

## SECTION 6 - RESIDENCE ZONES

6A. In ALL Residence zones, no building or land shall be used and no building or structure shall be erected or altered except for the following uses:

6A.1 Single family detached dwellings;

6A.2 Two-family dwellings in R-1 and R-2 zones subject to the following:

- a. both dwelling units shall be equal or nearly equal in floor area;
- b. the two-family dwelling shall maintain the exterior appearance of a single family dwelling.

6A.3 Not more than one (1) ADU accessory to a single-family detached dwelling, subject to a zoning permit and the following conditions:

- a. The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
- b. 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.
- c. Only one ADU with a maximum of one bedroom shall be allowed per parcel.
- d. The ADU shall not exceed 35% of the total of the above ground floor area of the primary dwelling and shall not exceed 900 square feet.
- e. The applicant shall submit a site plan to demonstrate that two (2) parking spaces for the primary dwelling and one (1) parking space for the ADU will be provided.
- f. 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.
- g. No such unit shall be rented for a period of less than 6 months.
- h. A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
- i. Design and construction should be consistent with the primary dwelling.

6A.4 State or Town Parks.

6A.5 Farming.

- 6A.6 Town owned schools, libraries, office, Fire Stations and other civic buildings authorized by a Town Meeting under the jurisdiction of the Public Building Commission.
- 6A.7 Privately owned houses of worship, schools, colleges, libraries and other civic buildings subject to a Special Permit, to be issued upon demonstration that the following criteria have been met to the satisfaction of the Planning and Zoning Commission:
- a. the use shall be compatible with neighboring uses;
  - b. the use shall not hinder future sound development of the community;
  - c. the use shall not create a nuisance;
  - d. minimum requirements shall conform to all applicable sections of the zoning regulations pertaining to Residence Zones.
- 6A.8 Customary home occupations. In all cases, such occupation shall be situated either in the same dwelling used by the Head of such occupation as his or her primary legal residence (and shall occupy a floor area not more than thirty percent of the living area of the residence), or within an accessory building on the same premises, such building having a floor area not more than thirty percent of the living area of the residence and a height of not more than ten feet measured from ground level to the eaves. There shall be no excessive exterior artificial lighting nor any display (other than one sign not exceeding three square feet in area and not less than 20 feet from the street line) which will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Additionally, the occupation shall not be visible from the street or adjoining property by display of products or equipment, shall not cause a nuisance from noise, odors, fumes, vibrations or other sources, and shall not tend to excessively draw people and vehicles to the premises. In addition, the following is noted:
- a. any customary home occupation is permitted by right if it meets all of the above requirements, plus the following:
    - 1) there shall be no non-resident employees, and:
    - 2) there shall be no vehicles, associated solely with the business, parked on the premises, and:
    - 3) no clients or customers shall visit the premises.
  - b. any customary home occupation that involves non-resident employees, and/or on-site customers or clients and/or one vehicle with trailer associated solely with the business, may be permitted subject to the site plan review procedure and subject to the following:

- 1) all requirements of the first paragraph of Section 6A.8 of these Regulations are met;
  - 2) no more than two non-residents of the premises are employed in the business at any one time;
  - 3) adequate off-street parking spaces are provided for customers, clients and employees.
  - 4) One vehicle with trailer associated solely with the business may be parked on the premises so long as a) said vehicle with trailer does not exceed 18,000 pounds gross weight and b) if said vehicle with trailer exceeds 10,000 pounds gross weight the Commission may require it to be screened from view.
- c. No automobile repair business or small engine repair business shall be conducted as home occupations.

