

SECTION 9 - INDUSTRIAL ZONE (1) AND GATEWAY MIXED USE INDUSTRIAL ZONE (GMUIZ)

9A. Industrial Zone (I)

9A.1 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.

9A.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.

9A.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 Industrial Zone and any applicable provisions of these Regulations.-

Town owned or operated public works or disposal facilities;

9A.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 Industrial Zone and any applicable provisions of these Regulations:

1. Motor Vehicle use subject to the same conditions as for the General Business Zone;
2. Manufacturing or processing of goods;
3. Warehouse or freight terminal;
4. Construction business;
5. 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 Environmental Protection. There shall be no display or storage of goods or products with any minimum required yard for the Industrial Zone.
6. 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, and doctor's offices, and travel agencies.

9A.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.

9A.2.d. Prohibited Uses

1. Acetylene Gas, Cyanide compound or oxygen manufacture;
2. Airport;
3. Asphalt manufacture or refining;
4. Bag, Carpet or Rug Cleaning establishments;
5. 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 non-profit organization for temporary use of similar amusement devices for a period not to exceed three (3) days;
6. Chlorine or Bleaching Powder manufacture;
8. Creosote manufacture;
9. Distillation of coal or wood;
10. Drop Forge Shop;
11. Explosives, fireworks or ammunition manufacture;
12. Fumigation plants;
13. Glue or size manufacture from fish or animal offal;
14. Gypsum, lime, cement, plaster or plaster of Paris manufacture;
15. Incineration or reduction of or dumping of offal, garbage or refuse on a commercial basis;
16. Linoleum manufacture;
17. Match manufacture;
18. Paint and lacquer manufacture;
19. Petroleum refining and the bulk storage of petroleum products;
20. Pyroxylin plastic manufacture;
21. Rubber, natural or synthetic, or gutta-percha manufactured from crude or scrap material;
22. Sewage disposal plant other than operated by the Town of Bolton;
23. Soap, tallow, grease or lard manufacture;
24. Slaughterhouse;
25. Sulphurous, sulphuric nitric or hydrochloric acid manufacture;
26. Tannery;
27. Tar or asphalt roofing manufacture;
28. Tire recapping or retreading;
29. Concrete Manufacturing;
30. Biological research, manufacturing, or processing;
31. 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.

9A.3. Signage: Industrial signs visible from the exterior of a building shall be subject to the requirements of Section 18 (Signage).

- 9A4. Lighting. See 3A.20 of these Regulations.
- 9A.5. 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.
- 9B Gateway Mixed Use Industrial Zone (GMUIZ)
- 9B.1 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 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.
- 9B.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.
- 9B2a 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 GMUIZ 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, farmers market), in accordance with Section 3B.3c of these Regulations.
- 9B2.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 GMUIZ and any applicable provisions of these Regulations:
1. Taverns and Inns
 2. Studios and specialty shops, i.e. tea, crafts, etc
 3. Take out dining - drive-thru permitted only in business zones (except NB) (*effective December 1, 2015*)
 4. Restaurants / Banquet facilities with indoor and outdoor seated dining, per Section 3B.4 (*effective 11/01/21*)
 5. Museums
 6. Art studios/ galleries
 7. Finance, insurance, real estate
 8. Service uses

9. Retail Shops (see Note 1)
10. Bakery
11. Personal / business services
12. Barber/ Salon
13. Cinema with or without accessory tavern or restaurant
14. Grocery / Convenience (See Note 1)
15. Package Stores
16. Bank / Financial Institutions
17. Hotel / motel / B&B
18. Motor Vehicle Service & Repair (see Note 2)
19. New and Used Car Sales (see Note 2)
20. Outdoor and indoor recreational facilities
21. Fitness Center
22. Driving ranges / mini golf
23. Manufacturing or processing of goods (see Note 2)
24. Manufacturing or assembly of outdoor recreation goods
25. Warehouse / freight terminal
26. Professional Offices
27. Telecommunications facilities
28. Veterinary hospital / veterinary emergency care
29. Lawn and garden equipment sales with accessory small engine repair
30. Child and adult day care
31. Community theatre/playhouse
32. Home occupations
33. Mixed Uses
34. Multi-family residences on the upper floors above first-floor commercial uses and including at least 20% affordable dwellings

Notes:

1. -See building coverage requirements and limitations for retail uses in Section 9B.7.d.
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.

9B.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)

9.B.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, if adopted.
2. Motor Vehicle Services and Repair (See Note 2, above)
3. New and Use Car Sales (See Note 2, above)
4. Manufacturing or Processing of Goods (See Note 2, above)

9B.3 Additional Conditions

9B.3.a 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 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 GMUIZ. 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 GMUIZ.

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 9B.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" x 36") 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 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, public areas and open space.

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:

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

- d. Where the application includes proposed housing under Section 7B, Incentive Housing Zor'ie, 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 Consol Authority, Town Engineer, appropriate Town of Manchester officials (concerning public water supply issues), or such other Board, or 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 GMUIZ as established in Section 9B.1 above.
- c. For phased developments, each phase, standing alone, will comply with the purposes of the GMUIZ as established in Section 9B.1 above.
- d. The proposal conforms to the Architectural & Site Design Guidelines, Town of Bolton, CT (Appendix "C" of these Regulations).
- e. 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%) change (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.

9B.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 (16) 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 at its discretion may approve an 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 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.

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 GMUIZ 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 and Section 16A.

9.B.4 Signage. See Section 18 of these Regulations

9.B.5 Lighting. See Section 3A.20 of these Regulations.

9.B.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 GMUIZ if such uses are not otherwise allowed in the GMUIZ.

9.B.7 Special Bulk Requirements

In addition to the bulk requirements in the table of Section 11.E, the following shall apply in the GMUIZ:

- 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 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 9B 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 Section 9.B.8. e.
- b. First Floor Uses - RESERVED
- c. Upper Floor Uses - RESERVED
- d. 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 seventy-five thousand (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:

1. 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.
 2. The design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the facade, and by incorporation of elements adding interest and human scale.
 3. Amenities have been provided to the site design which enhance the pedestrian environment in connection with the building.
 4. 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 area.
- e. Maximum Building Coverage for all other buildings shall be 25,000 s. f., unless increased in size by a majority vote of the Commission.
 - f. 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 and multiple story buildings occurs in proximity to each other.
 - g. 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 Section 9B.8, and in Section IJJ, HK, ILL, and HN.

9B.8 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 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 land owners located in the GMUIZ.
- b. Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the GMUIZ) 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.
- c. Parking requirements set down in Section 15O 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.

- d. Parcel Consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a Unified village-style development.
 - 1. Incentive for Parcel Consolidation. The incentives listed in Section 11J, 11K, 11L, and 11M of these Regulations shall apply to projects which consist of consolidated parcels.
- e. Bulk. See the provisions of 9B.7. The Commission may waive the build-to line of Section 9B.7.a where it contributes to the character of a Unified Village-style Development.

9B.9 Disincentives and Exceptions for Single Structure Development

- a. The Commission may approve a Preliminary Development Plan for a single structure only if the following requirements are met:
 - 1. 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 9B3.lb. and 16 A under the following circumstances
 - 1. The Commission finds that it is in compliance with a Preliminary Development Plan approved pursuant to Section 9B.3.a.
 - 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 2 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 and Site Design Guidelines of the Town of Bolton, Appendix "C" of these Regulations.