

## SECTION 8 - BUSINESS AND RURAL MIXED USE ZONES

### 8A. GENERAL BUSINESS ZONE (GB)

8A.1. 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.

8A.2. 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 & Design Guidelines (Appendix C). See the definition, where applicable, for any use or term in Section 2.

8A.2.a. 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 Section 16A of these Regulations and all requirements of the GB Zone and any applicable provisions of these Regulations:

1. Public Utility Building or Substation
2. State or Town operated public commuter parking lots.
3. Municipal facilities of the Town of Bolton
4. Farm stands pursuant to Section 3B3.c.1 and farmer's markets pursuant to Section 3B3.c.2.

8A.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the GB Zone and any applicable provisions of these Regulations:

1. Grocery Store
2. Drug Store
3. Beauty Salon / Barber Shop
4. Business or Professional Office
5. Studio (photographic, graphic arts, crafts)
6. Retail Shop
7. Personal and Business Services
8. Restaurants, Full Service, per Section 3B.4
9. Restaurants, Fast Food, per Section 3B.4
10. Restaurants, Take-out, per Section 3B.4
11. Taverns
12. Package Stores
13. Bank / financial institution
14. Hotel, Motel, subject to Special Regulations of Section 3B.5; Bed and Breakfast up to 6 rooms

15. Motion Picture or Live Theater, subject to Section 8G
16. Newspaper printing and job printing
17. Mortuaries / Funeral Homes
18. Motor Vehicle Gasoline Station, subject to the Special Regulations of Section 3B.1 of these Regulations
19. New and Used Car Sales, subject to the Special Regulations of Section 3B.2 of these Regulations
20. Motor Vehicle Service and Repair (General and Limited), subject to the Special Regulations of Section 3B.1 of these Regulations
21. Child Day Care Centers
22. Wholesale sales, sample room for such commodities as furniture, hardware, appliances, and other household goods.
23. Candy manufacturing, with retail sales.
24. Driving ranges and miniature golf courses
25. Any Light Manufacturing, subject also to the Additional Conditions set forth in Section 8A.3. (effective 12/01/17)

8A.2.c. 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. (effective 11/01/21)

8A.3. Additional Conditions:

8A.3.a. Not more than four (4) persons shall be engaged in making goods to be sold, except that up to ten (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.

8A.3.b. All Principal uses shall be conducted in a completely enclosed building (except for Open Lot Sales Operations) subject to the following conditions:

1. Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Sections 16A or 16B.
2. There shall be no display or storage of goods or products within any minimum required yard for the General Business Zone.

8A.3.c. Permanent storage or display of materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.

8A.3.d. Any Light Manufacturing use approved per Section 8A.2.b.25. above, shall require the approval of a Site Plan and Special Permit, pursuant to Section 16 of the Regulations, and the following additional conditions shall apply:

1. Design/Operational Standards:
  - a. Notwithstanding the provisions of Section 8A.3.a. 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;

- b. There shall be no outdoor storage of goods or materials accessory to this use on the premises;
- c. 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;
- d. 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.
- e. 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 Section 15H and Section 16A.3.q. However, solely with respect to this section, the Commission may interpret the term “abut” in Section 15H 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 Section 16A.3.q.4. to accomplish the buffer requirements at the street line. (effective 12/01/17)

8A.4. Signage: Business signs visible from the exterior of a building shall be subject to the requirements of Section 18 (Signage).

8A.5. Lighting. See 3A.20 of these Regulations.

8A.6. Adult Oriented Establishments: All adult-oriented establishments, as described in the Town of Bolton Ordinance entitled “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 Section 16 of these regulations:

8A.6.a. Such establishments shall be a minimum of one thousand (1,000) feet from schools, churches, public parks and recreation lands including publicly owned open space lands, municipal boundary lines, child daycare businesses and other adult-oriented establishments. Such establishments shall be a minimum of three hundred fifty (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.

8A.6.b. The following specific site plan criteria shall apply to any adult-oriented establishment:

- 1. 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.

