

Chapter 450 Zoning

[**HISTORY:** Adopted by the Planning and Zoning Commission of the Town of Bolton as revised 9-1-1960; amended 7-12-1962; 11-1-1964; 9-1-1968; 6-6-1973; 9-4-1976; 5-3-1978; 11-20-1980; 10-21-1981; 4-21-1982; 6-27-1983; 6-1-1987; 6-21-1989; 12-7-1989; 11-28-1990; 2-8-1995; 9-18-1996; 2-1-1998; 5-1-1998; 5-25-2000; 8-1-2001; 9-1-2002; 11-26-2002; 2-21-2003; 2-1-2004; 8-25-2004; 8-26-2004; 5-24-2005. Subsequent amendments noted where applicable.]

ARTICLE I Purpose and Adoption

§ 450-1.1 Purpose.

The purpose of these regulations is to promote the general welfare of the Town of Bolton; to protect the health of its inhabitants; to encourage the most appropriate use of the land within the Town; to provide for an adequate supply of light and air and reduce the hazard from fire by regulating the location, use, and height of buildings and the area of open spaces about them.

§ 450-1.2 Adoption and effect.

The Zoning Regulations as herein set forth are approved, established and adopted. No building or land shall be used and no building shall be erected, altered, enlarged, moved or rebuilt except in conformity with the regulations herein prescribed for the zone in which such land or building is located.

ARTICLE II Definitions

[Amended 2-9-2011; 4-20-2011; 5-13-2012; 6-25-2012; 5-20-2013; 6-20-2013]

§ 450-2.1 Word usage; terms defined.

For the purpose of these regulations, the following terms, phrases, words, and their derivations shall have the ~~meaning~~meanings given ~~therein~~herein. When not inconsistent with the ~~content~~context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ABUTTER

The owner of record of any property within 500 feet of the subject property of any application under these regulations.

~~ACCESS WAY~~ACCESSWAY

A paved or unpaved surface intended for a small amount of vehicle usage; a driveway.

Style Definition: Normal

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ACCESSORY BUILDING OR STRUCTURE

A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building or on a contiguous lot under the same ownership. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the bulk regulations to such building.

ACCESSORY DWELLING

A subordinate dwelling incidental to the principal dwelling on a lot.

ACCESSORY USE

A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

ADU

See "dwelling, accessory." [Added eff. 11-1-2021]

AFFORDABLE DWELLING

A housing unit that will be conveyed by deed containing covenants or restrictions which shall require that, for a 40-year period after the initial occupation of the unit, such unit shall be sold or rented at or below prices which will preserve the unit as housing for which persons and families pay 30% or less of their annual income, where such income is less than 80% of the median income. "Median income" shall be defined as the lesser of the state median income; or the area median income for Bolton as determined by the U.S. Department of Housing and Urban Development, after adjustment for family size.

AGRICULTURE

As defined in ~~the State of Connecticut General Statutes~~C.G.S. § 1-1(q), as amended from time to time.

ALTER; ALTERATION

A. As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character; or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area.

B. As applied to a use, means a change or enlargement in the character, area occupied by, intensity; or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other activities, equipment, functions; or processes, or the extension into additional land or building area.

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AQUIFER

A porous water-bearing formation of permeable rock, sand or gravel capable of yielding economically significant quantities of groundwater.

AWNING

A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

BANNERS, PENNANTS, AND BALLOONS

Any animated, rotating, fluttering or ~~non-stationary~~ nonstationary device made of flexible materials designed to attract attention.

BASEMENT

A portion of the building partially underground, but having less than half its average height below the grade plane (as opposed to a "cellar").

BED-AND-BREAKFAST

A building, or group of buildings, a portion of which is occupied by the owner thereof as a permanent residence, and which building(s) is (are) designed or used for the short-term rental of no more than six rooms in a Business Zone and no more than three room in a Residence Zone to transients, and capable of including, as an accessory use, the serving of breakfast only, and exclusively to persons occupying the facility.

BERM

An elevated strip consisting of earthen or other material, usually intended to serve as a buffer.

BEST MANAGEMENT PRACTICE (BMP)

~~A BMP is~~ A technique, process, activity, or structure used to manage the volume and rate of discharge and reduce the pollutant content of a stormwater discharge. BMPs include simple nonstructural methods, such as good housekeeping and preventive maintenance. BMPs may also include structural modifications, such as the installation of bioretention measures. BMPs are most effective when used in combination with each other, and customized to meet the specific needs (drainage, materials, activities, etc.) of a given operation.

~~BOARDING HOUSE~~ BOARDINGHOUSE

A building in which the primary use is the rental of individual rooms, and the furnishing of meals, to tenants who use such building as their place of residence.

BUFFER

An area of land which is provided for the purpose of mitigating visual, noise, and other negative impacts.

BUILDABLE AREA

The land remaining, after subtraction of regulated wetlands and regulated watercourses and their associated buffers, that is used for calculation of allowable construction area on a lot.

BUILDING

Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or materials; also, any other structure more than eight feet high, excluding a public utility pole or flagpole.

BUILDING COVERAGE AREA; BUILDING COVERAGE

The area of the ground beneath a building (i.e., dripline), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding awnings.

BUILDING HEIGHT

The vertical distance from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE

An imaginary line which runs parallel to the property line at a distance equal to or greater than the minimum yard dimension for the required yard along that property line, delineating an area between the property line and the building line where no structure shall be located except as otherwise allowed by these regulations. The building line may also be called the ~~set-back~~ "setback line."

BULK

The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses; or with the other walls of the same building, or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards and open spaces required by these regulations; and also includes any provisions of these regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

CANOPY, ENTRANCE

A roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the rays of the sun and from precipitation. Entrance canopies shall be attached to the building and supported from the ground up.

CANOPY, STRUCTURAL

A rigid, multi-sided structure, either attached to a building, or freestanding, open on three or on all sides, and supported by columns or posts imbedded in the ground, such as a gasoline service station canopy.

CELLAR

The portion of the building partially underground, having half, or more than half, of its average height below the grade plane (as opposed to a "basement").

COMMISSION

The Bolton Planning and Zoning Commission.

CONTINUING-CARE RETIREMENT COMMUNITY

A development consisting of housing restricted to elderly residents, and containing separate living units, but with additional common facilities such as a common dining room, recreation room, and medical and dental offices exclusively serving such residents.

CUL-DE-SAC STREET

~~A permanent cul-de-sac street is a~~ **PERMANENT CUL-DE-SAC STREET** ~~A~~ street closed at one end and that ~~can not~~cannot be extended. ~~A temporary cul-de-sac street is a~~

B. TEMPORARY CUL-DE-SAC STREET ~~A~~ street closed at one end and that may be extended.

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DAY-CARE CENTER

A. A use of land or buildings which offers or provides a program of supplementary care for compensation to more than 12 related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the 24 hours in one or more days in the week. "Day-care center" does not include services which are:

- (1) Administered by a public or private school system which is in compliance with ~~Connecticut General Statutes Section C.G.S. § 10-188;~~
- (2) Recreation operations such as, but not limited to, boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs;
- (3) Informal arrangements among neighbors or relatives in their own homes;
- (4) ~~Drop in~~Drop-in supplementary child-care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently.

B. "Day-care center" includes "child-~~Day~~-care center" as defined in ~~Section C.G.S. § 19a-77 of the Connecticut General Statutes~~, but does not include a "family ~~Day~~-child-care home" or "group ~~Day~~-child-care home" as defined in said section. **[Amended during codification]**

DAY-CARE HOME, FAMILY

A facility within a private family dwelling in which care is provided for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three hours nor more than 12 hours during a 24-hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted.

DAY-CARE HOME, GROUP

A facility which offers or provides a program of supplementary care to not less than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week.

DECK

A flat, open structure mounted to the ground surface by vertical posts or pilings, and intended for recreational purposes.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. See § 450-3.18 for the definition applicable to flood hazard areas. [Amended during codification]

DISTURBED AREA

An area of land where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.

~~**DOCK**~~

~~A flat, open structure anchored to a lake or pond bottom by vertical posts or pilings, having one end abutting the ground above the surface of the water, and intended for recreational purposes.~~

DUPLEX

~~Same as "dwelling, two-family".~~ A residential building containing only two dwelling units.

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DWELLING

A building designed or used as the living quarters for one or more families.

DWELLING COMPLEX, MULTIPLE

One or more principal buildings designed for use as multiple dwellings, plus related facilities, all erected on a single tract of land.

DWELLING UNIT

A building or portion thereof which is arranged to be occupied as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

DWELLING, ACCESSORY

A subordinate dwelling or apartment incidental to the principal single-family dwelling on a lot, either attached or detached. Also referred to as an "ADU." [Added eff. 11-1-2021]

DWELLING, MULTIPLE OR MULTIFAMILY

A residential building containing three or more dwelling units, including townhouse dwellings.

DWELLING, SINGLE-FAMILY

A residential building containing only one dwelling unit.

DWELLING, TOWNHOUSE

A multifamily dwelling that contains three or more dwelling units that are attached by a common or shared wall, and in which each dwelling unit extends from the foundation to the roof and has vacant land on at least two sides.

~~DWELLING, TWOFAMILY~~

~~A residential building containing only two dwelling units.~~

ENLARGEMENT, or TO ENLARGE

Any addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

EXCAVATION OPERATIONS

Any operation involving excavating, grading, filling or removal of earth, sand, gravel, soil, minerals, loam, fill, clay, peat moss, and other earth products, and the transportation on land or roads, public or private, in the Town of Bolton of any such products from the site of such an operation.

EXTEND, or TO MAKE AN EXTENSION

An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any nonconforming, nonresidential use of land, buildings, or structures.

FACADE, GROUND-FLOOR

The facade measured from the finished ceiling height of the first floor, or 15 feet from natural grade, whichever is less.

FAMILY

A person or a group of persons who live together as a single housekeeping unit.

FARM

An establishment where the primary activity is agriculture.

FARM STAND

A structure used for the sale of agricultural and homemade products which are produced substantially on the premises, as well as including value-added farm goods which shall not exceed 10% of sales. Such stand shall be set back a minimum of 20 feet from the front lot line and 50 feet from any street intersection, and shall not ~~to~~ exceed 10 feet in height unless part of an existing structure.

FARMER'S MARKET

One or more vendors located on a common parcel of land for the purpose of selling agricultural products, including value-added farm goods such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and regulations, as well as hand-crafted items.

FLAG, NONCOMMERCIAL

Graphic devices designed to enhance the aesthetic appearance of a street or area and containing no advertising copy.

FLAG, PUBLIC

A flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or noncommercial organization.

FLOOD INSURANCE RATE MAP (FIRM)

~~The map of the Town of Bolton on which the Federal Insurance Administration has delineated special flood hazard areas and risk premium zones, as amended. See the definition in § 450-3.18 of these regulations. [Amended during codification]~~

FLOOD INSURANCE STUDY

~~An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, as prepared by the Federal Insurance Administration. See the definition in § 450-3.18 of these regulations. [Amended during codification]~~

FLOOD, BASE

~~The flood having a 1% chance of being equaled or exceeded in any given year; also, the "one-hundred-year flood," as portrayed on the Bolton Flood Insurance Rate Map, as amended. See the definition in § 450-3.18 of these regulations. [Amended during codification]~~

FLOODWAY

~~See the definition in § 450-3.18 of these regulations. [Amended during codification]~~

~~The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, as shown on the Floodway Map, as prepared and amended by the Federal Insurance Administration.~~

FLOOR AREA

The area of lowest horizontal plane within the outer surface of the exterior walls of a building, room, etc.

FOUNDATION

The basic support structure of a building or, for purposes of minimum area, the basic exterior dimensions of the building, excluding porches, overhangs, hatchways, etc.

FRONTAGE

A continuous length of that portion of a lot abutting on a single street other than a state-owned limited-access highway. [Amended 6-1-2006]

GARAGE

A building or part thereof; accessory to a main building and providing for the storage of vehicles.

GOVERNMENT AGENCY FACILITY

Any use of land or building by a department, commission, independent agency, regional water or sewer authority or district, or other instrumentality of the United States, the State of Connecticut, the Town of Bolton; or any regional agency of which the Town of Bolton is a current member.

GROUNDWATER RECHARGE/INFILTRATION

The process by which water enters the ground, eventually replenishing groundwater aquifers and surface waters such as lakes, streams; and the ~~ocean~~ ocean. This process helps maintain water flow in streams and wetlands and preserves water table levels that support drinking water supplies.

HOME OCCUPATION

Any occupation which is customarily or may properly be carried on for compensation entirely within a dwelling, by the residential occupant thereof.

HOTEL/MOTEL

A building designed and used primarily for occupancy of transients which provides or offers accommodations for seven or more persons, exclusive of employees living on the premises, and which provides rooms for public assembly, and may include serving of food. [Amended during codification]

IMPERVIOUS COVERAGE

Any material which reduces surface storage and infiltration of water, and increases the volume of stormwater runoff, including but not limited to buildings and all equipment pads and platforms, etc., except that all walkways, parking areas and driveways, and patios constructed of pervious materials approved by the ZEO shall not be counted in the impervious coverage calculation. [Amended 2-15-2014]

INLAND WETLAND

See "wetland" and "watercourse," below.

INTERIOR LOT

A lot in an open space conservation development (OSCD) that has less than the required frontage on a public street but has at least 50 feet of lot frontage and is located immediately behind a lot or lots that comply with the zoning dimensional requirements, including lot frontage, and has a corridor at least 50 feet wide to the street. [Added 11-01-2017]

JUNKYARD

- A. Except for the specific exceptions noted below, the use of any area of any lot, whether inside or outside a building, for any of the following purposes:
 - (1) The commercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, including old cordage or other waste or discarded or secondhand materials; or

- (2) The commercial dismantling, demolition or abandonment of automobiles, other vehicles, machinery, equipment or parts thereof; or
- (3) Any other place of storage or deposit, including any business, which has stored or deposited two or more unregistered motor vehicles or used parts of motor vehicles or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

B. As specific exceptions, the following shall not be considered a junkyard:

- (1) The display of unregistered vehicles for the specific purpose of sale in association with an authorized and licensed automotive dealership;
- (2) The accessory storage of unregistered vehicles, equipment or parts associated with a permitted or proposed business, provided said storage has been specifically approved by the Zoning Commission; [Amended during codification]
- (3) The parking of unregistered farm vehicles and associated equipment and parts for use on site in association with an active farm;
- (4) The interior storage of unregistered vehicles as per the accessory use provisions of Section 450-3.17 of these regulations;
- (5) The ~~non-commercial~~ noncommercial storage, keeping or abandonment of junk, scrap or discarded materials or equipment, provided that any materials or waste classified as hazardous by the State of Connecticut are stored and disposed of as required by the Connecticut Department of Energy and Environmental Protection;
- (6) Recycling collection facilities for glass, paper, aluminum and/or plastic items.

LIVESTOCK

Horses, cattle, sheep; or similar animals.

LIVING AREA

The area of the lowest horizontal plane within the interior walls of a building, room, etc.

LOT

A parcel of land on which a principal building (or buildings) and its accessories are placed or may be placed, together with the required open spaces.

LOT OF RECORD

A lot for which a deed has been recorded in the Office of the Town Clerk of the Town of Bolton, which lot met the requirements of these regulations and of the Bolton Subdivision Regulations, as the same were in force at the time of such recording. See § **450-3.3** of these regulations.

LOW-IMPACT DEVELOPMENT (LID)

~~Low Impact Development is~~ A site design strategy intended to maintain or replicate ~~predevelopment~~~~pre-development~~ hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible. See § 450-16.2L.

MANUFACTURING, LIGHT

The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing and manufacturing from extracted or raw materials into finished products.

MIXED USE

Allowance for more than one type of permitted use on a single property, within a single building, or multiple properties, within a unified village-style development within the GMUIZ and RMUZ Zones.

MOBILE VENDOR

Any person who dispenses food or beverages from a truck, van, bus, car, pushcart, trailer, stand or similar conveyance. [Added during codification]

MOTEL

See "hotel/motel"-."

~~NON-CONFORMING~~NONCONFORMING BUILDING OR STRUCTURE

A building or structure legally existing on the effective date of these regulations, which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these regulations. See, § 450-3.3 of these regulations. ~~from former definition of "Nonconforming Use"~~ [Amended during codification]

~~NON-CONFORMING~~NONCONFORMING LOT

A lot of record, subject to the requirements of § 450-3.3 of these regulations.

~~NON-CONFORMING~~NONCONFORMING USE

The actual use of land, buildings, or premises which is not a use permitted by these regulations for the zone in which such use is occurring, but which was legally existing and conformed to all requirements of the regulations then in force, if any, on the effective date of these regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these regulations. See § 450-3.3 of these regulations.

OFFICE

A room or business within a building, for the purpose of conducting a professional service, excluding retail, manufacturing, and warehousing operations.

OPEN LOT SALES

A principal use for the sale of any items from a location outside of a building. The term ~~Open Lot Sales~~ "open lot sales" does not include outdoor sales for business or industrial uses that are depicted on an approved site plan review or special permit plan; nor does it include tag sales, nonprofit rummage sales, or other occasional outdoor sales accessory to a permitted principal use.

OPEN SPACE

A. Any land, the preservation or restriction of the use of which would:

- (1) Maintain and enhance the conservation of natural or scenic resources;
- (2) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces;
- (3) Enhance public recreation opportunities;
- (4) Preserve historic sites;
- (5) Promote connections between natural or man-made corridors ("greenways"); or
- (6) Promote the orderly development of the Town of Bolton.

B. Such lands may include but are not limited to:

- (1) Land left in its natural, undisturbed state;
- (2) Agricultural land;
- (3) Forests; and
- (4) Areas used for passive or active recreation.

PARKING AREA

An area of land containing parking and/or loading spaces, drive aisles directly serving such spaces, and any required landscaping island, lighting fixtures, and traffic control signage.

PERVIOUS MATERIAL

Any ground cover or material through which water can penetrate at a rate comparable to that of water through undisturbed soils. **[Amended 2-15-2014]**

PRINCIPAL BUILDING

That single building, or ~~inter-related~~ interrelated group of buildings, in which is conducted the principal use of the lot on which the building is situated.

PRINCIPAL USE

The primary purpose or function for which ~~a~~ premises ~~is~~ are used, designed, or intended to be used.

PRODUCE

Fruits and vegetables.

PUBLIC

A use of land or buildings, excluding a government agency facility, which is open to the general public, with or without the payment of a fee.

REAR LOT

A lot in an R-1 Zone which contains less frontage and more acreage than normally required in that zone and complies with § 450-11.6 of these regulations. [Added 11-1-2017]

RECYCLABLE

Items which are cleaned and/or processed for the purpose of reuse, either in their current form or in a different form.

RESTAURANT, "FAST-FOOD"

The retail sale of food to the general public for consumption on the premises, or where a significant portion of the consumption take place or is designed to take place outside the confines of the building occupied by such use; and which is characterized by a high volume of patronage, the promise of rapid service of meals; and a resulting short duration of stay and rapid turnover; and including drive-in or curbside service as an accessory use. See § 450-3.27 of these regulations.

RESTAURANT, FULL-SERVICE

The retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at tables or at counters in an enclosed building. See § 450-3.27 of these regulations.

RESTAURANT, TAKE-OUT

The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building occupied by such use. See § 450-3.27 of these regulations.

ROOMING HOUSE

A building in which the primary use is the rental of individual rooms to tenants who use such building as a place of residence.

SEDIMENT

Solid material, either mineral or organic, that has been moved from its site of origin by erosion.

SETBACK

The distance between a structure and the property line, street line or other clearly denoted reference point.