- 6A.9 Commercial stabling of horses, subject to Special Permit and further subject to the following:
- a. the conditions listed under Section 6A.10 of these Regulations are met;
  - b. all horse trailers are parked and maintained in a neat and orderly manner;
  - c. there shall be no outside storage of equipment associated with the horses and/or their stabling.
- 6A.10A Keeping of livestock or poultry, except as permitted by Section 6A.10B below, shall be subject to the following requirements:
- a. The lot or parcel upon which one (1) head of livestock or up to ten (10) head of poultry are kept or pastured shall have a minimum area of two (2) acres;
  - b. After the first head of livestock or ten (10) head of poultry the lot or parcel shall have at least one (1) additional acre for each additional livestock or each additional ten (10) head of poultry (or a pro rata proportion of one acre for fewer than ten additional head of poultry) kept or pastured;
  - c. An appropriate building shall be provided for the keeping of such livestock or poultry under Section 6A.10A. Such building shall include an attached or adjacent enclosure, either a pit or structure, visually screened from adjacent properties, to which all cleanings shall be confined;
  - d. All buildings and structures (other than fences under eight (8) feet high) for the keeping and housing of livestock or poultry under Section 6A.10A shall be located a minimum distance of one hundred twenty-five (125) feet from any street line, forty (40) feet from any side or rear property line, twenty-five (25) feet from any existing well and, in addition, one hundred (100) feet from any existing dwelling located on an adjacent property.
  - e. A Site Plan Review shall be required if more than three (3) head of livestock and/or more than twenty (20) head of poultry are proposed for keeping simultaneously.
- 6A.10B Chickens: No more than six (6) hens may be kept on any property located in residence zoning districts as an accessory use as of right to a residential use. Such accessory use shall require a Zoning Certificate of Compliance and shall also meet the following requirements:
- a. No rooster shall be kept on the property.
  - b. An appropriate building shall be required and shall include an attached or adjacent enclosure, visually screened from adjacent properties, to which all hens and cleanings shall be confined.
  - c. All areas, buildings and structures for the keeping, housing and pasturing of hens under Section 6A.10B shall be located in the rear of the property and shall meet the required yard setbacks and shall be twenty-five (25) feet from any existing well.
- 6A.10C Under Sections 6A.10A and 6A.10B all housing and keeping of animals shall be within the minimum recommended standards of the State of Connecticut Departments of Agriculture and Public Health. Animals shall be housed in permanent buildings and shall be provided with fencing and sanitation for their security and welfare. They shall be so kept as to not create a hazard or nuisance.

*The amendment of this Section 6A.10 was approved on August 12, 2015.*

*The effective date of this Section 6A.10 is September 1, 2015.*

6A.11 Bed and breakfast establishments subject to Site Plan Review, and subject to the following conditions:

- a. the operators of such establishment shall reside on the subject property as their primary legal residence either within the same building as the establishment or within a separate existing dwelling;

- b. no more than three (3) guest bedrooms shall be provided;
- c. no guest shall use such establishment as his or her place of residence. No guest shall stay at such establishment for longer than seven (7) consecutive nights;
- d. the operators of such establishment shall comply with all applicable State and local health regulations, and shall obtain all required health permits prior to commencement of operation.

6A.12 Child Day Care Centers operated by not-for-profit organizations, as well as Family and Group Day Care Homes.

6A.13 Continuing care retirement communities, consisting of congregate housing developments, which may include extended health care facilities, subject to granting of a Special Permit and subject to meeting all of the following requirements:

- a. Uses permitted shall consist of independent residential dwelling units for persons at least 62 years of age and in the case of multiple occupancy of a unit, one person shall be over age 62 and all others over the age of 50;
- b. Accessory or additional uses shall be limited to the following:
  - 1) extended health care facility;
  - 2) community buildings\* and recreation area;
  - 3) administrative offices;\*
  - 4) storage buildings for maintenance equipment for the subject site.

\* These uses shall be exclusively for the use of residents of such community, development, or facility, and their guests; in the case of an extended health care facility, such use shall be primarily for residents of the development, but from time to time may be used by non-resident patients (meeting the same age requirements as stated in Section 6A.13a., above) as beds may be available.