2. 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.
  3. No adult-oriented establishment shall be located in any building of which any part is used for residential purposes.
  4. No residential use shall be established in any building of which any part is used as an adult-oriented establishment.
  5. Stairways, sloping or rising paths and building entrances and exits shall be illuminated.
  6. Parking.
    - a. One (1) parking space for every one hundred (100) square feet of gross floor area devoted to the adult-oriented establishment shall be provided on the site or as otherwise required by Section 15 of these regulations whichever requires more parking spaces.
    - b. All adult-oriented establishments shall be provided with off-street parking for all vehicles on the site.
- 8A.7. 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.
- 8B. NEIGHBORHOOD BUSINESS ZONE (NB)
- 8B.1. 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.
- 8B.2. 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 & Design Guidelines (Appendix C). See the definition, where applicable, for any use or term in Section 2.
- 8B.2.a. 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 Section 16A of these Regulations and all requirements of the NB Zone and any applicable provisions of these Regulations:

1. Public Utility Building or Substation
2. State or Town operated public commuter parking lots.
3. Municipal facilities of the Town of Bolton
4. Farm stands pursuant to Section 3B3.c.1 and farmer's markets pursuant to Section 3B3.c.2.

8B.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the NB Zone and any applicable provisions of these Regulations:

1. Grocery Store
2. Drug Store
3. Beauty Salon / Barber Shop
4. Business or Professional Office
5. Studio (photographic, graphic arts, crafts)
6. Retail Shop
7. Personal and Business Services
8. Restaurants, Full Service, per Section 3B.4
9. Restaurants, Take-out, per Section 3B.4
10. Package Stores
11. Bank / financial institution
12. Bed and Breakfast up to 6 rooms
13. Mortuaries / Funeral Homes
14. Motor Vehicle Gasoline Station, subject to the Special Regulations of Section 3B.1 of these Regulations
15. Motor Vehicle Service and Repair (General and Limited), subject to the Special Regulations of Section 3B.1 of these Regulations
16. Child Day Care Centers
17. Light Manufacturing subject also to the Additional Conditions set forth in Section 8B.3.  
(effective 05/13/12)

8B.2.c. 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. (effective 11/01/21)

8B.3. Additional Conditions:

8B.3.a. Not more than four (4) persons shall be engaged in making goods to be sold, except that up to ten (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.

8B.3.b. All Principal uses shall be conducted in a completely enclosed building (except for Open Lot Sales Operations) subject to the following conditions:

1. Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Sections 16A or 16B.
2. There shall be no display or storage of goods or products with any minimum required yard for the Neighborhood Business Zone.

8B.3.c. Permanent storage or display of materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.

8B.3.d. Any Light Manufacturing use approved per Section 8B.2.b.17 above, shall require the approval of a Site Plan and Special Permit, pursuant to Section 16 of the Regulations, and the following additional conditions shall apply:

1. Design/Operational Standards:

- a. Notwithstanding the provisions of Section 8B.3.a 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;
- b. There shall be no outdoor storage of goods or materials accessory to this use on the premises;
- c. 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;
- d. 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.
- e. 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 Section 15H and Section 16A.3.q. However, solely with respect to this section, the Commission may interpret the term "abut" in Section 15H 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 Section 16A.3.q.4. to accomplish the buffer requirements at the street line. (effective 05/13/12)

8B.4. Signage: Business signs visible from the exterior of a building shall be subject to the requirements of Section 18 (Signage).

8B.5. Lighting. See 3A.20. of these Regulations.

- 8B.6. Adult Oriented Establishments: Adult-oriented establishments, as described in the Town of Bolton Ordinance entitled “Adult-Oriented Establishments” as may be amended from time to time, are prohibited in the Neighborhood Commercial Zone.
- 8B.7. 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.
- 8C. Rural Mixed Use Zone (RMUZ)
- 8.C.1. 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 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.
- 8C.2. 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 Section 2.
- 8C.2.a. 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 Section 16A of these Regulations and all requirements of the RMUZ and any applicable provisions of these Regulations:
1. Public Utility Building or Substation
  2. State or Town operated public commuter parking lots.
  3. Seasonal Commercial Agricultural Uses (i.e., farm stand, farmer’s market), in accordance with Section 3B.3c of these regulations.
  4. ADU’s, subject to the following conditions: (effective 11/01/21)
    - 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 six (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.