SHED

An accessory building that has no more than 120 square feet of ground-floor area, is no more than 10 feet high and is not used for the storage of cars or trucks.

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SIGN

Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone; or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or ~~roof lines~~rooflines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises.

SIGN AREA OR FACE

The plane defined by one continuous perimeter of that rectangle, triangle; or circle having the smallest area which encompasses all the lettering, wording, design; or symbols; together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these regulations, two-sided signs where the sides are back-to-back and located no more than 18 inches apart and parallel; shall be considered to have only one sign face.

SIGN, ABANDONED

Any sign that advertises a business, lessor, owner, product, service; or activity that is no longer located on the premises where the sign is displayed, or a permitted temporary sign for which the permit has expired.

SIGN, ADVERTISING

A sign, including that type of sign commonly known as a "billboard"; which directs the attention of the viewer to a business, commodity, service, entertainment; or other use which is conducted, sold, offered; or occurring, either presently or in the future, at a location different from the lot upon which such sign is displayed, or only incidentally occurring upon such lot.

SIGN, AERIAL

A balloon or other airborne flotation device which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service; or entertainment conducted, sold; or offered.

SIGN, AWNING

A sign affixed or crafted onto the face of an awning.

SIGN, BANNER

A temporary sign which is constructed of cloth, canvas; or other type of natural or man-made fabric, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

SIGN, BUSINESS

A sign which directs attention to a business, commodity, service, entertainment, or other use which is currently conducted, sold, or offered upon the same lot where such sign is displayed.

SIGN, BUSINESS IDENTIFICATION

A sign directing attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered on the premises on which such sign is located or to which it is affixed.

SIGN, CANOPY

A wall sign that is located on the roof, fascia, soffit, or ceiling of a canopy.

SIGN, CHANGEABLE COPY

A sign on which message copy is changed manually in the field through the utilization of changeable panels containing fixed letters, numbers, logos, or pictorial copy.

SIGN, DIRECTIONAL

A sign permanently erected or permitted on private property to direct and regulate pedestrian and vehicular traffic.

SIGN, DIRECTORY

A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

SIGN, ELECTRONIC MESSAGE

A sign with a fixed or changing display and/or message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic message sign.

SIGN, ENTRANCE CANOPY

A sign affixed or crafted onto the face of an entrance canopy.

SIGN, EXTERNALLY ILLUMINATED

A sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays ~~there from~~therefrom are visible elsewhere than on the sign face, or the area immediately around it, but in no event visible off the lot where said sign is located. If such shielding is defective or fails to conform to the criteria of this definition, such sign shall be deemed to be an internally illuminated sign.

SIGN, FLASHING

Any sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times.

SIGN, FREESTANDING

A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

SIGN, GRAPHIC LIGHT PROJECTION

An image projected onto a surface by a graphic light projection system which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise.

SIGN, IDENTIFICATION

A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, INFLATABLE

A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

SIGN, INTERNALLY ILLUMINATED

Any sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such sign.

SIGN, LED

A sign consisting of light-emitting diodes that emit visible light when electricity is applied and can spell out letters or numbers or alphanumeric or projected images.

SIGN, MESSAGE BOARD

A sign on which message copy is changed manually in the field through the utilization of attachable letters, numbers, symbols and other similar characters. A changeable copy sign is not a message board sign.

SIGN, MOVING

Any sign, or any portion of any sign which is capable of any movement whatsoever; excluding barber poles, clocks, flags, banners, and real estate signs permitted under §§ **450-18.5** and **450-18.6**.

SIGN, MOVING MESSAGE BOARD

Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs, such as a time-and-temperature sign.

SIGN, ~~NAME PLATE~~NAMEPLATE OR PUBLIC CONVENIENCE

Any sign of authorized commercial and industrial uses identifying the building occupant, store hours, or other ~~non-advertising~~nonadvertising notices.

SIGN, NEON

An illuminated sign ~~affected~~effected by a colorless, odorless light source consisting of a neon or gas tube that is bent to form letters, symbols, or other shapes.

SIGN, NO-TRESPASSING

Any sign on a premises restricting the right to enter such premises and indicating the private nature of such premises.

SIGN, OUTDOOR ADVERTISING AND/OR OFF-PREMISES

See "sign, advertising"^u.

SIGN, OVERHANGING

Any sign extending at an angle from a building which is its sole or principal support.

SIGN, PENNANT

Any geometric-shaped cloth, fabric, or other lightweight material normally fastened to a stringer which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

SIGN, POLITICAL

A temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election.

SIGN, PORTABLE

A sign ~~designated~~designed or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure, including but not limited to the following signs: trailer signs (with or without wheels), menu and sandwich boards, hot air or gas-filled balloons or umbrellas used for advertising, signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way (except signs identifying the related business when the vehicle is being used in the normal day to-day operation of that business), sidewalk or curb signs, and A-frame signs, or similar type signs.

SIGN, PROJECT

Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

SIGN, PUBLIC

Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local governmental authorities, or any sign on private property mandated by any governmental entity within the dimensional parameters designated by that entity.

SIGN, REAL ESTATE

A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

SIGN, ROOF

Any sign erected, constructed, or maintained upon the roof of a building.

SIGN, ROTATING

Any sign which revolves around one or more fixed areas.

SIGN, SPECIAL EVENT

A sign advertising or announcing a special community-wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.

SIGN, TEMPORARY

Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period.

SIGN, VEHICLE

A vehicle the substantial purpose of which is a sign, and a permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view suggesting that the substantial purpose of said display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for said vehicle, with the exception of any message or lettering required by state or federal law.

SIGN, WALL

Any sign painted, posted, or otherwise affixed to any portion of a building or structure that is visible or intended to be visible from the exterior of said building or structure.

SIGN, WINDOW

Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors whose identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or the public right-of-way.

SOIL

Any unconsolidated mineral or organic material of any origin.

SOLAR ACCESS WINDOW

The angle of sky from which direct sunshine is unobstructed at least 75% of the time between 9:00 a.m. and 3:00 p.m. on December 21 at the foundation level of a proposed structure.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED

A solar collection system that has a supporting framework that is placed on, or anchored in, the ground and that is not attached to any building or other structure. **[Added 1-1-2014]**

SOLAR ENERGY SYSTEM, ROOF-MOUNTED

A solar collection system that is installed upon or is part of the roof of a building or structure located on the subject property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports and covered parking structures also fall under this distinction. **[Added 1-1-2014]**

SOLAR ENERGY SYSTEM, SMALL-SCALE

An accessory solar collection system that may or may not be interconnected to the local utility electrical grid on the customer's side of the electric meter, which system shall be designed to generate no more electricity than that needed for direct consumption on the subject property with capacity no greater than would be necessary to serve the primary use and any permitted accessory uses. **[Added 1-1-2014]**

SPECIAL FEATURES

When used in the context of § 450-7.1C(3) herein, this term shall mean the following: **[Added 8-19-2009]**

- A. Wetlands and watercourses as field-verified in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Bolton;
- B. One-hundred-year floodplain as identified by the National Flood Insurance Program; and;
- C. Slopes 25% or greater, based on two-foot contour intervals in accordance with a T-2 survey.

STREET

Any existing avenue, boulevard, road, lane or highway that is accepted and actively maintained by either the Town of Bolton, any other municipality or the State of Connecticut; or any proposed roadway which is shown on a subdivision map approved by the Bolton Planning and Zoning Commission and duly recorded in the Bolton Town Clerk's office and which is formally bonded for completion and dedication to the Town of Bolton. **[Amended 6-1-2006]**

STREET LINE

The points of intersection of a street with abutting land.

STREET RIGHT-OF-WAY

An area of land in single ownership which includes, but is not limited to, a street, and which may contain land for possible future widening of such street, and which is intended for the use of motor vehicles and pedestrians.

STRUCTURE

That which is built, constructed, installed or erected.

SUBDIVISION

A division of land as defined in ~~Section C.G.S. § 8-18 of the Connecticut General Statutes~~, as amended from time to time.

SWIMMING POOL

Any structure designed or used for swimming purposes having 150 square feet or more of bottom area and/or having a maximum capacity in excess of 3,000 gallons.

TEMPORARY USE

A nonpermanent use established for a fixed period of time. **[Added during codification]**

TOWNHOUSE

See "dwelling, townhouse"-.

UNDERLYING DISTRICT

In the case of an overlay district, ~~that~~the zoning district upon which the overlay district is located.
~~See Section 10 [Article X?].~~ [Amended during codification]

UNIFIED VILLAGE-STYLE DEVELOPMENT

A development on a single parcel, or multiple parcels combined to create a single development project, designed with mixed uses, unified access, parking, and utilities, and unified architectural and site design theme under the Architectural and Site Design Guidelines of the Town of Bolton. This type of development may be limited to a single parcel with the future potential for inclusion into a multi-parcel development capable of meeting the above criteria.

USE

Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel. ~~2-14~~

WATERCOURSE

A body of water as defined by ~~Connecticut General Statutes Section C.G.S. §~~ 22a-38, as amended from time to time.

WETLAND

All wetlands and watercourses as defined in the Connecticut General Statutes, as amended from time to time.

YARD

A space not occupied by a building, open to the sky, on the same lot as the principal building.

YARD, FRONT

The space across the full width of the lot and extending from the front line of the building to the street line.

YARD, REAR

The space across the full width of a lot and extending from the rear line of the principal building to the rear lot line.

YARD, SIDE

The space extending from the front yard to the rear yard between a building and the adjacent side line of the lot. The side yard of a corner lot adjacent to the side street shall meet the front depth requirement of the side street.

ZONING ENFORCEMENT OFFICER(S)

The official designated in accordance with these regulations to enforce the Bolton Zoning Regulations and to issue zoning permits.

ARTICLE III General Provisions

Part 1 General Use Regulations

§ 450-3.1 Use of buildings, structures and land.

For the purpose of these regulations, any lawful buildings or structures, or use of a building, structure or land or part thereof may be constructed, altered, enlarged and used for any purpose whatsoever which is not hazardous, injurious, noxious, offensive or detrimental to a neighborhood and which is permitted under these regulations and does not violate any of the provisions of any rules, regulations or ordinances of the Town of Bolton in regard to health and safety of its inhabitants.

§ 450-3.2 Existing uses not affected.

These regulations shall not apply to existing buildings or structures, nor to the existing use of any buildings, structures, or ~~of~~ land to the extent of that use at the time of the adoption of these regulations. Additions or alterations to existing buildings or structures shall conform to these regulations.

§ 450-3.3 Nonconforming uses.

It is the specific intention of these regulations that all uses, lots, buildings or structures of any kind which are nonconforming to these regulations shall be diminished and permanently discontinued over time. In addition, the following ~~is~~are noted:

A. Any use existing in any building or structure or on any land or part thereof at the time of the adoption of ~~the Regulations~~these regulations, or an amendment thereto, which ~~rendered~~renders such use not permitted, may be continued. If any nonconforming building or structure is destroyed by fire or other cause, it may be rebuilt with no greater nonconformity than at the time of destruction, and such reconstruction or alteration shall be completed within one year of the date of such damage or destruction. [Amended during codification]

B. Any existing nonconforming use shall be considered terminated ~~if all of the following occur:~~

~~(1) Such nonconforming use is discontinued for a period of at least one year, and;~~

~~(in accordance with C.G.S. § 8-2) At the end of such one year period, the Commission or its agent sends written notice via registered letter (return receipt requested) to the owner of the property containing the discontinued use, notifying such owner of the Commission's intent to consider such use, as terminated unless written response to the contrary is received by the Commission or its agent within 30 consecutive days after receipt of such registered letter, and;~~

~~(3) No such written response is received by the Commission or its agent within the above mentioned time period, or such response indicates that such use has indeed been discontinued.~~amended.
[Amended during codification]

C. No nonconformity of any kind shall be expanded or intensified, except as follows: **[Amended 10-13-2010]**

- (1) A single-family dwelling within a business or industrial zone, such dwelling existing as of the effective date of these regulations, may be expanded so long as it retains its status as solely a single-family dwelling. However, no trailer or mobile home dwelling shall be expanded or intensified.
- (2) The Zoning Enforcement Officer may issue a zoning permit in connection with the change in use from one permitted commercial or industrial use to another such permitted use on a site which has a preexisting nonconformity as to the parking requirements of Article **XV**, provided that the increase in parking demand as a result of the change in use is no more than a 5% increase (or an increase of one space, whichever is greater) over the number of parking spaces as shown on the site plan approved by the Commission. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission.

§ 450-3.4 Completion of existing buildings.

Nothing herein contained shall require any change in the location, construction or designated use of a building, construction of which has been started prior to June 1, 1960.

§ 450-3.5 Dwellings or structures on small lots.

No buildings or structures shall be constructed on any lot which is smaller than required by these regulations for the zone in which the lot is located unless the following conditions can be met:

- A. Such lot has been owned separately and distinctly from any adjoining lot as evidenced by a deed recorded in the Office of the Bolton Town Clerk on or before May 12, 1954.
- B. Such lot has been continuously owned after May 12, 1954, as a separate and distinct lot from any adjoining lot.
- C. Such ~~a~~ lot is not a lot which conformed to earlier zoning regulations and was thereafter made smaller by any voluntary act of an owner of such lot.

§ 450-3.6 Number of dwellings on ~~a~~ lot.

Except as provided in Article **VI** and § **450-7.1D** of these regulations, not more than one dwelling shall be built on any one lot.

§ 450-3.7 Wetland conservation.

No building or structure shall be permitted within 50 feet of any lake, pond, swamp, watercourse, ~~or~~ flood zone as defined by the Regulations of the Bolton Inland Wetlands Commission and by the Connecticut General Statutes; except that the Planning and Zoning Commission may permit such building, after approval by the Inland Wetlands Commission, if it can be shown that the building or structure will not cause pollution or compromise the ecology, and such structures shall be built to satisfy minimum requirements of § **450-3.18** of these regulations.

§ 450-3.8 **Issuance of zoning permits and building permits. [Amended 10-13-2010]**

- A. A zoning permit, approved by the Zoning Enforcement Officer, shall be obtained before a change in use on a property or the construction of any building, addition or structure other than a fence under eight feet high.
- B. Notwithstanding the requirements of §§ ~~450-8.1B(2), 450-8.2B(2)~~ and ~~450-9.2B(2)~~, the Zoning Enforcement Officer may issue a zoning permit in connection with the change of occupancy of an existing commercial or industrial building to another conforming use which does not increase the parking requirements for the property as set ~~down~~forth in Article XV. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission.
- C. A building permit, approved by the Building Official, shall be obtained before the construction of any building, addition or structure other than a fence under eight feet high.
- D. No ~~Building permits for buildings~~ or ~~Use Permits~~ for land or ~~a principal structure~~structures shall be issued until the following conditions have been met: [Amended during codification]
- (1) A sanitation permit shall have been obtained from the Town Sanitarian.
 - (2) As per the Town ordinance, a driveway permit shall have been obtained for the driveway location and construction approved by the Town Engineer and Board of Selectmen or the State Traffic Commission.
 - (3) A plot plan shall be provided showing:
 - (a) Lot boundaries, area, and location. Lot boundaries shall be prepared by a land surveyor licensed in the State of Connecticut, and shall be certified Class A-2 as described in "Recommended Standards for Surveys and Maps in the State of Connecticut," prepared and adopted by the Connecticut Association of Land Surveyors, Inc., as amended;
 - (b) Proposed and existing buildings and structures. Plans for proposed buildings and structures shall be certified Class A-2 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut,") if a foundation is required;
 - (c) Septic tank, primary and reserve leach fields and test pits;
 - (d) Water supply well location;
 - (e) Driveway, with suitable culvert size, flare, grade, and sight lines;
 - (f) Existing and proposed contour lines at two-foot intervals in all areas, unless otherwise directed by the Zoning Enforcement Officer. Such contour lines shall be proposed by a land surveyor licensed in the State of Connecticut, and shall be certified Class T-1, T-2, or T-3 (as described in "Recommended Standards for Surveys and Maps in the State of Connecticut");
 - (g) Inland wetlands and watercourses so designated by a soil scientist certified in the State of Connecticut;

- (h) Solar access window (See § 450-3.15, if applicable);
 - (i) Erosion and sediment control plan when required, including location and design details of proposed soil erosion and sediment control measures and stormwater management facilities and their sequence of installation and the sequence of grading and final stabilization of the site;
 - (j) Method(s) of stormwater drainage.
- (4) A narrative description of any required erosion and sediment control plan describing:
- (a) The construction project;
 - (b) The schedule for grading and construction activities, including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures, and sequence for final stabilization of the project site.

§ 450-3.9 **Erosion and sediment control.**

- A. Removal of vegetation. No vegetation shall be stripped or earth removed in anticipation of construction until a building permit has been issued, except when it is otherwise authorized by a certified erosion and sediment control plan approved by the appropriate Town authorities.
- B. Erosion and sediment control. When the disturbed area of a building or work site exceeds 1/2 acre, has a grade in excess of 10% or is a part of a subdivision approved before July 1, 1985, the builder shall file an erosion and sediment control plan which shall be certified by the Zoning Enforcement Officer or the Tolland County Soil Conservation District as complying with the requirements of PA 83-388 as delineated in "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985), as amended. Such plan shall include but not be limited to a map and narrative. For subdivisions approved after July 1, 1985, the erosion and sediment control plan may be wholly or partially available from the subdivision plan.
- C. Bonding.
 - (1) Bond required. If a certified erosion and sediment control plan ("plan") is required under Subsection **B** of this section, no building permit shall be approved by the Planning and Zoning Commission or its agent until a cash bond has been furnished to the Planning and Zoning Commission securing the actual implementation and maintenance of the plan.
 - (2) Form of bond. All cash bonds shall be submitted in the form of a check payable to the "Town of Bolton." Each bond shall be deposited in a separate escrow account. Interest shall be paid in accordance with prevailing rates comparable to other Town accounts. The Town shall not guarantee a minimum interest rate to be paid on cash bonds.
 - (3) Amount of bond. The amount of the bond shall be greater than or equal to ~~the greater of:~~
 - ~~(a) 140% of the cost, as estimated by a qualified engineer and an amount approved by the Commission or its agent, of all erosion and sedimentation controls required by the Plan, or~~

~~(b) \$5 per lineal foot of control barrier called for by the Plan:Town Engineer. [Amended during codification]~~

- (4) Posting of bond; release of funds. The bond shall be posted, and those measures in the plan that are scheduled for installation prior to development must be implemented, before any site work or disturbance whatsoever is begun on the lot that is the subject of the plan. No portion of the bond shall be released until the Commission or its agent shall determine that no further Town supervision of the plan or its maintenance is required, at which time the bond shall be returned, with interest; provided, however, that the Commission may, at its option, retain up to 10% of the bond for a period of up to one year following completion of implementation of the plan, to secure continued maintenance of the plan. Any interest accrued on the bond shall be deemed part of the bond and shall be available to the Town for implementation and maintenance of the plan.
- (5) Inspections and increase in bond amount. The Commission or its agent may make inspections during development to ensure that the Plan is being adequately implemented and maintained. If the Commission should determine that further erosion and sediment control measures are required, and the amount of the bond is therefore insufficient, the Commission may require an additional sum to be deposited as part of the bond.
- (6) Draw on bond. If the Commission or its agent shall determine that unforeseen developments or emergencies require immediate remedial action, or that the plan is not being properly and adequately implemented and maintained, the Town may, after due notice to the owner (or the developer, if the bond has been furnished by the developer), to the extent allowed by law, draw on the bond to defray the costs of any measures undertaken by the Town or any employee, agent or contractor hired by the Town, to address such an emergency or to implement or maintain the plan. The owner and developer of any lot subject to a bond pursuant to this section shall be deemed to have granted permission to any Town employee or agent or any contractor hired by the Town to enter such lot for the purpose of taking any and all measures deemed necessary by the Commission to address such an emergency or to implement and maintain the plan. The Town shall not be liable for any damage to real or personal property while undertaking to implement or maintain the plan.
- (7) Exemptions. Applicants for building permits for single-family homes on lots that are not part of a subdivision are exempt from the bond requirements of this Subsection C.