- c. The following area, density, parking and setback requirements shall apply:
  - 1) Minimum Lot Area: 10 acres
  - 2) Maximum Number of dwelling Units Per Acre:
    - R-1 and R-2 Districts: 4
    - R-3 district: 6
  - 3) Maximum Lot Coverage (total of all buildings): 25%
  - 4) Maximum Impervious coverage: 65%
  - 5) Minimum Floor area:

- a) studio (efficiency) dwelling units: 500 square feet
  - b) one-bedroom dwelling units: 700 square feet
  - c) two or more bedroom dwelling units: 850 square feet
  - 6) Minimum Setback Distances for all Buildings, including Porches and Decks:
    - Front Yard: 60 feet
    - Side and Rear Yards: 50 feet
  - 7) Minimum separation distance between residential buildings: 30 feet
  - 8) Maximum Building Height: 35 feet
  - 9) Minimum Number of Parking Spaces
    - a) Each Dwelling Unit: 1.5
    - b) Health Care Facility:
      - 1 for each 2 beds, plus 1 for each 2 employees, plus 1 for each doctor assigned to staff
    - c) 1 space for each shuttle vehicle
    - d) Administrative Offices: 5 per 1000 square feet of floor area
  - 10) Minimum road Width: as required by the Town of Bolton Fire Marshal.
  - 11) Number of Beds in Extended Health Facility: Minimum of 30 percent of number of dwelling units permitted, but no more than 60 beds.
- d. The site may be serviced in full by a community septic system meeting the requirements of Section 7C.7 of these Regulations;
  - e. Sidewalks (minimum width: six feet) shall be provided throughout the interior of the site;
  - f. No continuing care retirement community, congregate housing development, or life care facility shall be either partially or totally converted to a multiple dwelling complex without first satisfying the requirements of these Regulations as they relate to a multiple dwelling complex, and gaining the approval of the Planning and Zoning Commission via the Special Permit procedure.

6A.14 Multiple Dwelling Complexes (traditional), as follows:

- a. Intent  
The general intent of this Section is to promote a broader range of housing within the Town of Bolton, in terms of both affordability and living arrangement.
- b. Applicability

A traditional multiple dwelling complex may be permitted only within the R-2 zone, and furthermore, only where one of the following two circumstances exist:

1. upon any parcel of land comprised of an area of at least 70,000 square feet;
2. upon a parcel of land comprised of an area of at least ten acres which the Planning and Zoning Commission has determined is better suited for a traditional multiple dwelling complex instead of an OSCD multiple dwelling complex for one or more of the reasons set forth in Section 7C.

c. Procedure

A Special Permit application to the Planning and Zoning Commission in accordance with Section 16 of these Regulations, is required for any traditional multiple dwelling complex.

d. Density

The density of a traditional multiple dwelling complex shall be 70,000 square feet of land area for the first three dwelling units, plus 10,000 square feet of land area for each additional dwelling unit, up to a maximum of 48 dwelling units, inclusive of all phases. No building within a traditional multiple dwelling complex shall contain less than three, nor more than six dwelling units.

e. Dimensional Requirements

- Minimum lot frontage: 50 feet
- Minimum front yard: 50 feet
- Minimum side yard: 50 feet
- Minimum rear yard: 50 feet
- Maximum building height: 35 feet or 2-1/2 stories
- Maximum lot coverage: 15%
- Maximum impervious coverage: 20%

f. Dwelling Unit Requirements

The minimum floor area requirements are as follows:

- Studio (efficiency) dwelling unit: 500 square feet
- One-bedroom dwelling unit: 700 square feet
- Two (or more) bedroom dwelling unit: 850 square feet

Each building shall have a full cellar in order to provide adequate interior storage area. The cellar floor area shall be equally divided among all dwelling units within each building, and each space shall be

fully partitioned from abutting space. Interior access between each dwelling unit and its related cellar space shall be provided.

g. Separation Distance

Within any type of multiple dwelling complex, the separation distance between buildings shall be at least that distance required by the Town of Bolton Fire Marshal, but in no case, shall be less than 30 feet.

