erection of any structure, grading, drainage work,