§ 450-3.10 Minimum buildable area.

No buildings or structures shall be constructed on any lot which does not contain a contiguous area of no less than 3/4 of the area required by the zoning regulations, exclusive of all wetlands, watercourses, and associated 50-foot buffer, as per § 450-3.7 of these regulations, unless the lot has been continuously owned separately and distinctly from any adjoining lot, as evidenced by a deed recorded in the office of the Bolton Town Clerk, on or before June 21, 1989.

§ 450-3.11 Lot drainage.

No water shall be run into any street or highway unless it is directed into a storm sewer, drainage ditch or a natural watercourse, subject to the approval of other regulatory agencies, where required.

§ 450-3.12 **Common or shared driveways.**

Driveways serving more than one lot shall not, generally, be allowed. The Planning and Zoning Commission may allow a common or shared driveway which shall serve no more than three lots if it is deemed by the Commission to be the only prudent and feasible access to the properties or if it is recommended by the Inland Wetlands Commission in order to diminish the adverse impact on a wetland, or if it is proposed under the open space subdivision procedure.

§ 450-3.13 **Building on lots with no principal building.**

In any case where an accessory building such as a garage, shed, etc. is proposed for any lot lacking a principal building, the special permit procedure shall be followed. (See Article XVI of these regulations~~);~~.)

§ 450-3.14 **Substantial differentiation.** [Amended during codification]

If, in reviewing a plot plan for development of a lot within an approved subdivision, the Town official or Town agent responsible for such review is of the opinion that the proposed development differs substantially from that which was depicted on the approved subdivision plans, such official or agent shall refer the plot plan to the Planning and Zoning Commission for review and approval.

§ 450-3.15 **Solar energy techniques.**

In the case of any application for development of any building or buildings intended for human occupancy, the applicant shall demonstrate that ~~he~~it has prepared a site design which seeks to maximize solar access, as required by the Connecticut General ~~Statutes~~Statutes. The site design techniques shall include, but not be limited to, building orientation, street and lot layout, vegetation, natural and man-made topographical features, and protection of solar access within the development.

§ 450-3.16 **Not-for-profit motor vehicle repair.**

The repair of motor vehicles on a not-for-profit basis may be conducted within any zoning district, subject to the following conditions:

- A. Not more than one motor vehicle shall be repaired, worked on~~;~~ or analyzed in any way at any one time;
- B. Motor vehicle accessories, parts or repair tools, or any vehicles not currently being repaired, worked on~~;~~ or analyzed in any way, shall not be kept or stored outside;
- C. No motor vehicle rated at more than two~~_~~ton capacity shall be worked on, repaired~~;~~ or analyzed in any way, except for:
 - (1) Agricultural equipment belonging to a resident of the subject premises and intended for agricultural use~~;~~ and~~;~~
 - (2) Such vehicle belonging to a resident of the subject premises and not intended for commercial use;
- D. Such repair operation shall not in any way create objectionable levels of noise, dirt~~;~~ or odor to neighboring properties so as to create a nuisance.

§ 450-3.17 **Storage.**

- A. The storage of vehicles, vehicle parts, camp trailers, recreational motor homes, boats, equipment or miscellaneous materials may be considered accessory to a residential use, provided all the conditions listed below are met:
- (1) Said storage shall not contain the characteristics of a junkyard as defined in Article **II** of these regulations.
 - (2) Said storage is of a size, scope and nature that it is clearly accessory to an existing residential use on the subject lot;
 - (3) Said storage shall not constitute an existing or potential health, safety or environmental risk;
 - (4) Location; screening.
 - (a) Said storage, both inside and outside, shall be in a location that meets existing building setback requirements for the subject zone or within a completely enclosed building on the subject lot. Outside storage shall be limited to the following:
 - [1] One unregistered vehicle or equivalent in parts, or one unregistered camp trailer, boat, or recreational home; and;
 - [2] Limited amounts of equipment or miscellaneous materials that are stored in a 50-square-foot area and do not constitute a junkyard as defined in Article **II** of these regulations.
 - (b) The above uses shall be screened from adjacent streets and properties with fencing or evergreen plantings, unless screening is waived by the Planning and Zoning Commission due to site and/or neighborhood characteristics.
 - (5) Any unregistered vehicles, boats camp trailers or recreational motor homes and any equipment or material on the subject lot shall, as applicable, be listed with the Town Assessor and thereby appropriately taxed.
- B. The parking of tractor trailer trucks, trucks over 15,000 pounds gross weight or trailers over 15,000 pounds gross weight is not allowed in the residence zones.
- C. The parking of farm vehicles and associated equipment and parts for use on site in association with an active farm shall not be subject to § **450-3.17** of these regulations.
- D. Any questions regarding accessory storage and whether it complies with these standards shall be reviewed with the Planning and Zoning Commission.

§ 450-3.18 **Special flood hazard areas.**

- A. Purpose. It is the purpose of this section to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or; in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of ~~flood waters~~floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion of flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert ~~flood waters~~floodwaters or which may increase flood hazards to other lands.

B. Objectives. The objectives of this regulation are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (5) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and;
- (6) To ~~insure~~ensure that potential ~~home buyers~~homebuyers are notified that property is in a flood area.

C. Definitions. For the purpose of this section, certain terms, words and phrases shall, whenever used in this section only, have the meanings defined as follows:

AREA OF SHALLOW FLOODING

A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one foot to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

BASE FLOOD

The flood having a 1% chance of being equaled or exceeded in any given year; also the "100-year flood," as portrayed on the Bolton Flood Insurance Rate Map, as amended. [Amended during codification]

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials.

FLOOD BOUNDARY AND FLOODWAY MAP

An official map of the Town of Bolton on which the Federal Insurance Administration has delineated the ~~one hundred~~100-year, 500-year and floodway boundaries.

FLOOD INSURANCE RATE MAP

An official map of the Town of Bolton on which the Federal Insurance Administration has delineated the areas of special flood hazards and the risk-premium zones applicable to the Town, as well as base flood elevations at selected locations.

FLOOD INSURANCE STUDY

The official report provided by the Federal Insurance Administration. The report contains flood profiles, water surface elevation of the base flood and includes the Flood Boundary and Floodway Map and Flood Insurance Rate Map.

FLOODWAY

~~The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~ The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, as shown on the Floodway Map, as prepared and amended by the Federal Insurance Administration. [Amended during codification]

FLOOR

The top surface of an enclosed area in a building (including basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement).

MANUFACTURED HOME

A structure that is transportable in one or more sections, built on a permanent chassis; and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park vehicles; or travel trailers and similar transportable structures placed on site for 180 consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

Structures for which the "start of construction commenced on or after the effective date of this section of the Zoning Regulations (not the revision date) and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE

A vehicle which is

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

SPECIAL FLOOD HAZARD AREA

The area within a community subject to 1% or greater chance of flooding in any given year, as identified on the community's FIRM.

START OF CONSTRUCTION

- (1) Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The "actual start" means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation.
- (2) Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE

A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

- (1) Any combination or repairs, reconstruction, alteration, or improvements to a structure during the life of a structure, the cost of which equals or exceeds 25% of the market value of the structure, as

determined by the cost approach to value, the quantity survey method or the square foot method either:

- (a) Before the improvement or repair is started; or
 - (b) If the structure has been damaged and is being restored, before the damage occurred.
- (2) For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
- (a) Any project for improvement of a structure to comply with existing specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

D. General provisions.

- (1) Lands to which this section applies. This section shall apply to all special flood hazard areas within the jurisdiction of the Town of Bolton.
- (2) Basis for establishing the special flood hazard areas. The special flood hazard areas identified by the Federal Emergency Management Agency in its flood study dated June 1, 1981, with accompanying FIRM and floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this section.
- (3) Establishment of the floodplain development permit. A zoning permit shall be required in conformance with the provisions of these Zoning Regulations prior to the commencement of any development activities.
- (4) Warning and disclaimer of liability. The degree of flood protection required by this section of the Zoning Regulations is considered the minimum reasonable for regulatory purposes. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This shall not create liability on the part of the Town of Bolton or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made ~~there~~ underthereunder.

E. Administration.

- (1) Designation of administrator. The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this section.
- (2) Certification. Where required under this section, a ~~registered-licensed~~ professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted

standards of practice for meeting the provisions of this section. Such certification must be provided to the Zoning Enforcement Officer. [Amended during codification]

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- (3) Application.
- (a) A building permit, zoning permit, site plan approval and/or special permit shall be obtained before construction or development begins within any special flood hazard area. The applicant should review the Zoning Regulations with the Zoning Enforcement Officer to determine which permit approval process~~s~~; or processes~~s~~; are to be followed for the particular land use which is being proposed.
- (b) The Zoning Enforcement Officer will review all development permits to assure that the requirements of this regulation have been satisfied.
- (c) The Zoning Enforcement Officer will notify adjacent communities and the Connecticut Department of Energy and Environmental Protection, ~~Inland Water Resources Division~~ prior to any alteration or relocation of a watercourse, and evidence of such notification will be sent to the Federal Emergency Management Agency. Maintenance shall be provided withwithin the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. [Amended during codification]
- (d) The Zoning Enforcement Officer will advise the applicant that additional federal or state permits may be required~~s~~; and, if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with any local permit. Such additional permit requirements may include, but not be limited to: stream channel encroachment line permit, water diversion permit, dam safety permit, corps of Engineers 404 permit.
- (e) The applicant shall provide information with the application which would show that any proposed building sites will be reasonably safe from flooding.
- (f) Construction, reconstruction, extension of any building or structure, or any other development, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations~~s~~, shall be prohibited in the special flood hazard area, except in conformance with these regulations.
- (g) When base flood elevation data or floodway data have not been provided, the Zoning Enforcement Officer will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other ~~source~~sources in order to administer these regulations. The Zoning Enforcement Officer may require the applicant to obtain such information.
- (h) The Zoning Enforcement Officer will record and maintain the following:
- [1] The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures~~s~~;
- [2] The elevation (in relation to mean sea level) to which the new or substantially improved structures have been ~~flood-proofed~~floodproofed;

[3] Certification as to floodway heights; and

[4] Any and all certifications required under these regulations.

- (i) The Zoning Enforcement Officer will make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The Zoning Enforcement Officer may require the applicant to provide sufficient topographic information to make such an interpretation.
- (j) The Zoning Enforcement Officer will maintain all records pertaining to the provisions of this section.

F. Provisions for flood hazard reduction.

(1) General standards. In all special flood hazard areas, the following provisions shall apply:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (d) All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or ~~accumulation~~ accumulating within the components during conditions of flooding.
- (e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of ~~flood waters~~ floodwaters into the system.
- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of ~~flood waters~~ floodwaters into the ~~systems~~ system and discharges from the system into ~~flood waters~~ floodwaters.
- (g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (h) In any portion of a watercourse which is altered or ~~re-located~~ relocated, the flood-carrying capacity shall be maintained.
- (i) Manufactured homes are prohibited in all special flood hazard areas.

- (j) Use of land, construction or other activities permitted within this section shall be subject to approval by all applicable federal or state agencies.
- (2) Standards for streams without established base flood elevations, floodways, floodways and/or flood mapping.
 - (a) The Zoning Enforcement Officer will obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 410-3.12 of the Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FIRM ~~meet~~meets the standards in Subsection G of this section.
 - (b) In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, ~~substantial~~substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
 - (c) The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town will adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.
- G. Specific standards. The following provisions shall apply in all areas of special flood hazard A1-30, AE and AH Zones where base flood elevations data has been provided.
 - (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation.
 - (2) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall a) be ~~flood-proofed~~floodproofed to one foot above ~~the~~ base flood elevation so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A ~~registered~~licensed professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of the subsection. Such certification shall be provided to the Zoning Enforcement Officer. [Amended during codification]
 - (3) Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - (a) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification (with supporting technical data) by a ~~registered~~licensed

professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design, when utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. **[Amended during codification]**

- H. Variance procedure. Requests for variances from the requirements of this section shall be heard and decided by the Zoning Board of Appeals.
- (1) Floodway prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (2) Criteria for variances.
- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of ~~an~~ historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and result in the loss of historic designation of the building;
- (b) Variances may only be issued upon ~~(a1)~~ a showing of good and sufficient cause, ~~(b2)~~ a determination that failure to grant the variance would result in exceptional hardship, and ~~(e3)~~ a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public; or conflict with existing local laws or ordinances. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels, shall qualify to meet subsection ~~(b2)~~ above. Claims of hardship based on the structure, on economic or on personal circumstances are not sufficient cause for the granting of a variance under this section.
- (c) Any applicant to whom a variance is granted will be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance may be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
- (d) The Zoning Board of Appeals will maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

§ 450-3.19 **Temporary signs.**

Temporary signs shall not be displayed more than 30 days before the event to which they are directed and shall be removed no more than 10 days after the event is over.

§ 450-3.20 **Outdoor lighting regulations.**

- A. Purpose. The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties; and to reduce glare. All business, residential; and community

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roadways, sidewalks, and Town property luminaires should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

B. Definitions. For purposes of this ~~Subsection~~ section, the following terms shall be defined as follows:

DIRECT LIGHT

Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FULL CUT-OFF TYPE FIXTURE

A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90° horizontal plane from the base, or the purpose of the design ~~is~~ defeated, and disability glare will result.

FULLY SHIELDED LIGHTS

Fully shielded luminaire light fixtures allow you to control the glare in any direction.

GLARE

Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

HEIGHT OF LUMINAIRES

~~The height of luminaires shall be~~ The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

INDIRECT LIGHTING

Direct light that has been reflected or has scattered off of other surfaces.

ISODIAGRAM

~~An isodiagram is~~ A graphical representation of points of equal illuminance drawn as single-line circular patterns or computer-generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

LAMP

The light source component of luminaires that produces the actual light.

LIGHT POLLUTION

Stray or reflected light that is emitted into the atmosphere, beyond the 90° horizontal lane. Dust, water, vapor and other pollutants reflect this light, causing unwanted sky-glow.

LIGHT TRESPASS

Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

LUMEN

A unit of luminous flux. One ~~footcandle~~ is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp.

LUMINAIRE

A complete lighting system, and includes a lamp or lamps and a fixture.

OUTDOOR LIGHTING

The ~~night time~~nighttime illumination of an outside area or subject by any man-made device located outdoors that produces light by any means.

RATIO

Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio = 4:1 for the given area, the lowest level of illumination should be no less than 1/4 the average level of illumination.

UPLIGHTING

Any light source that distributes illumination above a 90° horizontal plane.

C. Lighting plan. Outside lighting for ~~non-residential~~nonresidential and multifamily uses will be subject to a site plan review, unless waived by the Commission, and shall be accompanied by a lighting plan showing:

- (1) The location, height and type of any outdoor lighting luminaires, including building-mounted;
- (2) The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
- (3) The type of lamp: metal halide, compact fluorescent, high-pressure sodium;
- (4) The Commission may require an isodiagram showing the intensity of illumination expressed in footcandles at ground level.

D. General requirements:

- (1) All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across) the property lines and disabling glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illumination Engineering Society of North America (IES) shall be observed. ~~(see Section 3 Appendix. (See Appendixes A and B), below.)~~
- (2) All lighting for parking and pedestrian areas will be full cut-off type fixtures.
- (3) Lighting for display, building and aesthetics shall be from the top and shine downward, not ~~up-lighted~~uplighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.

- (4) All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.
 - (5) Floodlighting is prohibited.
 - (6) Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.
 - (7) Gasoline service stations. Maintained illumination recommendations set by the Illuminating Engineering Society of North America (See ~~Section 3~~ Appendix B ~~below~~) will be observed and not exceeded. All area lighting will be full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface, to reduce off-site glare for roadways.
 - (8) All streetlighting shall be "cut-off" fixtures.
 - (9) Outdoor playing areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
 - (10) Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, light areas and dark surroundings.
 - (11) All ~~non-essential~~nonessential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security ~~;~~ motion or infrared sensor lighting is encouraged. ("~~Non-essential~~Nonessential" can apply to display, aesthetic, parking and sign lighting ~~;~~.)
 - (12) Lighting designed to highlight flagpoles shall be low ~~level~~ ; should be targeted directly at the flag.
 - (13) The height of luminaires, except streetlights in public rights-of-way, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 30 feet.
 - (14) Exemptions ~~;~~ Traditional seasonal lighting and temporary lighting used by police, Fire Department or emergency services ~~are~~is exempt from these regulations.
- E. Special permits. The Planning and Zoning Commission may grant a special permit modifying the requirements of this section, provided it determines that such modification is consistent with the purpose of these regulations, in the following cases:
- (1) Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists ~~;~~ ;
 - (2) Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
 - (3) Where a minor change is proposed to an existing nonconforming lighting installation, such that it would be unreasonable to require replacement of the entire installation;
 - (4) Where special lighting is indicated for historic buildings;

- (5) Where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity;
- (6) Where ornamental ~~up-lighting~~ uplighting of a sculpture, buildings or landscape features will enhance the character of the area.

Section 3 Appendix A

Appendix A

Recommended Maintained Illuminance Values for Parking Lots

		Basic	Enhance <u>Enhanced</u> Security
Minimum horizontal illuminance	lux	2	5
	fc	0.2	0.5
Uniform ratio, maximum to minimum		20:1	15:1
Minimum vertical illuminance	lux	1	2.5
Minimum vertical illuminance	fc	0.1	0.25

Source: IESNA RP 20-98

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Section 3 Appendix B

Appendix B

Service Station or Gas Pump Area Average Illuminance Levels

Average Illuminance on Described Area

Area Description	(lux/footcandles)
Approach with dark surroundings	15/1.5
Driveway with dark surroundings	15/1.5
Pump island area with dark surroundings	50/5
Building facades with dark surroundings	20/2

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Section 3 Appendix A

Appendix A

Recommended Maintained Illuminance Values for Parking Lots

	Basic	Enhance Enhanced Security
Service areas with dark surroundings		20/2
Landscape highlights with dark surroundings		10/1
Approach with light surroundings		20/2
Driveway with light surroundings		20/2
Pump island area with light surroundings		100/10
Building facades with light surroundings		30/3
Service areas with light surroundings		30/3
Landscape highlights with light surroundings		20/2

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§ 450-3.21 Coordination of permits issued pursuant to these regulations with permits issued by Aquifer Protection Agency. [Added 9-9-2009]

Any applicant who proposes a regulated activity as defined under § 350-2.1 of the Bolton Aquifer Protection Area Regulations shall first obtain from the Aquifer Protection Agency an aquifer protection permit pursuant to ~~Section 9~~Article VIII of those regulations prior to receipt of a zoning permit, site plan review, special permit, or variance under these regulations.