*The amendment of this Section 6A.14g. was approved on December 9, 2015.*

*The effective date of this Section 6A.14g. is December 15, 2015.*

h. Roads, Parking and Sidewalks

At a minimum, all interior roads shall be paved to the standards of the Town of Bolton for local streets. Interior road widths shall, at a minimum, meet the standards required by the Town of Bolton Fire Marshal.

All parking shall be as required in Section 15 of these Regulations.

Pedestrian access between all buildings, as well as between all parking areas and buildings, shall be by sidewalks. Sidewalks shall be a minimum of four feet in width and paved with Portland Cement concrete or other material approved by the Planning and Zoning Commission.

i. Ownership of Improvements

All site improvements, including interior roads, shall be privately owned and maintained unless otherwise authorized by the Town of Bolton or other public agency.

j. Landscaping and Buffering

Disturbance of natural vegetation shall be kept to an absolute minimum. All disturbed areas not proposed to be covered by an impervious surface shall be fully landscaped, and shall be so indicated on the landscaping plan.

All front, side and rear yard areas not to be disturbed during construction shall remain in their natural state. If any front, side and



rear yard areas are disturbed during construction, they shall be replanted to at least as good a condition as existed prior to construction, including number, height, and caliper of plantings, unless otherwise specified by the Planning and Zoning Commission. Such replanting shall be indicated on the landscaping plan.

In such cases where it is the opinion of the Planning and Zoning Commission that additional landscaping is needed to buffer the development from abutting properties, the Commission may specify such additional buffering, thickly planted and of appropriate height and caliper. Recommended plantings are hemlock, arborvitae, viburnum, elderberry, winterberry, wild rose, hawthorn, birch, poplar, shadbush, maple, and white cedar, or an appropriate combination of these items.

k. Community Septic Systems

The requirements concerning community septic systems shall be exactly the same as those stated in Section 7C.7. of these Regulations.

l. Traditional Multiple Dwelling Complex for the Elderly

Traditional multiple dwelling complexes for the elderly may be permitted by Special Permit. The applicant shall submit a written document with the Special Permit application stating that each dwelling unit shall be occupied at all times by at least one person 62 years of age or older, and that no resident of the complex shall be less than 50 years of age. However, no tenant shall be evicted due to a change in personal circumstances such as death of co-occupant, divorce, etc. In addition, one unit without age restriction may be set aside for occupancy by a maintenance manager for the complex.

A traditional multiple dwelling complex for the elderly shall meet all requirements as stated within this Section 6A.14., with the following exceptions:

- a. no dwelling unit shall have a floor area greater than 1,000 square feet;
- b. minimum parking space requirements shall be 1 1/2 spaces per dwelling unit;
- c. density requirements shall be the same, except that a maximum of sixty dwelling units, inclusive of all phases, may be allowed.

No Multiple Dwelling Complex for the elderly shall be occupied as anything other than a 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.

6A.15 Open Space Conservation Development Multiple Dwelling Complexes (see Section 7D).

6A.16 Accessory uses customarily incidental to the above uses and located on the same lot with the building to which they are accessory. The side yard and rear yard regulations for an accessory building shall be those of the zone in which it is erected, except as provided in Section 7 of these Regulations. Business uses are excluded except as provided in Section 6A.8. of these Regulations.

6A.17 Architectural and Site Design Guidelines. Section 6A.13 (Continuing Care Retirement Communities) and 6A.14 (Multiple Dwelling Complexes) shall be subject to the Bolton, CT Architectural and Site Design Guidelines (Appendix C)

6B. Signage

All uses permitted under this section are subject to the requirements of Section 18 (Signage).

6C. Use Variances

The Zoning Board of Appeals may only grant use variances in accordance with the following requirements:

1. Uses shall not be permitted by variance in the R-1 zone if such uses are not otherwise allowed in the R-1 zone.
2. Uses shall not be permitted by variance in the R-2 zone if such uses are not otherwise allowed in the R-2 zone.
3. Uses shall not be permitted by variance in the R-3 zone if such uses are not otherwise allowed in the R-3 zone.