8C.2.b. Special Permit. Uses and use categories permitted subject to the issuance of Special Permit by the Planning and Zoning Commission in accordance with Section 16B of these Regulations, and all requirements of the RMUZ and any applicable provisions of these Regulations:

1. Business or Professional Office
2. Studios ( photographic, graphic, crafts)
3. Retail Shop
4. Bakery
5. Personal / Business services
6. Restaurants, Take-out, with outdoor seating, [including ice cream and desserts] per Section 3B.4 (effective 11/01/21)
7. Taverns & Inns
8. Package Stores
9. Bank / Financial Institution
10. Hotel / motel / B&B
11. Motor Vehicle Gas Station
12. Mini-golf
13. Single family homes, solely located on a lot for which a CO has been issued for one or more of the foregoing uses. (effective 11/01/21)
14. Museums / art studios / galleries
15. Home occupations
16. House of worship
17. Nursery (agricultural)
18. Outdoor and indoor recreational facilities
19. Value added agribusiness and forestry uses (processing and sale)
20. Mixed Use
21. Child and adult day care
22. Multi-family residences on the upper floors above first-flow commercial uses and including at least 20% Affordable Dwellings

8C.2.c. 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. (effective 11/01/21)

8C.2.d. Prohibited Uses.

1. Residential uses, as that term is used in Connecticut General Statutes Section 8-30g(g), and that term has been construed by the Connecticut Courts, except where authorized by Section 7B, Incentive Housing Overlay Zone (IHOZ), if adopted, and except where authorized under section 8C.2.b.

8C.3. Additional Conditions

8C.3.a. 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 Section 16B.4. 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 Section 16B.4. of these Regulations. Any application for an individual use or parcel indicated on the approved Preliminary Development Plan shall require site plan review under Section 16.A. of these Regulations and be governed only by the criteria and requirements of that Section.

1. 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 § 8-7(d), on any Preliminary Development Plan application and any Site Development Plan application within the RMUZ.

## 2. Application Procedure

Submission of a Preliminary Development Plan application to the Land Use Official must be made at least six (6) 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.

## 3. Application Requirements

The applicant shall file seventeen (17) copies of the following required materials:

- a. 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 Section 8C.1.
- b. 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.
- c. A site plan drawn at a scale of 1" = 40 feet or smaller (but in no case shall the map exceed 24"x36") which shall include the following:
  - i) Title of development, date, north point, scale, 1" = 800' key map, name and address of record owner, and the professional preparing the site plan.
  - ii) 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.
  - iii) Information on areas in adjacent parcels within one hundred (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.
  - iv) The existing and proposed topographic contours of the land and abutting streets with intervals of two (2) feet or spot elevations where necessary.
  - v) Location of existing water courses, wetlands, wooded areas, flood hazard areas, ledge out-crops, single trees with a diameter of twenty (20) inches or more measured three (3) feet above the base of the trunk, with an indication of whether they are to be retained.
  - vi) Notations to reference all previous approvals issued by all authorities to include dates, conditions, site plan references, and permit numbers.
  - vii) A subdivision plan, or parcel assembly plan, if part of the proposal.
  - viii) 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.

- ix) Location and use of all existing and proposed structures, and location of any land uses not requiring structures.
- x) 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.
- xi) A parking demand analysis, if requesting less than the minimum required parking as set down in accordance with Section 15.P.1. of these Regulations.
- xii) 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.
- xiii) A plan and design details of the proposed method of sanitary waste disposal and source of potable water supply. In accordance with Section 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 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 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.
- xiv) Grading, sedimentation and erosion control, and drainage plans.
- xv) A general landscaping plan, including location, number and identification of proposed plantings.
- xvi) A development phasing plan, including a proposed schedule with projected completion dates for each phase.
- xvii) Fire Lanes, where required by Section 15 of these Regulations, as amended.
- xviii) A plan incorporating the requirements of Section 3C, Water Supply for Fire Protection, unless served by a public water system that is adequate for fire protection purposes.
- xix) The following Approval Block:

<b><u>BOLTON PLANNING AND ZONING COMMISSION, BOLTON, CT</u></b>	
DATE APPROVED _____	DATE OF EXPIRATION _____
_____ CHAIRMAN	

- d. Where the application includes proposed housing under Section 7B, IHOZ, if approved, compliance with that Section shall be demonstrated.