§ 450-3.22 Minor modifications. [Amended 10-13-2010]

A. The Zoning Enforcement Officer may issue a zoning permit in connection with the minor modification of an approved site plan or special permit pursuant to Article XVI, provided that all changes meet the criteria and requirements of this section. The Zoning Enforcement Officer may require the submission of a site plan meeting the requirements of Article XVI, Part 1, and this section in conducting his or her review. Upon approval of a minor modification of a special permit, the Zoning Enforcement Officer shall cause to be recorded in the Office of the Town Clerk a certificate of approval bearing the signature of the Zoning Enforcement Officer. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission. Any modifications that do not meet the criteria and requirements of this section shall require the approval of the Planning and Zoning Commission. The Commission may process such modifications as a site plan review without special permit approval or public hearing should it determine that such changes will have no significant impact on traffic, drainage, or other

considerations affecting public health and safety. The Zoning Enforcement Officer may, in his discretion, refer any minor modification to the Commission for approval notwithstanding that such minor modification otherwise complies with the criteria and requirements of this section.

B. A "minor modification" is a modification which meets the following criteria:

- (1) Any increase in building area does not exceed 5% of the area of buildings as shown on the site plan approved by the Commission.
- (2) Any increase in parking area does not exceed 5% of the number of parking spaces (or an increase of one space, whichever is greater) as shown on the site plan approved by the Commission.
- (3) Any adjustment in landscaping location and configuration does not reduce the overall green space, numbers of trees and shrubs, or any buffering of abutting parcels or uses, as shown on the site plan approved by the Commission.
- (4) Any adjustment or relocation of parking areas or driveways does not substantially alter the traffic flow or general driveway locations as shown on the site plan approved by the Commission.
- (5) Any adjustments in the location of drainage structures or utilities are substantially compliant with the site plan approved by the Commission.
- (6) No change to the location or design of any public improvement is proposed.
- (7) The Town Engineer has issued a report confirming that the existing drainage structures are in good condition and functioning as designed and that such drainage systems are adequate to accommodate any additional runoff resulting from the proposed changes. In connection therewith, the Zoning Enforcement Officer may require the submission of a modified drainage report for review by the Town Engineer.
- (8) The Director of Community Development has issued a favorable report on the proposed changes, which shall include reports by the Health District, Wetlands Agent, Fire Marshal, and/or any other applicable municipal official or department which the Director determines should be consulted.

§ 450-3.23 Change of use. [Amended 10-13-2010]

Notwithstanding the requirements of §§ 450-8.1B(2), 450-8.2B(2) and 450-9.2B(2), the Zoning Enforcement Officer may issue a zoning permit for a change of use in a commercial or industrial zoning district to another use permitted by right in such zone, subject to the minor modification provisions of § 450-3.22. Any increase beyond these thresholds may be approved in accordance with § 450-3.22, or Article XVI at the discretion of the Commission. The Zoning Enforcement Officer shall provide notice of such zoning permit approval to the Planning and Zoning Commission.

Part 2
Special Regulations

§ 450-3.24 **Motor vehicle sales/service and fuel and motor oil sales.**

Motor vehicle sales/service and fuel and motor oil sales (excluding not-for-profit motor vehicle repair; see § **450-3.16**):

- A. Location approval. In accordance with ~~Conn. Gen. Stats~~C.G.S. § 14-321, no property shall be used for the sale of fuel or other products regulated under Chapter 250 of the Connecticut General Statutes unless the Planning and Zoning Commission makes a written finding that such location is suitable for the sale of fuel and other products.
- B. Parking/Storage of vehicles. No vehicle shall be parked, stored or displayed so as to interfere with a safe and convenient on-site circulation pattern ~~or~~ interfere with driver sight lines or traffic flow at the access drive to the site or along any public road. All parking, which shall be considered to include vehicles using fuel pumps, shall comply with the requirements of Article **XV** of these regulations.
- C. Location of fuel pumps. Fuel pumps shall be not less than 20 feet from the street line. Where an overhead canopy is proposed above any fuel pumps, such canopy shall not extend beyond the building lines along all sides of the property. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, ~~and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.~~ [Amended during codification]
- D. Lighting. See § **450-3.20D**, and, in particular, Subsection **D(7)**.
- E. Service bays. No service bay shall face the street line; except on a corner lot, where service bays may face one street line.
- F. Motor vehicle car washes shall be permitted as accessory uses, provided that:
 - (1) Adequate traffic flow patterns are established which prevent conflict with fuel and service patrons, and which prevent waiting traffic from extending into the street.
 - (2) The site is to be served by public sanitary sewers or approved washwater recycling equipment and there is no discharge of washwater into or onto the ground, or into the septic system.
 - (3) All site and floor surfaces which may receive washwater shall be pitched to drains connected to public sanitary sewers or approved washwater recycling equipment, and such drains shall be equipped with oil separators and such other equipment as the Commission may require to prevent contamination of the waters of the Town.
 - (4) No service bay shall face the street line; except on a corner lot, where service bays may face one street line. Canopies shall be architecturally compatible with the service station and the design of buildings in the area, and lighting shall be recessed and shielded so as to prevent glare from any point outside the area covered by such canopy.

G. Convenience store retail trade shall be permitted as an accessory use, provided that:

- (1) Adequate vehicular and pedestrian traffic flow patterns are established which prevent conflict with fuel and service patrons.
- (2) Adequate parking for the additional retail trade use is provided in accordance with Article ~~XV (Off-Street, Parking and Truck Loading), and Fire Lane Requirements.~~
- (3) To ~~insure~~ensure adequate supervision for both the fuel sale and retail trade uses, there shall be at least one employee on duty for the sale of fuel, and one additional employee for the retail trade use. Depending on the size of the facility, and the anticipated volume of vehicular traffic and public activity, the Commission may require additional security measures as a condition of the retail trade use.
- (4) There shall be no seats, stools, tables, or other facilities for the on-site consumption of food.
- (5) ~~Rest room~~Restroom facilities shall be provided for employees and may be required by the Commission for customers.
- (6) There shall be no overnight parking associated with the retail trade use, other than for employees.

§ 450-3.25 **New and used car sales.**

- A. No vehicle at a permitted new or used car sales use shall be parked, stored or displayed so as to interfere with a safe and convenient on-site circulation pattern or interfere with driver sight lines or traffic flow at the access drive to the site or along any public road. [Amended during codification]
- B. Used car sales shall be permitted only as an accessory use to:
 - (1) A new car dealer sales and display room having a minimum area of 700 square feet on the premises; or
 - (2) A licensed general repair service.

§ 450-3.26 **Seasonal or temporary commercial uses. [Amended 2-9-2011]**

- A. Standards for vendors associated with seasonal or temporary commercial uses. The following standards shall apply to vending which is associated with seasonal or temporary uses as indicated in Subsections **B(1), B(2), C(2), D(1), D(2)(b), E(2)(a), E(3) and E(4)(a)**:
 - (1) The operation must remain truly mobile and shall be removed daily, in its entirety, from any approved location between sunset and sunrise.
 - (2) There shall be no more than one mobile vendor per property.
 - (3) The location of any vending vehicle, cart, trash container, sign, etc. shall not obstruct line of sight or flow of traffic both on- and off-site and shall not obstruct the use of any required parking space, driveway, or walkway. There shall be adequate off-street parking for patrons of existing establishments and those of the mobile food vendor. All trash containers, signs, etc. related to the use shall not be located more than 15 feet from the vending vehicle.

- (4) The mobile vendor shall be limited to one temporary freestanding sign, not to exceed 16 square feet per side. Flags, pennants, pinwheels, flashing lights, or other devices, intended to attract attention to the use, but potentially distracting to motorists, shall be prohibited.
- (5) The mobile vendor shall provide written permission from the owner of the property where ~~he/she~~the vendor intends to locate.
- (6) For approval, the mobile vendor shall provide a simplified site plan indicating the location of any vending vehicle, cart, sign, etc. in relation to buildings, sidewalks, parking spaces, and driveways.
- (7) The mobile vendor shall provide adequate trash containers on the property and shall be responsible for maintaining a litter-free condition on the entire site associated with this use while the applicant exercises the permit or lease. The vendor shall post a trash pick-up bond ~~in the amount of \$50~~ to ensure site clean-up. [Amended during codification]
- (8) Upon vacating a property, the mobile vendor shall remove all traces of his/her business and restore the property to its original condition. When the portion of the property being used by a mobile food vendor and his/her patrons is not paved, the property owner shall post a site restoration bond in an amount to be determined by the Zoning Enforcement Officer to cover the cost of restoring the property to its original condition.
- (9) The applicant shall pay an application fee as set down by the Commission.
- (10) Mobile food vendors must have a valid vending license from the Board of Selectmen and food permit from the Health District in addition to the approval cited above.

B. Mobile vending general permits.

- (1) Construction site mobile food vending general permit. The Zoning Enforcement Officer may issue a general permit for mobile food vending on bona fide construction sites for the duration of the construction project, provided such vending occurs within the confines of the construction site, and such vending is not open to the general public, but exclusively for the benefit of construction workers, and related contractors and subcontractors. Any vendor shall comply with the requirements of Subsection **A(1), (3), (7) and (10)**, with the exception that no bonds shall be required.
- (2) Transient mobile vending general permits. The Zoning Enforcement Officer may grant a general permit for mobile vending (food or general merchandise) on any commercial or industrially zoned site, provided that the vendor has secured the permission of the property owner; the vendor does not occupy any one site for more than one hour per day; and ~~provided~~ that the vendor adheres to the standards and requirements of Subsection **A(1) through (4) and (10)**.

C. Seasonal commercial agricultural uses.

- (1) Farm stands accessory to a farm. Farm stands accessory to a farm in any zone may be permitted upon site plan review by the Commission subject to the following special requirements: **[Amended 4-20-2011]**

- (a) Square footage. The building area of a farm stand shall not exceed 250 square feet for every 10 acres under active cultivation, up to a maximum of 1,000 square feet of building area. If, at any time, a farm is reduced in the area of active cultivation, by sale of land or reduction in cultivation, the area of the farm stand shall be reduced to maintain conformance with this section. Farm stands shall be designed in such a way that removal of the building is feasible when and if its building area must be reduced.
- (b) Site planning, parking, signs. Farm stands shall comply with all parking, illumination, and other regulations applicable to commercial uses in the Neighborhood ~~Commercial~~ Business Zone, regardless of the zone in which the farm stand is located. Signs shall be in accordance with § 450-18.7A(4) and (5).
- (c) Products sold; vending permits.
 - [1] Products sold. Operators of farm stands shall be limited to the sale of fruits and vegetables grown substantially on the premises, and to value-added farm goods prepared from fruits and vegetables grown on the premises, such as jams, jellies, sauces and baked goods prepared in accordance with applicable state statutes and local regulations.
 - [2] Vending permit. Operators of farm stands shall secure a vending permit from the Zoning Enforcement Officer for the sale of value-added farm goods prepared from fruits and vegetables ~~grown~~ grown substantially on the premises. Such permit shall be issued for a period not to exceed 200 days on an annual basis. Such ~~pre-packaged~~ prepackaged food items, including food items ancillary to produce grown substantially on the premises, such as prepackaged beverages, shortcakes, etc., are permitted under such vending permit, provided that these items constitute less than 10% of total farm stand sales. An approval from the Board of Selectmen, the Health District or State ~~Health~~ Department of Public Health for any ~~pre-packaged~~ prepackaged food shall be required before the approval of a vending permit. [Amended during codification]
- (2) ~~Farmers~~ Farmer's markets of temporary or mobile construction. ~~Farmers~~ Farmer's markets of temporary or mobile construction may be approved by the Planning and Zoning Commission in any zoning district by site plan review under the following conditions:
 - (a) Any vendor shall comply with the requirements of Subsection A(1), (3), (4), (6), (7), (8) and (10), with the exception that no bonds shall be required, and any signage shall be mounted on the booth or affixed to the vendor's cart. The simplified site plan shall also include:
 - [1] The location of potential ~~vendor's~~ vendors' tents/tables, traffic control measures, other amenities in relation to buildings, sanitary facilities, parking, access drives, fire lanes, and other improvements (if any) on the site;
 - [2] The days and hours of operation of the farmer's market and other land uses on the site, if any; and
 - [3] The signature of the property owner on the application and/or written permission in the form of an attached letter.
- (b) Products sold shall be limited to Connecticut-grown ~~and~~ raised produce, flowers, meat, poultry, dairy, and other agricultural products, as well as food, beverage, and craft items (e.g., preserves, cider,

dried flower arrangements) made from Connecticut-grown/~~r~~-raised products, subject to food permits, when required, and all other applicable Public Health Code requirements.

- (c) The Commission shall determine whether the proposed ~~farmers'~~farmer's market is appropriate for the proposed location and will not negatively impact other uses on-site or on nearby properties.
 - (d) Temporary off-site signage shall be permitted in accordance with ~~[Section 18F-1.e]~~ § 450-18.65.
- D. Seasonal or holiday sales of general merchandise.
- (1) The Zoning Enforcement Officer may approve a vending permit for the sale of general merchandise in an outdoor setting either on developed or vacant lots in a GB, NB, or I Zoning District for a period not to exceed 30 days, subject to the submission of a simplified site plan depicting parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the site. Such approval shall be subject to the requirements of Subsection A(3), (4), (5), (6), (7) (without bond), A(8), (9) and (10).
 - (2) Mobile general merchandise vendors associated with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization.
 - (a) Mobile general merchandise vendors within Town property or in Town rights-of-way are authorized by ordinance by the Board of Selectmen, and are not regulated by the Planning and Zoning Commission.
 - (b) The Zoning Enforcement Officer shall issue general merchandise vending permits on private property in any zoning district in connection with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization for periods ~~of~~ up to 30 days in duration, subject to the submission of a simplified site plan depicting parking spaces, temporary signage, trash receptacles, traffic control measures, and other amenities in relation to buildings, parking, access drives, fire lanes, and other improvements (if any) on the site. Such approval shall be subject to the requirements of Subsection A(2), (3), (4), (5), (6), (7), (8) and (10), except that no bonds shall be required.
- E. Mobile food vending. [Amended 5-20-2013]
- (1) Mobile food vendors within Town property or in Town rights-of-way are authorized by ordinance by the Board of Selectmen regulated by the Health District and are not regulated by the Planning and Zoning Commission.
 - (2) Mobile food vendors associated with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization. The Zoning Enforcement Officer may issue food vending permits in any zoning district in connection with special community-wide events sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit organization, subject to the same requirements as set ~~down~~forth in Subsection A(3), (5), (6), (7), (8) and (10), except that no bonds shall be required.

- (3) Mobile food vendors associated with special grand-opening events or special seasonal sales events. The Zoning Enforcement Officer may issue food vending permits in GB, NB, or I Zoning Districts in connection with grand opening events, or special seasonal sales events (no more than three per year) for periods of up to five days in duration for each event, and subject to the requirements of Subsection **A(3), (4), (5), (6), (7)** (without bond), A(8), (9) and (10).
- (4) Mobile food vendors on vacant lots.
- (a) The Zoning Enforcement Officer may issue food vending permits in GB and I Zoning Districts on vacant lots for periods up to 30 days in duration, subject to the requirements of Subsection **A(1)** through **(10)**.
- (b) Mobile food vendors shall not be allowed on a property within 1,000 feet of the property line of a property containing a permanent eating establishment or an establishment that sells alcoholic beverages for on-premises consumption.

§ 450-3.27 **Restaurants.**

- A. Food service shall be primarily to customers seated at tables or at counters within an enclosed building. Outdoor dining shall be allowed as an accessory use to a restaurant where the applicant establishes that adequate provisions have been made for litter, public health, insect/pest control, noise and crowd control, unauthorized access or use, safe and adequate access/egress for pedestrians/vehicles, and where the site is suitable for such accessory outdoor café service. An outdoor dining use as an accessory use to a restaurant shall require an application for a zoning permit, which shall include a narrative of information regarding the outdoor dining use, including a plan of the area to be used, how it will be set up and protected, an adequate parking plan, and other relevant information required by the Zoning Enforcement Officer about the use. The application for a zoning permit shall be submitted to the Zoning Enforcement Officer for their action. **[Amended eff. 11-1-2021]**
- B. The Commission may approve a specific request for pedestrian outdoor window service as an accessory use to a restaurant, provided that the applicant demonstrates, to the satisfaction of the Commission, that adequate provision has been made for pedestrians to park and safely reach the window, without crossing through adjacent lanes of moving traffic or stacking lanes for drive-through service; and a covered, sheltered, illuminated area has been provided for pedestrians adjoining the drive-in window. Drive-through service as an accessory to restaurants is permitted in business zones (except NB) if approved as part of a special permit/site plan review, where the Commission determines that said proposed facility meets all other zoning standards and regulations for one drive-through lane and appropriate associated canopies per building facility, located completely behind the plane of the front wall of the principal building; the architectural and site design guidelines, materials, and details of the facility are compatible and similar to the architectural design, materials and details of the principal building; and, the vehicular ~~circulation~~ circulation and stacking areas required for said facility do not pose a danger to pedestrian safety or to the general parking and circulation needs of the site. **[Amended 11-18-2015, eff. 12-1-2015]**
- C. Take-out service of food to be consumed off the premises may be permitted as an accessory use to a restaurant.

- D. No restaurant located as the principal use of a building on a separate lot shall have fewer than 30 seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room. A restaurant which is part of a unified shopping center or other multi-use (i.e., more than two principal uses) shall have no fewer than 10 seats for the service of patrons, excluding counter seats, and table seats in a separate bar or tap room.
- E. Fast-food restaurants shall be required to meet the following additional standards:
- (1) The applicant shall provide a traffic study prepared by a qualified traffic engineer which contains, at a minimum, an analysis of current and projected traffic volumes, peak hour projections, turning movements, sight lines, parking demands, access for emergency vehicles, deliveries and loading, and such other factors as may be relevant for the particular site and its conditions.
 - (2) Buildings shall be designed to serve the intended use, and to be in harmony with the architectural character of a small rural town. Buildings are not to be advertisements in themselves, including the use of "motif" colors. All building designs must be approved by the Commission per Article XVI of these regulations.
 - (3) Glass shall occupy no more than 30% of the exterior wall surface of the building, and all glass shall be tinted.
 - (4) No "fast-food" restaurant shall be located less than 50 feet from any Residential Zone, measured from any point on the site to any zone line.
 - (5) The control of litter shall be the sole and exclusive responsibility of the owner/operator of the "fast-food" restaurant which generated it, and adequate provisions shall be made for its containment, recovery, and removal from the site and from any surrounding properties where it may be found. This obligation shall be secured by a cash bond to be posted with the Commission, the size of which shall be determined by the Commission based on the size and anticipated volume of off-site consumption of food. Further, violation of this provision shall be considered a violation of these regulations, and shall subject the owner/operator to those penalties set forth in these regulations and the Connecticut General Statutes.
- F. Any outdoor dining that has not been the subject of a zoning enforcement action or nuisance activity report as of November 30, 2021, which is operating with a permit issued pursuant to 2020 Gubernatorial Executive Order 7 MM, or any extension or amendment or reissuance thereof, shall be permitted to continue to operate pursuant to that permit. **[Added 9-23-2020, eff. 11-1-2021]**

§ 450-3.28 ~~Hotel/Motel~~ **Hotels and motels.**

Each hotel/motel shall comply with the following requirements:

- A. The Commission may require or permit that a hotel/motel have a separate dwelling unit with adequate living space for a resident manager to provide for full-time supervision of the facility.
- B. The maximum number of rooms permitted on a lot shall be determined as follows: 4,000 square feet of land per room if all rooms are on one floor; 2,500 square feet per room if rooms are on two or more floors.

- C. Each room shall have a minimum livable floor area of 275 square feet or, alternatively, 225 square feet for 50% of the rooms, provided the remaining 50% contain a minimum of 325 square feet.
- D. The site shall be served by public water and sewer, or, alternatively, the application for special permit shall be accompanied by a written report from the Town Sanitarian indicating that the septic system and water supply (existing or proposed) are adequate for the size and intensity of the use proposed.
- E. The site shall be designed to allow safe and adequate access for guests, service vehicles, emergency vehicles and equipment, and safe pedestrian circulation.
- F. The site shall be in a location which is convenient to major arterial roads, fire and other emergency services, and adequate stormwater drainage facilities.
- G. Parking and loading shall be in accordance with the requirements of Article **XV** of these regulations.
- H. Alcoholic beverages may be permitted in accordance with the regulations of the State ~~of~~ Liquor Control Commission. [Amended during codification]
- I. The site shall be designed so as to protect bedroom windows from glare from automobile headlights, streetlights, driveway/parking lot lighting, and other light sources on or off the site.
- J. Accessory swimming pools shall be adequately enclosed and screened by fencing and landscaping.
- K. All buildings shall be designed to be compatible with the traditional architecture of New England inns, especially with regard to roof pitch, exterior materials and detailing, and with clusters of small buildings preferred to a lesser number of larger ones. Access to rooms shall only be from an interior hallway and not directly from an outdoor space.

Part 3
Water Supply for Fire Protection
[Amended 1-1-2006; 12-10-2014]

§ 450-3.29 **Purpose.**

In order to maintain a consistent fire protection plan for the Town of Bolton, the Planning and Zoning Commission may require an easement appropriate to allow for the construction and maintenance of a cistern or dry hydrant.

§ 450-3.30 **Applicability.**

This Article **III**, Part 3, of the Zoning Regulations shall apply to any application for subdivision or resubdivision, special permit or a site plan review.

§ 450-3.31 **Grant of easement by owner.**

The owner(s) of the land where the cistern or body of water and associated dry hydrant are proposed to be located, shall grant, at no cost to the Town, a permanent easement to the Town of Bolton and the

Bolton Fire Department, for purposes of access for construction, firefighting, training, inspection, testing and maintenance.

§ 450-3.32 **Subdivisions and resubdivisions.**

In the case of any application for subdivision or resubdivision the following shall apply to any dwelling in a subdivision or resubdivision of 10 or more lots that was approved after January 1, 2006. This regulation is meant to be cumulative based upon the creation of the 10th lot of the subdivision of the property or the 9th new lot created by a resubdivision of the property.

- A. A permanent water supply for fire protection, approved by the Bolton Fire Marshal and Fire Chief, in accordance with these regulations, shall be made available not later than the completion of the first building foundation on the property for the subject application.
- B. The permanent water supply for fire protection shall consist of a cistern made of fiberglass, reinforced concrete, or other material acceptable to the Planning and Zoning Commission, and necessary appurtenances, such as fire department connection riser, vents, etc., as necessary, and shall have a capacity of 15,000 gallons for subdivisions of 10 lots to 20 lots and at least 30,000 gallons of water for 21 lots or more, unless the Commission finds that the applicant has established one of the following:
 - (1) That the construction project is located within a Town-approved cistern area. The Commission may accept a letter of approval issued by the Board of Selectmen to establish this exception.
 - (2) The subdivision plan indicates that any building will be fully sprinklered per NFPA 13D or 13R, as currently adopted by the State of Connecticut.
- C. The cistern fire department connection riser shall be located within five feet of a paved surface accessible by the fire apparatus. The intervening ~~access way~~accessway between the paved surface and the riser shall be a paved surface at least six feet in clear width.
- D. The location of the cistern fire department connection riser shall be located in accordance with the following requirements:
 - (1) For single-family detached dwellings, no part of a dwelling shall be more than 2,000 feet, as measured along roads and driveways, from the cistern fire department connection riser.
 - (2) For dwellings other than single-family dwellings, no part of the dwelling shall be more than 1,500 feet, as measured along roads and driveways, from the cistern fire department connection riser.
- E. The design, siting and installation criteria for this permanent water supply shall be designed by a professional engineer, properly licensed ~~and registered~~ in the State of Connecticut. A set of plans, signed and stamped by the engineer, and the engineer's cost estimate for the complete installation, shall be provided as part of the application for the subdivision. This permanent water supply shall be designed as a water supply for firefighting in accordance with nationally recognized criteria such as National Fire Protection Association (NFPA) Publication #1142, the edition current as of the date of the application. The design of such a water supply must include, but not be limited to, depth

of groundwater and ledge, anticipated loading requirements on top of the structure and protection against freezing. **[Amended during codification]**

- F. An alternative permanent water supply may be substituted for the cistern if approved by the Fire Marshal and Fire Chief. This approved alternative permanent water supply is a body of water and dry hydrant assembly that, based upon an engineering analysis conducted in accordance with Subsection **E** above, is shown to comply with the requirements of NFPA Standard #1142, the edition current as of the date of the application. This alternative permanent water supply shall comply with the distance requirements of Subsection **D** above. All requests for approval of a natural or man-made on-site surface water supply must be accompanied by a drainage analysis prepared by a licensed professional engineer. Such an analysis must state the minimum number of gallons available during the dry season of the year and shall indicate the source and amount of water that is supplied to the surface water supply during all weather conditions.
- G. The owner(s) of the land where the cistern or body of water and associated dry hydrant are located, shall grant a permanent easement to the Town of Bolton and the Bolton Fire Department, for purposes of access for firefighting, training, inspection, testing and maintenance.
- H. The owner(s) of land where the water supply is located shall design and install the cistern. The Bolton Fire Department will fill, test and accept the cistern. After two years of operation satisfactory to the Bolton Fire Marshal and Fire Chief the Town will take responsibility for inspection and maintenance. The owner(s) of the land where the cistern or body of water and associated dry hydrant are located, shall provide the Town of Bolton performance and maintenance bonds for the satisfactory installation and operation of the permanent water supply as determined by the Bolton Fire Marshal and Fire Chief. The bonds shall comply with the applicable portions of Subdivision Regulations, § **410-13.4**, and Chapter **410**, Article **XV**, or ~~Zoning Regulations § 450-16.10~~, except as otherwise required by this Article **III**, Part 3. To account for future cost increases and unforeseen costs, the performance bond amount shall be equal to at least 125% of the engineer's cost estimate to provide the complete installation of the permanent water supply and appurtenances. In no case shall the performance bond amount be less than \$5,000 plus \$1.50 per gallon of the required capacity of the permanent water supply. The time for the satisfactory completion of the installation and operation of the permanent water supply shall be the earliest time of the following applicable requirements: the time stated by the Planning and Zoning Commission in an approval action, or the time required by this Article **III**, Part 3, and §§ **450-16.4** and ~~450-16.116~~ of the Zoning Regulations. Failure to satisfactorily install and operate the permanent water supply within the required time shall be a cause for the Town of Bolton to require immediate and full payment of the performance bond funds for use in providing a satisfactory permanent water supply. Upon the satisfactory complete installation and operation of the permanent water supply, the performance bond may be replaced by a maintenance bond equal to 20% of the performance bond, for the continued satisfactory condition and operation of the permanent water supply. The maintenance bond shall remain in ~~effective~~effect for two years after the date that the Planning and Zoning Commission determines that permanent water supply is installed and operating to the satisfaction of the Bolton Fire Marshal and Fire Chief.
- I. The Bolton Fire Marshal and Fire Chief shall act to approve, modify and approve or disapprove any plans for a permanent water supply for fire protection in accordance with these regulations and shall provide a report to the Commission describing such action within 65 days of the receipt of

such plans. For any disapproval or modification of plans, the report must include the reason(s) as to why the plans were determined to not comply with these regulations. The failure of the Fire Marshal and Fire Chief to act within this ~~sixty-five~~ 65-day ~~periods~~period shall be considered as an approval of the plans.

- J. At such time that the Town or other acceptable authority has placed in service cisterns, dry hydrants, or pressurized water systems designed for fire protection that meet the distance requirements of these regulations, then water supplies or approved alternates, such as sprinklers, would not be necessary for any size or class of construction unless required by other state building, fire or life safety codes.

Part 4 Solar Energy Systems

[Added 1-1-2014]

§ 450-3.33 Small-scale solar energy systems.

- A. Purpose: to promote the use of solar energy systems in accordance with the Connecticut General Statutes and the Town of Bolton Plan of Conservation and Development while protecting the public health, safety and welfare.
- B. Small-scale solar energy systems, including ground- and roof-mounted systems, shall be permitted as an accessory use by right in all zoning districts, subject to the requirements set forth in the zone in which it is to be located and this section.
- C. The construction of the small-scale solar energy system shall be in accordance with an approved building permit application.
- D. Dimensional requirements in all zones:
- (1) Small-scale solar energy systems shall meet all the minimum yard setbacks as required for the primary use in the zone ~~it is~~ in which they are to be located. In measuring a pole-mounted tracking system that moves to track the sun, the ~~drip line~~dripline of the farthest extension of the tracker shall not extend into any required yard.
 - (2) Small-scale solar energy systems, including any mounts, shall not exceed the maximum height allowed for the primary use in the zone ~~it is~~ in which they are to be located.
 - (3) Small-scale solar energy systems shall comply with the maximum lot and impervious coverage percentages as required in the zone ~~it is~~ in which they are to be located. In measuring coverage, the mounting or foundation that touches the ground shall be the footprint and counted as lot and impervious coverage.
 - (4) Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for interconnection to system components and/or the local utility power grid.
 - (5) Small-scale solar energy systems shall be subject to the same type of review as the use to which ~~it is~~ they are an accessory.

- (6) Separate flush- or rack-mounted small-scale solar energy systems mechanically fastened to and/or secured with ballast installed on the roof of a building or structure shall meet ~~3D1.e.2 and the requirements of Subsections E, F, G and H below, and: [Amended during codification]~~
- (a) Shall not project vertically more than six inches above the peak of the sloped roof to which ~~it is~~they are attached; or
- (b) Shall not project vertically more than five feet above a flat roof installation.
- (c) It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof; and safe egress from the roof.
- E. Appearance. Appearance, color; and finish of the small-scale solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- F. Code compliance. A small-scale solar energy system shall comply with all applicable construction and electrical codes.
- G. Removal. All obsolete or unused systems shall be removed within 12 months of cessation of operations without cost to the Town. System components should be reused or recycled whenever possible.
- H. Violations. Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install; or operate a small-scale solar energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.

ARTICLE IV Establishment of Zones

§ 450-4.1 Districts. [Amended 6-25-2012]

For the purpose of these Zoning Regulations, the Town of Bolton is hereby divided into nine zones, as follows:

Residence R-1 Zone

Residence R-2 Zone

Residence R-3 Zone

Golf Course Overlay Zone (GCOZ)

General Business Zone (GB)

Neighborhood Business Zone (NB)

Rural Mixed Use Zone (RMUZ)

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Industrial Zone (I)

Gateway Mixed Use Industrial Zone (GMUIZ)

§ 450-4.2 **Zoning Map.**

A. The boundaries of each of the ~~said~~ zones are hereby established as shown, defined and bounded on a map entitled:

"MASTER ZONING MAP

Town of Bolton, Connecticut Bolton Zoning Commission"

Dated - 1973

Revised - 1983

Revised - 1985

Revised - 1987

Revised - 1995

Revised - 2000

Revised - 2001

Revised - 2005

Revised - 2010

B. This Master Map and all explanatory matter thereon are hereby made a part of these regulations. Reference shall be made to the Master Map for the latest changes and specific zone boundaries.

C. A copy of the Master Map in on file in the office of the Town Clerk.

ARTICLE V
Prohibited Uses

§ 450-5.1 **Nuisances prohibited.**

No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke or noise, or is a nuisance or menace to health or safety.

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§ 450-5.2 **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 zones in which such uses are not otherwise allowed.

§ 450-5.3 **Bulk regulations.**

No land, open space, or yard required by these regulations for a lot, shall be included as a part of the area, space or yard of another lot. No lot shall be made smaller than the minimum requirements of the zone in which it is located by any voluntary act of the owner.

§ 450-5.4 **Specifically prohibited uses.**

The following uses of land and buildings are prohibited in any zone, whether public or private land:

- A. The parking of mobile homes or trailers for more than 15 days when used for human occupancy, except on a temporary basis during construction of a home for a period not to exceed six months in accordance with a zoning permit approved by the Zoning Enforcement Officer. Such permit may be extended one additional six-month period by a further permit approved by the Zoning Enforcement Officer.
- B. Parking of mobile homes or trailers for use as office, warehousing space or any other business use except:
 - (1) On a temporary basis under a variance granted by the Zoning Board of Appeals;
 - (2) As an accessory use during construction for which a valid building permit has been issued;
 - (3) As a permanent installation covered by a building permit.
- C. Trailer or mobile home camps or developments for manufactured homes where such homes have their narrowest dimension as less than 22 feet, and where such homes are not built in accordance with federal manufactured home construction and safety standards.
- D. Junkyard of any description, except disposal facilities operated for and under the control of the Town of Bolton.
- E. Dumping of any material other than earth, grass clippings, leaves, ashes, cinders or other materials necessary for grading purposes.
- F. Prohibited signs are those listed in § 450-18.4. [Amended 4-20-2011]
- G. Rooming houses and ~~boarding houses~~ boardinghouses. [Amended 4-20-2011]
- H. The quarrying of stone or rock.
- I. The burying or storage of any construction debris, junk, garbage, solid waste or hazardous waste without approval from the Connecticut Department of Energy and Environmental Protection.

ARTICLE VI Residence Zones

§ 450-6.1 Permitted uses.

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:

- A. Single-family detached dwellings;
- B. ~~Two-family Duplex~~ dwellings in R-1 and R-2 Zones, subject to the following:
 - (1) Both dwelling units shall be equal or nearly equal in floor area;
 - (2) The ~~two-family duplex~~ dwelling shall maintain the exterior appearance of a single-family dwelling.
- C. Not more than one ADU accessory to a single-family detached dwelling, subject to a zoning permit, and subject to the following conditions: **[Amended eff. 11-1-2021]**
 - (1) The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
 - (2) For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.
 - (3) Only one ADU with a maximum of one bedroom shall be allowed per parcel.
 - (4) The ADU shall not exceed 35% of the total of the aboveground floor area of the primary dwelling and shall not exceed 900 square feet.
 - (5) The applicant shall submit a site plan to demonstrate that two parking spaces for the primary dwelling and one parking space for the ADU will be provided.
 - (6) An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
 - (7) No such unit shall be rented for a period of less than six months.
 - (8) A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
 - (9) Design and construction should be consistent with the primary dwelling.
- D. State or Town parks.
- E. Farming.
- F. Town-owned schools, libraries, ~~office~~offices, fire stations and other civic buildings authorized by a Town meeting under the jurisdiction of the Public Building Commission.

G. 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: **[Added 6-25-2012]**

- (1) The use shall be compatible with neighboring uses;
- (2) The use shall not hinder future sound development of the community;
- (3) The use shall not create a nuisance;
- (4) Minimum requirements shall conform to all applicable sections of the Zoning Regulations pertaining to Residence Zones.

H. 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 30% 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 30% of the living area of the residence and a height of not more than 10 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~~are noted:

- (1) Any customary home occupation is permitted by right if it meets all of the above requirements, plus the following:
 - (a) There shall be no nonresident employees~~;~~ and~~:~~
 - (b) There shall be no vehicles, associated solely with the business, parked on the premises~~;~~ and~~:~~
 - (c) No clients or customers shall visit the premises.
- (2) Any customary home occupation that involves nonresident 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:
 - (a) All requirements of ~~the first paragraph of~~ Subsection **H(1)** of this section are met;
 - (b) No more than two nonresidents of the premises are employed in the business at any one time;
 - (c) Adequate off-street parking spaces are provided for customers, clients and employees.

(d) One vehicle with trailer associated solely with the business may be parked on the premises so long as:

- [1] Said vehicle with trailer does not exceed 18,000 pounds gross weight; and
- [2] If said vehicle with trailer exceeds 10,000 pounds gross weight the Commission may require it to be screened from view.
- (3) No automobile repair business or small engine repair business shall be conducted as home occupations.

I. Commercial stabling of horses, subject to special permit and further subject to the following:

- (1) The conditions listed under Subsection **J** of this section are met;
- (2) All horse trailers are parked and maintained in a neat and orderly manner;
- (3) There shall be no outside storage of equipment associated with the horses and/or their stabling.

J. Livestock and poultry. **[Amended eff. 9-1-2015]**

- (1) Keeping of livestock or poultry, except as permitted by Subsection **J(2)** below, shall be subject to the following requirements:
 - (a) The lot or parcel upon which one head of livestock or up to 10 head of poultry are kept or pastured shall have a minimum area of two acres;
 - (b) After the first head of livestock or 10 head of poultry the lot or parcel shall have at least one additional acre for each additional livestock or each additional 10 head of poultry (or a pro-rata proportion of one acre for fewer than 10 additional head of poultry) kept or pastured;
 - (c) An appropriate building shall be provided for the keeping of such livestock or poultry under Subsection **J(1)**. 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 feet high) for the keeping and housing of livestock or poultry under Subsection **J(1)** shall be located a minimum distance of 125 feet from any street line, 40 feet from any side or rear property line, 25 feet from any existing well and, in addition, 100 feet from any existing dwelling located on an adjacent property.
 - (e) A site plan review shall be required if more than three head of livestock and/or more than 20 head of poultry are proposed for keeping simultaneously.
- (2) Chickens. No more than six 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 zoning compliance and shall also meet the following requirements: [Amended during codification]
 - (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 Subsection **J(2)** shall be located in the rear of the property and shall meet the required yard setbacks and shall be 25 feet from any existing well.
- (3) Under Subsection **J(1)** and **(2)**, 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.
- K. Bed-and-breakfast establishments subject to site plan review, and subject to the following conditions:
 - (1) 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;
 - (2) No more than three guest bedrooms shall be provided;
 - (3) No guest shall use such establishment as his or her place of residence. No guest shall stay at such establishment for longer than seven consecutive nights;
 - (4) 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.
- L. Child day-care centers operated by not-for-profit organizations, as well as family and group day-care homes.
- M. 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:
 - (1) 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;
 - (2) Accessory or additional uses shall be limited to the following:
 - (a) Extended health care facility;
 - (b) Community buildings* and recreation area;
 - (c) Administrative offices;*
 - (d) 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 nonresident patients (meeting the same age requirements as stated in Subsection M(1) above) as beds may be available.

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- (3) The following area, density, parking and setback requirements shall apply:
- (a) Minimum lot area: 10 acres.
 - (b) Maximum number of dwelling units per acre:
 - [1] R-1 and R-2 Districts: 4.
 - [2] R-3 District: 6.
 - (c) Maximum lot coverage (total of all buildings): 25%.
 - (d) Maximum impervious coverage: 65%.
 - (e) Minimum floor area:
 - [1] Studio (efficiency) dwelling units: 500 square feet.
 - [2] One-bedroom dwelling units: 700 square feet.
 - [3] Two or more bedroom dwelling units: 850 square feet.
 - (f) Minimum setback distances for all buildings, including porches and decks:
 - [1] Front yard: 60 feet.
 - [2] Side and rear yards: 50 feet.
 - (g) Minimum separation distance between residential buildings: 30 feet.
 - (h) Maximum building height: 35 feet.
 - (i) Minimum number of parking spaces.
 - [1] Each dwelling unit: 1.5.
 - [2] Health_care facility: one for each two beds, plus one for each two employees, plus one for each doctor assigned to staff.
 - [3] One space for each shuttle vehicle.
 - [4] Administrative offices: five per 1,000 square feet of floor area.