- e. Low Impact Development (“LID”) measures to be employed on the site, as set forth in Section 16A.2.1 of these Regulations.
- f. 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

#### 4. Application Referrals

The Commission shall refer the application to the Conservation Commission, Fire Marshall, 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 thirty-five (35) days after the date of submission of the proposal shall be taken as a report of no objections or comments.

#### 5. Decision Guidelines

In approving a Preliminary Development Plan, the Commission shall find the following:

- a. The proposal conforms to the Town of Bolton Route 44 Incentive Housing Zone Study.
- b. The proposal satisfies the purposes of the RMUZ as established in Section 6D.1. above. For phased developments, each phase, standing alone, will comply with the purposes and of the RMUZ as established in Section 8C.1. above.
- c. The proposal conforms to the Architectural and Site Design Guidelines of the Town of Bolton, Appendix C.
- d. The proposal conforms to the criteria of Section 16.B.4. of these regulations.

#### 6. 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 ninety (90) days of the date of approval. The Commission may, for good cause shown, grant two (2) extensions of up to ninety (90) days each for such endorsement and filing.

#### 7. 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 five percent (5%) increase in proposed gross building square footage, changes requiring the addition of more than two (2) 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 Section 3A.22. of these regulations. Requests for change approvals shall be submitted in writing to the Land Use Office at least six (6) 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 thirty-five (35) days from the date of receipt, whichever is sooner.

8C.3.b. 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 Section 16A 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 Section 16.B.

1. Procedure

Site Development Plans must be submitted within eighteen (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 eighteen (18) months of Preliminary Development Plan approval, and each subsequent phase Site Development Plan must be submitted within eighteen (18) months of the previous phase Site Development Plan approval. The Commission may approve one (1) extension of 18 months per development (if not phased) or per phase.

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.

2. Site Development Plan Application

In addition to the requirements of Section 16A of these Regulations, without duplication, the following materials are required with a RMUZ Site Development Plan application:

- a. Architectural renderings and perspectives of all proposed structures and their interactions with existing structures;
- b. Concept building plans, including schematic floor plans and exterior elevations.
- c. Where the site plan includes Incentive Housing under Section 7B of these Regulations, the application shall include all materials required by that Section.

8C.4. Signage. See Section 18 of these Regulations

8C.5. Lighting. See Section 3A.20 of these Regulations.

8C.6. 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.

8C.7. Special Bulk Requirements

8C.7.a. In addition to the bulk requirements in the table of Section 11.E, the following shall apply in the Rural Mixed Use Zone:

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 twenty-five (25) feet from the Street Line. The Commission may waive this requirement for additions of less than five (5%) percent to buildings existing on the effective date of this Section 8C 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.

2. First Floor Uses - RESERVED

3. Upper Floor Uses - RESERVED

4. 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 twenty thousand (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:

- a. 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;
- b. The design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade, and by incorporation of elements adding interest and human scale;
- c. Amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
- d. The site design creatively creates a street presence for the building and related satellite buildings, and deemphasizes and buffers large scale parking and loading and service areas.

5. 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, 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 façade 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.

6. 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 Section 8C.7., and in Section 11J, 11K, 11L, and 11N.

#### 8C.7.b. 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 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 land owners located in the RMUZ.
2. Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the RMUZ) shall be provided to abutting land owners, 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 Section 16. 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 down in Section 15O may be reduced to the minimum for any Unified Village-style Development which establishes common access and utility rights, and integrated parking and circulation.
4. Parcel Consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a unified village-style development.
5. Incentive for Parcel Consolidation. The incentives listed in Sections 11J, 11K, 11L, and 11N of these Regulations shall apply to projects which consist of consolidated parcels.
6. Bulk. See the provisions of 8C.7.a. The Commission may waive the build-to line of Section 8C.7.a. where it contributes to the character of a Unified Village-style Development.

#### 8C.7.c. 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 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.
- b. The Commission may approve a Site Development Plan with a single building pursuant to the requirements of Sections 6D.3.a.8. and 16A under the following circumstances:

- i. The Commission finds that it is in compliance with a Preliminary Development Plan approved pursuant to Section 6D.3.a.
  - ii. 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 five percent (5%) of the area of the building, and/ or 2 parking spaces, taken cumulatively as of the effective date of this section.
  - iii. 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 of the Town of Bolton Appendix "C".