- (j) Minimum road width: as required by the Town of Bolton Fire Marshal.
 - (k) Number of beds in extended health care facility: minimum of 30% of number of dwelling units permitted, but no more than 60 beds.
 - (4) The site may be serviced in full by a community septic system meeting the requirements of ~~Section 7C.7 of these Regulations;~~ the Connecticut Public Health Code; [Amended during codification]
 - (5) Sidewalks (minimum width: six feet) shall be provided throughout the interior of the site;
 - (6) 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.
- N. Multiple dwelling complexes (traditional), as follows:
- (1) Intent. The general intent of this ~~section~~ subsection is to promote a broader range of housing within the Town of Bolton, in terms of both affordability and living arrangement.
 - (2) 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~~ exists:
 - (a) Upon any parcel of land comprised of an area of at least 70,000 square feet;
 - (b) Upon a parcel of land comprised of an area of at least 10 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;~~ the Connecticut Public Health Code. [Amended during codification]
 - (3) Procedure. a special permit application to the Planning and Zoning Commission in accordance with Article **XVI** of these regulations, is required for any traditional multiple dwelling complex.
 - (4) 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~~ fewer than three; nor more than six dwelling units.
 - (5) Dimensional requirements.
 - (a) Minimum lot frontage: 50 feet.
 - (b) Minimum front yard: 50 feet.
 - (c) Minimum side yard: 50 feet.
 - (d) Minimum rear yard: 50 feet.

- (e) Maximum building height: 35 feet or 2 1/2 stories.
- (f) Maximum lot coverage: 15%.
- (g) Maximum impervious coverage: 20%.
- (6) Dwelling unit requirements.
 - (a) The minimum floor area requirements are as follows:
 - [1] Studio (efficiency) dwelling unit: 500 square feet.
 - [2] One-bedroom dwelling unit: 700 square feet.
 - [3] Two (or more) bedroom dwelling unit: 850 square feet.
 - (b) 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.
 - (7) 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 it be less than 30 feet. [**Amended 12-9-2015, eff. 12-15-2015**]
 - (8) Roads, parking and sidewalks.
 - (a) 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.
 - (b) All parking shall be as required in Article **XV** of these regulations.
 - (c) 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.
 - (9) 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.
 - (10) Landscaping and buffering.
 - (a) 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.
 - (b) 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.

- (c) 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.
- (11) Community septic systems. The requirements concerning community septic systems shall be exactly the same as those stated in ~~Section 7C.7. of these Regulations~~ the Connecticut Public Health Code. [Amended during codification]
- (12) Traditional multiple dwelling complex for the elderly.
 - (a) 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 the death of a co-occupant, divorce, etc. In addition, one unit without age restriction may be set aside for occupancy by a maintenance manager for the complex.
 - (b) A traditional multiple dwelling complex for the elderly shall meet all requirements as stated within this Subsection N, with the following exceptions:
 - [1] No dwelling unit shall have a floor area greater than 1,000 square feet;
 - [2] Minimum parking space requirements shall be 1 1/2 spaces per dwelling unit;
 - [3] Density requirements shall be the same, except that a maximum of 60 dwelling units, inclusive of all phases, may be allowed.
 - (c) 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.
- O. Open space conservation development multiple dwelling complexes ~~(; See § 450-7.1D);~~.
- P. 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~~ they are erected, except as provided in Article VII of these regulations. Business uses are excluded, except as provided in § 450-6.1H of these regulations.

- Q. Architectural and site design guidelines. Section **450-6.1M** (continuing-care retirement communities) and N (multiple dwelling complexes) shall be subject to the Bolton, CT Architectural and Site Design Guidelines (Appendix C). [**Added 6-25-2012**]

§ 450-6.2 **Signage.** [**Amended 4-20-2011**]

All uses permitted under this ~~section~~article are subject to the requirements of Article ~~XVIII~~ (Signage).

§ 450-6.3 **Use variances.**

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

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

ARTICLE VII Special Residential Development Provisions

[Amended 6-25-2012]

§ 450-7.1 **Open space conservation development (OSCD).**

A. ~~Purpose:~~

- (1) The preservation or provision of open space with special character that will benefit the present and future generations of Bolton residents, including active or passive recreation areas, important wetlands systems, steep slopes, farmland, and/or areas containing significant natural features, such as unusual terrain, vegetation, wildlife and scenic vistas.
- (2) To promote development of land in a way which is sensitive to the environment.
- (3) To promote a development that is compatible with surrounding residential areas.
- (4) To preserve or provide a recreation use, active or passive, which is compatible with open space preservation and which will directly or indirectly promote the general welfare of the residents of the Town of Bolton.
- (5) To give to the Commission the ability to determine whether a parcel of land is better suited for development under traditional subdivision and zoning requirements, under the open space conservation development (OSCD) requirements or under the fee in lieu of open space requirements.

(See Article II, Definitions, for the definitions of terms, words, etc. that are applicable to this section, such as "open space" and "wetlands.")

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B. Location of development.

- (1) To the extent feasible, any earth-moving, excavation, filling and subsequent construction associated with an open space conservation development shall take place:
 - (a) On the most suitable soils for ~~sub-surfaces~~ subsurface septic disposal;
 - (b) Away from legally designated inland wetlands soils, watercourses; and ~~one hundred~~ 100-year floodplain areas;
 - (c) On the least fertile soils for agricultural uses;
 - (d) On land of less than 25% slope;
 - (e) In locations least likely to block or interrupt scenic vistas, as seen from the public road or roads abutting the parcel in question;
 - (f) In locations having the greatest advantage in terms of solar access for proposed residences.
- (2) Where conflicts exist among the above preferred locations, the Planning and Zoning Commission will make the ultimate determination.

C. Subdivision.

- (1) Applicability and suitability.
 - (a) The requirements and criteria of an OSCD apply to any application for development in any Residence Zone in which the parcel or contiguous parcels of land involved comprise a total area of at least 10 acres, with the exception that the Planning and Zoning Commission may waive the OSCD subdivision requirements as follows:
 - [1] For a subdivision application of at least 10 acres but proposing no more than seven lots for sale or building development. **[Amended during codification]**
 - [2] Prior to filing a subdivision application an applicant may file an application requesting the Planning and Zoning Commission to waive the OSCD requirements in favor of an alternate open space proposal that is suitable to the Town, such as a traditional development or a fee in lieu of open space. The applicant must provide four sets of conceptual plans depicting the proposed development of the subject parcel. For this depiction, the proposed layout of lots, streets, utilities and open space (if a fee in lieu of open space is not being proposed) may be in conceptual forms but all other information, expressly including natural resource information, must be in final form in accordance with the Zoning Regulations and the Subdivision Regulations. Based upon the review of the conceptual plans, the Planning and Zoning Commission, at its discretion, may waive or may not waive the OSCD subdivision requirement. The Commission shall make its decision on waiving the requirements within 65 days of being requested to do so, subject to any extension granted by the

applicant. If the Commission does not act within the time limits it shall be deemed a denial of the waiver.

- (b) The Planning and Zoning Commission may determine that an OSCD may not be suitable for the proposed location for the following, or other reasons:
 - [1] Nonconformance with Subsections **A**, **B** and **C** of this section.
 - [2] Open space which may be too isolated from other existing or potential open space to be of significant value for the intended use.
 - [3] Open space which may be too close to an existing use that might conflict with its function.
 - [4] Wetlands or other conditions that may interfere with the open space function.
 - [5] A different use may be a more suitable use for the proposed open space area, such as:
 - [a] Preservation of the land in its natural condition.
 - [b] A road.
 - [c] A drainage facility.
 - [d] Another public improvement.
 - [6] Other reasons that impact the health, safety and welfare of the citizens of the Town or the intent of these regulations as set forth in Subsection **A**.
- (c) The Planning and Zoning Commission is the sole authority for determining if an OSCD or any other open space proposal is suitable for the Town. To make a decision on the suitability of an open space proposal, the Commission may consider information from appropriate sources, including but not limited to the Bolton Plan of Conservation and Development and the Open Space Plan for Bolton.
- (2) Subdivision application procedure. An applicant for subdivision as described in Subsection **C** may pursue one of the following options:
 - (a) The applicant may file an application for an OSCD subdivision with the Planning and Zoning Commission, meeting all the criteria stated within this section as well as all procedures and requirements as stated in the Bolton Subdivision Regulations.
 - (b) The applicant may file an application for a traditional subdivision that includes an alternative for an OSCD subdivision. The application must include four sets of plans depicting development of the subject parcel as a traditional, non-OSCD subdivision, and four sets of plans depicting development of the subject parcel as an OSCD subdivision in accordance with these Zoning Regulations and the Bolton Subdivision Regulations. The Planning and Zoning Commission shall have the authority to require modifications to either or both plans. The Planning and Zoning Commission may approve or modify and approve either the traditional, non-OSCD subdivision plans or the OSCD

subdivision plans, or may disapprove both plans in accordance with the standards set forth in these regulations.

- (c) If the Planning and Zoning Commission has granted a waiver from the OSCD subdivision requirements, as described in Subsection C, then the applicant may submit a non-OSCD subdivision application in accordance with the Bolton Subdivision Regulations, provided that the application incorporates the conceptual plans upon which the waiver was based.
- (3) Open space requirements. Open space to be preserved or reserved on any parcel developed under this section shall consist of an area or areas comprising, in sum, a minimum of 40% of the total parcel area, and should not include any land that is covered by buildings, parking areas, sidewalks, driveways, or roadways, except as expressly approved by the Commission for the use of the open space. The percentage of open space land that is comprised of special features that, taken in the aggregate, shall not exceed 50% or 1 1/2 times the percentage of special features located on the entire parcel, whichever is less; except that, in the sole discretion of the Commission, and by a majority vote of all its members, portions of open space lands that the Commission has identified as especially worthy of preservation, may contain a greater area of special features, provided that the Commission shall require the payment of a partial fee in lieu of open space as set down in ~~Section 4.5~~ Article IV, Open Space, of the Bolton ~~Zoning Subdivision~~ Regulations. The area to be preserved or reserved as open space shall be identified and so designated on the site development plan. The open space land must include access to the land appropriate for its intended use as approved by the Planning and Zoning Commission. The location and boundaries of the open space, even if it is to be left in its natural state, shall be identified at the time that the application is submitted and shall be subject to the approval or the modification and approval of the Planning and Zoning Commission. It is the intention of this section to preserve open space parcels of significant size or having other characteristics as set forth in Subsections A, B and C of this section. Any subsequent change in the use to the open space area shall require approval of the Planning and Zoning Commission.
- (4) Lot density. Multiplying the total square footage of the subject parcel by 0.75, then dividing by the traditional minimum lot area for the Residence Zone in which the subject parcel is located, the resulting number (fraction removed) equals the maximum number of lots within an OSCD subdivision.
- (5) OSCD subdivision ~~–~~dimensional requirements.

<u>Zone</u>	<u>Min. Minimum Lot Area</u> ² (square feet) [±]	<u>Min. Minimum Lot Frontage</u> ¹ (feet) [±]	<u>Min. Minimum Front Yard</u> ¹ (feet) [±]	<u>Min. Minimum Side Yard</u> (feet)	<u>Min. Minimum Rear Yard</u> (feet)
R-1	24,000	140	30	20	35
R-2	24,000	140	30	20	35

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<u>Zone</u>	<u>Min. Minimum Lot Area</u> ² (square feet) ^{**}	<u>Min. Minimum Lot Frontage</u> ¹ (feet) ¹	<u>Min. Minimum Front Yard</u> ¹ (feet) ¹	<u>Min. Minimum Side Yard</u> (feet)	<u>Min. Minimum Rear Yard</u> (feet)
R-3	13,500	100	30	10	25

- (a) Maximum building height, minimum floor area, maximum lot coverage, and maximum impervious cover requirements shall be the same as for a traditional, non-OSCD subdivision in the applicable Residence Zone. [Amended during codification]

**Notes:

~~All lots shall have frontage abutting an existing or proposed public road right-of-way. The Planning and Zoning Commission may permit an interior lot or lots within an OSCD subdivision, such lots having a minimum frontage of 50 feet, a minimum front yard setback of 60 feet, and a minimum lot area equal to double the amount shown in the above table for the applicable zone. In considering whether to permit such lot or lots, the Planning and Zoning Commission shall consider whether the scenic character of the subject property, as viewed from the abutting public road, will be significantly enhanced, and whether existing natural features will be preserved.~~

**1 Section 3J. of these Regulations shall be applied to this requirement. All lots shall have frontage abutting an existing or proposed public road right-of-way. The Planning and Zoning Commission may permit an interior lot or lots within an OSCD subdivision, such lots having a minimum frontage of 50 feet, a minimum front yard setback of 60 feet, and a minimum lot area equal to double the amount shown in the above table for the applicable zone. In considering whether to permit such lot or lots, the Planning and Zoning Commission shall consider whether the scenic character of the subject property, as viewed from the abutting public road, will be significantly enhanced, and whether existing natural features will be preserved.

- (6) Shared driveways.
 - (a) The Planning and Zoning Commission may permit no more than three lots within an OSCD subdivision to share portions of driveways, subject to the common driveway requirements in the Subdivision Regulations.

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- (b) In determining whether to permit such shared portions, the Planning and Zoning Commission shall consider whether or not scenic character, natural features preservation, and motor vehicle traffic safety will be enhanced by such an arrangement.
 - (7) Community septic systems. The Planning and Zoning Commission may permit a shared or community septic system or systems arrangement within an OSCD subdivision, provided that:
[Amended during codification]
 - (a) The proposed system or systems shall meet all requirements for construction, installation and maintenance of the Connecticut Department of Energy and Environmental Protection, Water Compliance Division and/or the Connecticut Department of Public Health Services, as applicable;
 - (b) A letter of approval from the Connecticut Department of Energy and Environmental Protection, Water Compliance Division or the Connecticut Department of Public Health Services, whichever is applicable, concerning the design of such system or systems shall be submitted to the Planning and Zoning Commission as part of the final application for subdivision.
- D. Multiple dwelling complex.
- (1) Applicability and suitability. The requirements and criteria of an OSCD are as described in Subsection C and apply to any application for a multiple dwelling complex in an R-1 or R-2 Zone in which the parcel or contiguous parcels of land involved comprise a total area of at least 10 acres. The OSCD requirements may not be waived for a multiple dwelling complex as they may be for a subdivision.
 - (2) Procedure.
 - (a) R-1 Zone. The applicant shall file a special permit application with the Planning and Zoning Commission, meeting all the criteria stated within this § **450-7.1**, as well as all requirements of § **450-6.1N** and Article **XVI** of these regulations, except as modified by this § **450-7.1**.
 - (b) R-2 Zone. An applicant for a multiple dwelling complex as described in Subsection **D(1)** shall pursue one of the following two options:
 - [1] The applicant shall file a special permit application with the Planning and Zoning Commission, meeting all the criteria stated within this section, as well as all applicable requirements of § **450-6.1N** and Article **XVI** of these regulations, except as modified by this § **450-7.1**.
 - [2] Site plan review.
 - [a] The applicant shall initially file a site plan review application with the Planning and Zoning Commission to decide whether the multiple dwelling complex will be a traditional (non-OSCD) development or an OSCD. The application shall include four sets of conceptual plans depicting development of the subject parcel as a traditional, non-OSCD multiple dwelling complex and four sets of conceptual plans depicting development of the subject parcel as an OSCD multiple dwelling complex.

- [b] For both depictions, the proposed layout of buildings, roads, parking areas, utilities, and landscaping may be in conceptual form, but all other information, expressly including natural resource information, is to be in final form pursuant to the applicable requirements of this section as well as § 450-6.1N and Article XVI of these regulations. The Planning and Zoning Commission is the sole authority for determining if a proposal is suitable for the Town based on the requirements in these Zoning Regulations and based upon information in the Town of Bolton Plan of Conservation and Development and in the Town of Bolton Open Space Plan. The Planning and Zoning Commission shall have the authority to require modifications to either or both plans. The Planning and Zoning Commission may approve, modify and approve or disapprove the type of development to be in accordance with either the traditional, non-OSCD multiple dwelling complex conceptual plans or the OSCD multiple dwelling complex conceptual plans, or may disapprove both plans in accordance with the standards set forth in these regulations. Once the Planning and Zoning Commission has approved the site plan review application for the type of development, the applicant shall submit a special permit application, including four sets of complete, final plans depicting the approved layout, to the Planning and Zoning Commission in accordance with all applicable requirements of § 450-6.1N and Article XVI of these regulations. Even though a site plan review approval action has been made by the Planning and Zoning Commission for the type of development, no on-site development of any kind shall commence until such time as the Planning and Zoning Commission has approved the special permit application and the applicant has satisfactorily completed any conditions of approval for which performance is required prior to commencement of development.
- (3) Open space requirements. The requirements of this Subsection **D(3)** are the same as those of Subsection **C(3)** of this section.
- (4) Density. Using the entire acreage of the parcel or contiguous parcels of land involved, the maximum density of any OSCD multiple dwelling complex shall be six dwelling units per acre. However, no OSCD multiple dwelling complex shall consist of more than 80 dwelling units (inclusive of all phases). No building within an OSCD multiple dwelling complex shall contain less than three, dwelling units nor more than six, dwelling units.
- (5) OSCD multiple dwelling complex ~~-~~dimensional requirements.
- (a) Minimum lot frontage: 60 feet.
- (b) Minimum front yard: 70 feet.
- (c) Minimum side yard: 50 feet.
- (d) Minimum rear yard: 50 feet.
- (e) Maximum building height: 35 feet or 2 1/2 stories.
- (f) Maximum lot coverage: 15%.
- (g) Maximum impervious coverage: 20%.

- (6) Dwelling unit requirements. All dwelling unit requirements are as stated in § **450-6.1N(6)** of these regulations.
- (7) Separation distance. All separation requirements are as stated in § **450-6.1N(7)** of these regulations.
- (8) Roads, parking and sidewalks. All requirements for roads, parking and sidewalks are as stated in § **450-6.1N(8)** of these regulations.
- (9) Ownership of improvements. All requirements regarding ownership of improvements are as stated in § 405-6.1N(9) of these regulations.
- (10) Landscaping and buffering. All landscaping and buffering requirements are as stated in § **450-6.1N(10)** of these regulations.
- (11) Community septic systems. The requirements concerning community septic systems are as stated in § **450-6.1N(11)** of these regulations.
- (12) OSCD multiple dwelling complex for the elderly.
 - (a) OSCD multiple dwelling complexes for the elderly may be permitted, following the same age requirements as stated in § **450-6.1O** of these regulations. An OSCD multiple dwelling complex for the elderly shall meet all requirements as stated within this Subsection **D**, with the following exceptions:
 - [1] No dwelling unit shall have a floor area greater than 1,000 square feet;
 - [2] Minimum parking space requirements shall be 1 1/2 spaces per dwelling unit.
 - (b) No OSCD multiple dwelling complex for the elderly, if approved by the Planning and Zoning Commission, shall be occupied as anything other than an OSCD multiple dwelling complex for the elderly unless a further special permit application, stating the intended change, is filed and approved by the Planning and Zoning Commission. Such intended change must comply with these Zoning Regulations.
- E. Method of conveying open space.
 - (1) The owner shall convey the open space land approved by the Commission to the receiving entity as described below:
 - (a) Conveyance in fee simple to the Town.
 - (b) Conveyance in fee simple to the State of Connecticut.
 - (c) Conveyance in fee simple to a duly established conservation land trust, with the concurrence of the conveying property owner. The Commission may require the applicant to submit documentation concerning the mission of the organization and its ability to accept and maintain such property.
 - (d) Conveyance of an easement to the Town.

- (2) The conveyance instrument for the open space land must dedicate the land to its intended open space purpose and the access to the land in perpetuity. A draft open space conveyance instrument must be included with the application. The open space conveyance instrument, as approved by the Commission, must be executed and made available for recording in the Town land records before the approved plans and/or permits are endorsed by the Commission.
 - (3) The application shall include written evidence, satisfactory to the Commission, from the entity proposed to own the open space land or easement, stating that the entity is willing to accept ownership of and responsibility for the preservation and maintenance of the open space land. No open space land proposal will be a valid proposal unless such written evidence is provided by the receiving entity. The Commission may require evidence of the entity's ability to preserve and maintain the land.
- F. Architectural and site design guidelines. The design of any OSCD subdivision shall be consistent with the Bolton, CT Architectural and site Design Guidelines (Appendix C), with the sole exception that individual lot improvements shall not be subject to these Guidelines. OSCD multiple dwelling complexes shall be subject to these Guidelines in their entirety. **[Amended 6-25-2012]**

ARTICLE VIII Business and Rural Mixed Use Zones

[Added 6-25-2012]

§ 450-8.1 **General Business Zone (GB).**

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

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

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

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

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

(c) Municipal facilities of the Town of Bolton.

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

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

(a) Grocery store.

(b) Drugstore.

(c) Beauty salon/barber shop.

(d) Business or professional office.

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

(f) Retail shop.

(g) Personal and business services.

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

(i) Restaurants, fast-food, per § 450-3.27.

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

(k) Taverns.

(l) Package stores.

(m) Bank/Financial institution.

(n) Hotel, motel, subject to special regulations of § 450-3.28; bed-and-breakfast up to six rooms.

(o) Motion picture or live theater, ~~subject to Section 8G.~~ [Amended during codification]

(p) Newspaper printing and job printing

(q) Mortuaries/Funeral homes.

- (r) Motor vehicle gasoline station, subject to the special regulations of § **450-3.24** of these regulations.
- (s) New and used car sales, subject to the special regulations of § **450-3.25** of these regulations
- (t) Motor vehicle service and repair (general and limited), subject to the special regulations of § **450-3.24** of these regulations.
- (u) Child day-care centers
- (v) Wholesale sales, sample room for such commodities as furniture, hardware, appliances, and other household goods.
- (w) Candy manufacturing, with retail sales.
- (x) Driving ranges and miniature golf courses.
- (y) Any light manufacturing, subject also to the additional conditions set forth in Subsection C. **[Amended eff. 12-1-2017]**
- (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which it is accessory, unless these regulations expressly allow a different review. **[Amended eff. 11-1-2021]**

C. Additional conditions:

- ~~(1) Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.~~
- ~~(2) All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations) (1) Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.~~
- (2) All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations), subject to the following conditions:
 - (a) Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Article **XVI**, Part 1 or Part 2.
 - (b) There shall be no display or storage of goods or products within any minimum required yard for the General Business Zone.
 - (3) Permanent storage or display ~~of~~ materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.

(4) Any light manufacturing use approved per Subsection **B(2)(y)** above, shall require the approval of a site plan and special permit, pursuant to Article **XVI** of ~~the~~these regulations, and the following additional conditions shall apply:

(a) Design/Operational standards:

[1] Notwithstanding the provisions of Subsection **C(1)** to the contrary, not more than 150 employees shall be engaged in the light manufacturing use upon the premises, provided the applicant demonstrates, via a baseline traffic analysis, that the proposed number of employees will not cause undue congestion or adverse impact on traffic in the surrounding area. For purposes of this subsection, a baseline traffic analysis shall measure the existing background traffic at the time application is made for a special permit, shall include projections as to the anticipated number of employees, their average arrival and departure times and their expected travel routes, and shall include a professional opinion as to whether there will be any negative impact upon traffic in the surrounding area. In the event of any subsequent change in the nature of the light manufacturing use or expansion of said use, the applicant shall make application to modify said special permit and shall demonstrate, via an updated baseline traffic analysis, that said change or expansion will not cause undue congestion or adverse impact on traffic.

[2] There shall be no outdoor storage of goods or materials accessory to this use on the premises.

[3] ~~There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices.~~

[4] ~~Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.~~

[5] ~~Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute landscape elements other than those cited in § 450-16.3Q(4) to accomplish the buffer requirements at the street line. [Amended 12-1-2017]~~

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

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

;

[3] ~~There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating~~

~~fuels or fuels associated with emergency power generation in accordance with best management practices;~~

~~[4] Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.~~

~~[5] Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute other landscape elements other than those cited in § 450-16.3Q(4) to accomplish the buffer requirements at the street line. [Amended 12-1-2017]~~

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

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

F. Adult-oriented establishments. All adult-oriented establishments, as described ~~in the Town of Bolton Ordinance entitled "Chapter 202, Adult-Oriented Establishments"~~, as may be amended from time to time, shall be subject to the following regulations and shall be in accordance with the special permit requirements of Article XVI of these regulations:

(1) Such establishments shall be a minimum of 1,000 feet from schools, churches, public parks and recreation lands, ~~including publicly owned open space lands, municipal boundary lines, child day-care businesses and other adult-oriented establishments. Such establishments shall be a minimum of 350 feet from residentially zoned property, including publicly owned open space lands, municipal boundary lines, child day care businesses and other adult oriented establishments. Such establishments shall be a minimum of 350 feet from residentially zoned property.~~ Measurements of distances shall be from the property lines of the uses; ~~except in the separation from other adult uses, in which case the distance shall be measured from structure to structure.~~

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

(a) ~~No sign visible from the exterior shall contain any photographic or artistic representation or written description of the human form or of any specified anatomical areas as defined in Chapter 202, Adult-Oriented Establishments.~~

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

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

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

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

(f) Parking.

[1] One parking space for every 100 square feet of gross floor area devoted to the adult-oriented establishment shall be provided on the site or as otherwise required by Article XV of these regulations, except in the separation from other adult uses, in which case the distance shall be measured from structure to structure.

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

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

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

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

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

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

(f) Parking.

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

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

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

§ 450-8.2 **Neighborhood Business Zone (NB).**

A. Purpose. The purpose of the Neighborhood Business Zone (NB) is to provide convenience shopping and services in a village atmosphere for residents in the southern portion of Bolton. Because of its lack of access to the interstate highway system, and its lack of sewer and water, this zone cannot support the intensity of development intended for the General Business Zone. Because this zone is geographically small and surrounded by rural or residential uses, it will be essential to require a very high standard of architectural and site design to ensure compatibility with its traditional New England setting; to avoid adverse impacts to the value of surrounding properties; to

avoid traffic hazards or congestion; and to regulate the nature of the uses so that they provide necessary convenience shopping for local needs, but no more than that.

- B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations, and subject to the Bolton, CT Architectural and Design Guidelines (Appendix C). See the definition, where applicable, for any use or term in Article II.
- (1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article XVI, Part 1, of these regulations and all requirements of the NB Zone and any applicable provisions of these regulations:
- (a) Public utility building or substation.
 - (b) State- or Town-operated public commuter parking lots.
 - (c) Municipal facilities of the Town of Bolton.
 - (d) Farm stands pursuant to § 450-3.26C(1) and farmer's markets pursuant to § 450-3.26C(2).
 - (e) ~~Special permit- operated public commuter parking lots.~~
 - (e) ~~Municipal facilities of the Town of Bolton~~
 - (d) ~~Farm stands pursuant to § 450-3.26C(1) and farmer's markets pursuant to § 450-3.26C(2).~~
 - (2) ~~Special permit-~~Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article XVI, Part 2, of these regulations, and all requirements of the ~~GNB~~ Zone and any applicable provisions of these regulations:
 - (a) Grocery store.
 - (b) Drugstore.
 - (c) Beauty salon/barber shop.
 - (d) Business or professional office.
 - (e) Studio (photographic, graphic arts, crafts).
 - (f) Retail shop.
 - (g) Personal and business services.
 - (h) Restaurants, full-service, per § 450-3.27.

- (i) Restaurants, take-out, per § 450-3.27.
- (j) Package stores.
- (k) Bank/Financial institution.
- (l) Bed-and-breakfast up to six rooms.
- (m) Mortuaries/Funeral homes.
- (n) Motor vehicle gasoline station, subject to the special regulations of § 450-3.24 of these regulations.
- (o) Motor vehicle service and repair (general and limited), subject to the special regulations of § 450-3.24 of these regulations.
- (p) Child day-care centers.
- (q) Light manufacturing, subject also to the additional conditions set forth in Subsection C. **[Added eff. 5-13-2012]**
- (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which ~~it is~~ they are accessory, unless these regulations expressly allow a different review. **[Amended eff. 11-1-2021]**

C. Additional conditions:

- (1) Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.
- (2) All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations). ~~(1) Not more than four persons shall be engaged in making goods to be sold, except that up to 10 persons may be engaged in the making of solid, natural wood products, for use as part of a building, from wood species native to Connecticut.~~
- ~~(2) All principal uses shall be conducted in a completely enclosed building (except for open lot sales operations)~~ subject to the following conditions:
 - (a) Selected merchandise may be displayed in an area depicted on a site plan approved by the Commission in accordance with Article XVI, Part 1 or Part 2.
 - (b) There shall be no display or storage of goods or products ~~with~~within any minimum required yard for the Neighborhood Business Zone.
 - (3) Permanent storage or display ~~of~~ materials, vehicles, merchandise or equipment between the street line and the building line is prohibited.

- (4) Any light manufacturing use approved per Subsection **B(2)(q)** above, shall require the approval of a site plan and special permit, pursuant to Article **XVI** of ~~the~~these regulations, and the following additional conditions shall apply:
- (a) Design/Operational standards:
- [1] Notwithstanding the provisions of Subsection **C(1)** to the contrary, not more than 150 employees shall be engaged in the light manufacturing use upon the premises, provided the applicant demonstrates, via a baseline traffic analysis, that the proposed number of employees will not cause undue congestion or adverse impact on traffic in the surrounding area. For purposes of this subsection, a baseline traffic analysis shall measure the existing background traffic at the time application is made for a special permit, shall include projections as to the anticipated number of employees, their average arrival and departure times and their expected travel routes, and shall include a professional opinion as to whether there will be any negative impact upon traffic in the surrounding area. In the event of any subsequent change in the nature of the light manufacturing use or expansion of said use, the applicant shall make application to modify said special permit and shall demonstrate, via an updated baseline traffic analysis, that said change or expansion will not cause undue congestion or adverse impact on traffic.
- [2] There shall be no outdoor storage of goods or materials accessory to this use on the premises.
- [3] There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices.
- [4] Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.
- [5] Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses.
- ~~[3] There shall be no use of hazardous substances or materials, as defined by federal or state law related to health, safety or environmental protection, in the manufacturing processes conducted on the premises. The preceding sentence shall not be deemed to prohibit the storage and use of heating fuels or fuels associated with emergency power generation in accordance with best management practices.~~
- ~~[4] Any new building(s) or structure(s) that may be constructed in connection with the light manufacturing use shall be harmonious with the surrounding area.~~
- ~~[5] Any development under this section which occurs after the effective date of this section shall be subject to all other requirements of these Zoning Regulations, including, but not limited to, the requirements of § 450-15.8 and § 450-16.3Q. However, solely with respect to this section, the~~

~~Commission may interpret the term "abut" in § 450-15.8 to limit the extent of the buffer required to reasonably protect nearby residential properties and uses. Further, the Commission may substitute other~~ Further, the Commission may substitute landscape elements other than those cited in § 450-16.3Q(4) to accomplish the buffer requirements at the street line. [Added 5-13-2012]

- D. Signage. Business signs visible from the exterior of a building shall be subject to the requirements of Article XVIII ~~(, Signage)~~.
- E. Lighting. See § 450-3.20 of these regulations.
- F. Adult-oriented establishments. Adult-oriented establishments, as described in ~~the Town of Bolton Ordinance entitled "Chapter 202, Adult-Oriented Establishments"~~, as may be amended from time to time, are prohibited in the Neighborhood ~~Commercial~~ Business Zone.
- G. Use variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the Neighborhood Business Zone if such uses are not otherwise allowed in the Neighborhood Business Zone.

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

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

(c) Seasonal commercial agricultural uses (i.e., farm stand, farmer's market) in accordance with § 450-3.26 of these regulations.

(d) ADUs, subject to the following conditions: **[Added eff. 11-1-2021]**

- [1] The applicant shall provide a floor plan to demonstrate that separate cooking, bathing, restroom and sleeping facilities have been provided.
 - [2] For detached units or units which will result in an expansion of the structure's footprint, a site plan shall be provided to demonstrate compliance with all applicable bulk standards.
 - [3] Only one ADU with a maximum of one bedroom shall be allowed per parcel.
 - [4] The ADU shall not exceed 35% of the total of the aboveground floor area of the primary dwelling and shall not exceed 900 square feet.
 - [5] The applicant shall submit a site plan to demonstrate that two parking spaces for the primary dwelling and one parking space for the ADU will be provided.
 - [6] An ADU shall not be located in a mobile home, recreational vehicle, travel trailer, structure that previously operated as or was intended to be a motor vehicle, or structure on wheels.
 - [7] No such unit shall be rented for a period of less than six months.
 - [8] A new driveway curb cut to serve the principal unit or ADU shall not be permitted.
 - [9] Design and construction should be consistent with the primary dwelling.
- (2) Special permit. Uses and use categories permitted subject to the issuance of a special permit by the Planning and Zoning Commission in accordance with Article **XVI**, Part 2 of these regulations, and all requirements of the RMUZ and any applicable provisions of these regulations:
- (a) Business or professional office.
 - (b) Studios (photographic, graphic, crafts));
 - (c) Retail shop.
 - (d) Bakery.
 - (e) Personal/Business services.
 - (f) Restaurants, take-out, with outdoor seating, ~~+(including ice cream and desserts+);~~ per § **450-3.27**. **[Amended eff. 11-1-2021]**
 - (g) Taverns and inns.
 - (h) Package stores.

- (i) Bank/Financial institution.
 - (j) Hotel/Motel/B&B.
 - (k) Motor vehicle gas station.
 - (l) Mini-golf.
 - (m) Single-family homes, solely located on a lot for which a CO has been issued for one or more of the foregoing uses. **[Amended eff. 11-1-2021]**
 - (n) Museums/Art studios/galleries.
 - (o) Home occupations.
 - (p) House of worship.
 - (q) Nursery (agricultural).
 - (r) Outdoor and indoor recreational facilities.
 - (s) Value-added agribusiness and forestry uses (processing and sale).
 - (t) Mixed use.
 - (u) Child and adult day care.
 - (v) Multifamily residences on the upper floors above first-~~floor~~ commercial uses and including at least 20% affordable dwellings.
 - (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which ~~it is~~they are accessory, unless these regulations expressly allow a different review. **[Amended eff. 11-1-2021]**
 - (4) Prohibited uses: residential uses, as that term is used in ~~Connecticut General Statutes Section C.G.S. § 8-30g~~, and that term has been construed by the Connecticut courts, except where ~~authorized by Section 7B, Incentive Housing Overlay Zone (IHOZ), if adopted, and except where~~ authorized under Subsection **B(2)**. **[Amended during codification]**
- C. Additional conditions.
- (1) Preliminary development plan. No development within the RMUZ shall be permitted until the Commission has approved a special permit for the proposed use(s) and a preliminary development plan for the parcel(s) under consideration. The preliminary development plan review is established to assure that all components of a site in the RMUZ comply with the purposes and principles of the zone and with the criteria of § **450-16.8** of these regulations. Approval of the special permit for the uses, basic site layout, and other elements of the preliminary development plan shall constitute a conclusive finding of compliance with the criteria of § **450-16.8** of these regulations. Any

application for an individual use or parcel indicated on the approved preliminary development plan shall require site plan review under Article XVI, Part 1, of these regulations and be governed only by the criteria and requirements of that ~~Section~~Part 1.

- (a) Authority. Approval of a special permit and preliminary development plan and site development plan is required for any development in the RMUZ. The Commission shall hold a public hearing, in accordance with ~~Connecticut General Statutes~~C.G.S. § 8-7d, on any preliminary development plan application and any site development plan application within the RMUZ.
- (b) Application procedure. Submission of a preliminary development plan application to the Land Use Official must be made at least six days prior to a regularly scheduled meeting. The official date of receipt of an application will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Commission's designated agent, or 35 days, whichever is sooner.
- (c) Application requirements. The applicant shall file 17 copies of the following required materials:
 - [1] A written statement, signed by the applicant and by the owner, if different from the applicant, explaining how the proposed development meets the purposes and design principles set forth in Subsection A.
 - [2] A narrative description of the proposed development, including a description of existing site conditions; the nature and extent of proposed use or occupancy; a description of proposed utility systems (water, sewer, drainage, etc.); the number of persons estimated to occupy or visit the proposed development on a daily basis; the basis for determining parking and loading requirements and an estimate of the type and intensity of vehicular traffic associated with the proposed development; and disclosure of any toxic or hazardous substances used, stored or proposed in connection with the proposed use or occupancy.
 - [3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches), which shall include the following:
 - [a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan.
 - [b] A Class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor ~~registered~~licensed in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut ~~registered~~licensed professional engineer, architect or landscape architect, whichever shall be appropriate. [Amended during codification]
 - [c] Information on areas in adjacent parcels within 100 feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man-made features; circulation systems; public facilities; and/or unique natural features.
 - [d] The existing and proposed topographic contours of the land and abutting streets with intervals of two feet or spot elevations where necessary.

- ~~[3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches) which shall include the following:~~
- ~~[a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan.~~
- ~~[b] A Class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered professional engineer, architect or landscape architect whichever shall be appropriate.~~
- ~~[c] Information on areas in adjacent parcels within 100 feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man-made features; circulation systems; public facilities; and/or unique natural features.~~
- ~~[d] The existing and proposed topographic contours of the land and abutting streets with intervals of two feet or spot elevations where necessary.~~
- [e] Location of existing watercourses, wetlands, wooded areas, flood hazard areas, ledge ~~out-~~ ~~erops~~ ~~outcrops~~, single trees with a diameter of 20 inches or more measured three feet above the base of the trunk, with an indication of whether they are to be retained.
- [f] Notations to reference all previous approvals issued by all authorities, to include dates, conditions, site plan references, and permit numbers.
- [g] A subdivision plan, or parcel assembly plan, if part of the proposal.
- [h] A table summarizing the proposed and required zoning information as follows: lot size, setbacks, required yards, floor area devoted to use, building height, lot coverage, building coverage, parking calculations, landscaping and any other specific site elements required by these regulations.
- [i] Location and use of all existing and proposed structures, and location of any land uses not requiring structures.
- [j] Location and construction design of existing and proposed vehicular circulation system, including all roads, internal circulation, driveways, parking and loading areas with the number of stalls provided therewith, and pedestrian walkways or other means of separation.
- [k] A parking demand analysis, if requesting less than the minimum required parking as set down in accordance with § 450-15.16A of these regulations.
- [l] Location and construction design of all existing and proposed pedestrian circulation system and its relationship with the vehicular circulation system, areas open to the public, and open space dedicated for public use.
- [m] A plan and design details of the proposed method of sanitary waste disposal and source of potable water supply. In accordance with ~~Section C.G.S. § 8-25a of the Connecticut General Statutes~~, as amended by ~~Public Act 84-330~~, any development providing water by means of a "water

company", " as that term is defined in ~~Connecticut General Statutes Section C.G.S. §~~ 16-262m(a), shall provide to the Commission/Board a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Department of Public Utility Control. No application for a special permit/exception involving such a water company shall be deemed complete without said certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving said certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers. For any development proposing to use public sewers from the Bolton Lakes Regional Water Pollution Control Authority, written confirmation that there is adequate capacity to support the proposed uses. [Amended during codification]

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

BOLTON PLANNING AND ZONING COMMISSION, BOLTON, CT

DATE APPROVED _____ DATE OF EXPIRATION _____

CHAIRMAN

~~[4] Where the application includes proposed housing under Section 7B, IHOZ, if approved, compliance with that section shall be demonstrated.~~

[54] Low-impact development ("LID") measures to be employed on the site, as set forth in § **450-16.2L** of these regulations.

[56] A fee to defray the cost of the legal notice, the processing of the application, and the technical review and inspection, per the Bolton Fees for Permits Ordinance.

(d) Application referrals. The Commission shall refer the application to the Conservation Commission, Fire ~~Marshall~~ Marshal, the Bolton Lakes Regional Water Pollution Control Authority, Town Engineer or such other board, commission, or official deemed appropriate by the Commission for their comments. Failure of any commission or staff to provide written comments to the Commission within 35 days after the date of submission of the proposal shall be taken as a report of no objections or comments.

- (e) Decision guidelines. In approving a preliminary development plan, the Commission shall find the following: [Amended during codification]
- ~~[1] The proposal conforms to the Town of Bolton Route 44 Incentive Housing Zone Study.~~
- [2] The proposal satisfies the purposes of the RMUZ ~~as established in Section 6D.1. above and~~, for phased developments, each phase, standing alone, will comply with the purposes ~~and~~ of the RMUZ as established in Subsection A above.
- [3] The proposal conforms to the Architectural and Site Design Guidelines of the Town of Bolton; ~~(Appendix C).~~
- [4] The proposal conforms to the criteria of § **450-16.8** of these regulations.
- (f) Recording. An approved preliminary development plan, reflecting all conditions or modifications required by the motion for approval, shall be endorsed by the Commission and recorded in the Bolton Land Records within 90 days of the date of approval. The Commission may, for good cause shown, grant two extensions of up to 90 days each for such endorsement and filing.
- (g) Changes. Changes to an approved preliminary development plan may be permitted upon approval by the Commission. The Commission shall determine whether the proposed changes are substantial and require a public hearing. Substantial changes may include, but are not limited to: change in land uses, greater than 5% increase in proposed gross building square footage, changes requiring the addition of more than two parking spaces, and change in vehicular and pedestrian circulation systems layouts. Changes less than those thresholds may be approved by the Zoning Enforcement Officer in accordance with § **450-3.22** of these regulations. Requests for change approvals shall be submitted in writing to the Land Use Office at least six days prior to the next regularly scheduled Commission meeting. The date of receipt of such requests shall be the date of the next regularly scheduled meeting, or 35 days from the date of receipt, whichever is sooner.
- (2) Site development plan approval required. Before any development connected with a preliminary development plan can begin, a site plan must be approved by the Commission. If the approved preliminary development plan provided for phased development, then each phase shall require a site development plan approval. The site plan shall substantially conform to the approved preliminary development plan, and shall be in accordance with the submission requirements, procedures, and criteria of Article XVI, Part 1, of these regulations. Any substantive deviations from the approved preliminary development plan, or any details not indicated on the approved plan, shall be considered as amendments to the plan and shall be subject to the procedures and criteria of Article XVI, Part 2.
- (a) Procedure.
- [1] Site development plans must be submitted within 18 months of preliminary development plan approval, and the failure to do so shall render the preliminary development plan approval null and void. For phased developments, the site development plan for the first phase must be submitted within 18 months of preliminary development plan approval, and each subsequent phase site development plan must be submitted within 18 months of the previous phase site development plan

approval. The Commission may approve one extension of 18 months per development (if not phased) or per phase.

[2] Where required, the applicant shall comply with the provisions of the Town of Bolton Inland Wetlands Regulations and Subdivision Regulations. To the extent possible, the processing of any application for subdivision approval shall be coordinated with the processing of a site development plan application under these RMUZ regulations.

(b) Site development plan application. In addition to the requirements of Article **XVI**, Part 1 of these regulations, without duplication, the following materials are required with a RMUZ site development plan application:

[1] Architectural renderings and perspectives of all proposed structures and their interactions with existing structures.

[2] Concept building plans, including schematic floor plans and exterior elevations.

[3] Where the site plan includes incentive housing ~~under Section 7B of these Regulations~~, the application shall include all materials required by that section.

D. Signage. See Article **XVIII** of these regulations.

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

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

G. Special bulk requirements.

(1) In addition to the bulk requirements in the table of § **450-11.3**, the following shall apply in the Rural Mixed Use Zone:

(a) Build-to line. Except for unified village-style developments of sufficient scale to be oriented to an internal network of roads, parking, and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line. The Commission may waive this requirement for additions of less than 5% to buildings existing on the effective date of this § **450-8.3** where parking lots cannot be relocated to the sides or rear of the new and/or existing building, or where it is deemed by the Commission to be infeasible for the addition to meet the build-to line requirements of this section.

(b) First-floor uses ~~(RESERVED)~~. (Reserved)

(c) Upper-floor uses ~~(RESERVED)~~. (Reserved)

(d) Maximum building coverage for retail uses in a single building in a unified village-style development. The maximum building coverage for retail uses in a single building that is an integral part of a unified village-style development shall be 20,000 square feet. The Commission may allow

an increase in square footage. Such decision to allow an increase in square footage shall be in accordance with the following findings:

- [1] The use or uses occupying the building are an essential anchor to the development, or the building contains multiple uses and creates a street presence essential to a "Main Street" and village style.
 - [2] The design of the building meets the design guidelines for large-scale buildings by breaking up mass, articulating the 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] The site design creatively creates a street presence for the building and related satellite buildings, and de-emphasizes and buffers large-scale parking and loading and service areas.
- (e) Two-story buildings. Two-story buildings are strongly encouraged with a unified village-style development in the RMUZ. The Commission may approve a mix of buildings of various heights, provided that the Commission finds that the overall plan complies with the design guidance found in the Bolton Architectural and Design Guidelines, (Appendix C), and that such variation is essential to the design theme and economic objectives of the unified development. The Commission, as a part of this special permit, may require a higher first-floor height for single-story development to create a compatibility of facade heights where a mix of one- and two-story buildings occur in proximity to each other in a unified village-style development. The Commission may allow three-story buildings should an applicant choose to incorporate a residential component, and such added height is determined by the Commission not to be detrimental to abutting properties.
- (f) Flexible bulk standards for unified village-style developments. The Commission may, by special permit, allow for reduced or zero yards or buffers, increased building coverage, impervious coverage, or increased building height on sites where the criteria are met for unified village-style developments as set forth in the following Subsection G(2), and in §§ 450-11.10, 450-11.11, and 450-11.12 and 11N. [Amended during codification]
- (2) Incentives and standards for unified village-style developments.
 - (a) Parking, utilities, and vehicular and pedestrian/bike access shall be integrated with existing, planned, or future parking, utilities, and vehicular and pedestrian/bike access on abutting properties which are zoned RMUZ, to the extent that such connectivity is feasible from an engineering and environmental standpoint, and provided that reciprocal rights exist or have been acquired for such integration. At the very least, the applicant shall provide such rights to abutting landowners located in the RMUZ.
 - (b) Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the RMUZ) shall be provided to abutting landowners, and the applicant shall design a road capable of supporting access from existing or future development on adjoining lots. In the alternative, the applicant may utilize common access from an abutting lot, provided reciprocal access rights have been obtained from an abutting lot or lot owners, and the existing common access has been

designed or built to accommodate traffic from the combined lot development, and that such design and construction is deemed to meet engineering and public safety standards set down in Article **XVI**. The applicant shall enter into agreements with abutters as necessary to equitably share costs, and such reciprocal rights shall contain provisions for extension of related utilities, lighting, streetscape improvements, and provide for perpetual maintenance of the improvements subject to common rights.

- (c) Parking requirements set down in § **450-15.15** may be reduced to the minimum for any unified village-style development which establishes common access and utility rights, and integrated parking and circulation.
 - (d) Parcel consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a unified village-style development.
 - (e) Incentive for parcel consolidation. The incentives listed in §§ **450-11.10, 450-11.11, 450-11.12** ~~and 450-11.13~~ of these regulations shall apply to projects which consist of consolidated parcels.
 - (f) Bulk. See the provisions of Subsection **G(1)**. The Commission may waive the build-to line of Subsection **G(1)** where it contributes to the character of a unified village-style development.
- (3) Disincentives and exceptions for single-structure development. The Commission may approve a preliminary development plan for a single structure only if the following requirements are met:
- (a) The ~~site~~Commission finds that the lot is so limited in development potential due to size, environmental constraints, and/or abutting residentially zoned land such that a future linkage to adjoining lots and associated combined access and combined parking ~~such that~~for a unified village-style development is impractical. The burden is on the applicant to provide a feasibility plan leading to support of this conclusion. [Amended during codification]
 - (b) The Commission may approve a site development plan with a single building pursuant to the requirements of ~~Sections 6D.3.a.8;~~Subsection C(2) and Article **XVI**, Part 1, under the following circumstances:
 - [1] The Commission finds that it is in compliance with a preliminary development plan approved pursuant to ~~Section 6D.3.a;~~Subsection C(1).
 - [2] The development contains a building and use existing as of the effective date of this section, and is the subject of an expansion request which does not exceed 5% of the area of the building, and/or two parking spaces, taken cumulatively as of the effective date of this section.
 - [3] The building has been destroyed by fire or act of nature, and is rebuilt with substantially the same footprint or architectural design that previously existed prior to destruction.
 - (c) Any site approved under this section is otherwise subject to the architectural ~~lines~~guidelines of the Town of Bolton (Appendix "C").

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

[Amended 6-25-2012]

§ 450-9.1 Industrial Zone (I).

- A. Purpose. The purpose of the Industrial Zone (I) is to create an area where research facilities, warehousing, light manufacturing, professional offices, and other light industrial uses can be located with access to the interstate and state highway system, sewer, and water. This zone is intended to allow those activities which require truck traffic, materials processing, good employee access, and a certain degree of flexibility in site and building design to follow the function being served, while still imposing a high standard of architectural and site design to avoid the blight of traditional industrial districts that produce noise, dust, fumes, or other offensive activities that adversely affect other properties both within the Industrial Zone and outside of it. This zone is also intended to allow office uses for businesses that provide services to other businesses or to a specialized clientele, and not the general public. The Business Zones, not the Industrial Zone, are intended for those businesses that provide products and services to the general public. Control of signs, outdoor storage, refuse, and truck parking; abundant landscaping; compatible uses; and limitation of curb cuts are essential.
- B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use or term in Article **II**.
- (1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article **XVI**, Part 1, of these regulations and all requirements of the Industrial Zone and any applicable provisions of these regulations:
- (a) Town-owned or -operated public works or disposal facilities;
- (2) Special permit. Uses and use categories permitted subject to the issuance of special permit by the Planning and Zoning Commission in accordance with Article **XVI**, Part 2, of these regulations, and all requirements of the Industrial Zone and any applicable provisions of these regulations:
- (a) Motor vehicle use, subject to the same conditions as for the General Business Zone;
- (b) Manufacturing or processing of goods;
- (c) Warehouse or freight terminal;
- (d) Construction business;

- (e) Outdoor storage of equipment and materials accessory to a permitted use listed in the Industrial Zone, provided that such storage is appropriately screened and does not constitute a health or safety hazard. All materials and waste classified as hazardous by the State of Connecticut shall be stored and disposed of as directed by the Connecticut Department of Energy and Environmental Protection. There shall be no display or storage of goods or products ~~with~~within any minimum required yard for the Industrial Zone.
- (f) Office buildings for corporate offices, medical services, financial businesses; and professional services, excluding those uses that are open to the general public such as insurance agencies, banks, law, ~~dentists, dentist's~~ and doctor's offices, and travel agencies.
- (3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review; or special permit) as the use to which ~~it is~~they are accessory.
- (4) Prohibited uses.

Acetylene gas, cyanide compound or oxygen manufacture;

Airport;

Asphalt manufacture or refining;

Bag, carpet or rug cleaning establishments;

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

Chlorine or bleaching powder manufacture;

Creosote manufacture;

Distillation of coal or wood;

Drop forge shop;

Explosives, fireworks or ammunition manufacture;

Fumigation plants;

Glue or size manufacture from fish or animal offal;

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

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

Linoleum manufacture;

Match manufacture;

Paint and lacquer manufacture;

Petroleum refining and the bulk storage of petroleum products;

Pyroxylin plastic manufacture;

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

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

Soap, tallow, grease or lard manufacture;

Slaughterhouse;

Sulphurous, sulphuric nitric or hydrochloric acid manufacture;

Tannery;

Tar or asphalt roofing manufacture;

Tire recapping or retreading;

Concrete manufacturing;

Biological research, manufacturing or processing;

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

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

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

- A. Purposes. The principal purpose of the GMUIZ is to encourage and produce quality, sustainable development in discrete nodes based on village-style design standards, referred to herein as "unified village-style developments." Sustainable development preserves or enhances surface water and groundwater quality along the corridor, especially within aquifer protection areas and water supply watersheds, by employing low-impact development ("LID") measures; mitigates traffic impacts by consolidating access points, creating shared parking, creating flexible parking standards, and by allowing uses which are in keeping with the scale and character of the corridor; and by creating mixed-use opportunities which address Bolton's housing, retail, and service needs within village settings.

- B. Permitted uses and use categories. Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses or use categories listed in the lists below of uses permitted by site plan review and special permit uses, subject to such standards and conditions which may be required by these regulations. See the definition, where applicable, for any use or term in Article II.
 - (1) Permitted by site plan review. Uses and use categories permitted as a matter of right subject to site plan review by the Planning and Zoning Commission in accordance with Article XVI, Part 1, of these regulations, and all requirements of the GMUIZ and any applicable provisions of these regulations:
 - (a) Public utility building or substation.
 - (b) State- or Town-operated public commuter parking lots.
 - (c) ~~Seasonal commercial agricultural uses (i.e., farm stand, farmer's market), in accordance with § 450-3, operated public commuter parking lots.~~
 - (e) ~~Seasonal commercial agricultural uses (i.e., farm stand, farmers market), in accordance with § 450-3.26C~~ of these regulations.

 - (2) Special permit. Uses and use categories permitted subject to the issuance of special permit by the Planning and Zoning Commission in accordance with Article XVI, Part 2, of these regulations, and all requirements of the GMUIZ and any applicable provisions of these regulations:
 - (a) Art studios/galleries
 - (b) Bakery
 - (c) Bank/Financial institution
 - (d) Barber/Salon
 - (e) Child and adult day care

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- (f) Cinema with or without accessory tavern or restaurant
- (g) Community theater/playhouse
- (h) Driving ranges/mini golf
- (i) Finance, insurance, real estate
- (j) Fitness center
- (k) Grocery/Convenience (See Note 1)
- (l) Home occupations
- (m) Hotel/Motel/B&B
- (n) Lawn and garden equipment sales with accessory small engine repair
- (o) Manufacturing or assembly of outdoor recreation goods
- (p) Manufacturing or processing of goods (see Note 2)
- (q) Mixed uses
- (r) Motor vehicle service and repair (see Note 2)
- (s) Multifamily residences on the upper floors above first-floor commercial uses and including at least 20% affordable dwellings
- (t) Museums
- (u) New and used car sales (see Note 2)
- (v) Outdoor and indoor recreational facilities
- (w) Package stores
- (x) Personal/Business services
- (y) Professional offices
- (z) Restaurants/Banquet facilities with indoor and outdoor seated dining per § **450-3.27**
[Amended eff. 11-1-2021]
- (aa) Retail Shops (see Note 1)

(bb) Service uses

(cc) Studios and specialty shops, i.e. tea, crafts, etc.

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

(ee) Taverns and inns

(ff) Telecommunications facilities

(gg) Veterinary hospital/veterinary emergency care

(hh) Warehouse/Freight terminal

Notes:

1. See building coverage requirements and limitations for retail uses in Subsection **B(4)**.
2. Such use is permitted to continue, and may by special permit be altered or expanded on the same lot or contiguous lots under the same ownership or control, if existing in the Town as of the effective date of this section.

(3) Accessory uses. Accessory uses, as defined in these regulations, may be permitted subject to the same type of review (certificate of zoning compliance, site plan review, or special permit) as the use to which ~~it is~~they are accessory, unless these regulations expressly allow a different review.
[Amended eff. 11-1-2021]

(4) Prohibited uses.

(a) Residential uses, as that term is used in ~~Connecticut General Statutes Section C.G.S. § 8-30g(g), and that term has been construed by the Connecticut courts, except where authorized by Section 7B, Incentive Housing Overlay Zone, if adopted.~~ [Amended during codification]

(b) Motor vehicle services and repair (See Note 2, above~~),~~).

(c) New and use car sales (See Note 2, above~~),~~).

(d) Manufacturing or processing of goods (See Note 2, above~~),~~).

C. Additional conditions.

(1) Preliminary development plan. No development within the GMUIZ shall be permitted until the Commission has approved a special permit for the proposed use(s) and a preliminary development plan for the parcel(s) under consideration. The preliminary development plan review is established to assure that all components of a site in the GMUIZ comply with the purposes and principles of

the zone and with the criteria of § 450-16.8 of these regulations. Approval of the special permit for the uses, basic site layout, and other elements of the preliminary development plan shall constitute a conclusive finding of compliance with the criteria of § 450-16.8 of these regulations. Any application for an individual use or parcel indicated on the approved preliminary development plan shall require site plan review under Article XVI, Part 1, of these regulations and be governed only by the criteria and requirements of that section.

- (a) Authority. Approval of a special permit and preliminary development plan and site development plan is required for any development in the GMUIZ. The Commission shall hold a public hearing, in accordance with ~~Connecticut General Statutes~~C.G.S. § 8-7(d), on any preliminary development plan application and any site development plan application within the GMUIZ.
- (b) Application procedure. Submission of a preliminary development plan application to the Land Use Official must be made at least six days prior to a regularly scheduled meeting. The official date of receipt of an application will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete application to the Commission's designated agent, or 35 days, whichever is sooner.
- (c) Application requirements. The applicant shall file 17 copies of the following required materials: [Amended during codification]
- [1] A written statement, signed by the applicant and by the owner, if different from the applicant, explaining how the proposed development meets the purposes and design principles set forth in Subsection A.
- [2] A narrative description of the proposed development, including a description of existing site conditions; the nature and extent of proposed use or occupancy; a description of proposed utility systems (water, sewer, drainage, etc.); the number of persons estimated to occupy or visit the proposed development on a daily basis; the basis for determining parking and loading requirements and an estimate of the type and intensity of vehicular traffic associated with the proposed development; and disclosure of any toxic or hazardous substances used, stored or proposed in connection with the proposed use or occupancy.
- ~~[3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches) which shall include the following:~~
- [3] A site plan drawn at a scale of one inch equals 40 feet or smaller (but in no case shall the map exceed 24 inches by 36 inches) which shall include the following:
- [a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan.
- [b] A Class A-2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor registered licensed in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered licensed professional engineer, architect or landscape architect. [a] Title of development, date, North point, scale, one inch equals 800 feet key map, name and address of record owner, and the professional preparing the site plan. [Amended during codification]

- ~~[b] A Class A 2 survey of the property indicating all distances, bearings and the area of the site and any abutting streets prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed and sealed by a Connecticut registered professional engineer, architect or landscape architect whichever shall be appropriate.~~
- [c] Information on areas in adjacent parcels within 100 feet of the subject parcel, including property boundaries; zoning; location and dimensions of all man-made features; circulation systems; public facilities; and/or unique natural features.
- [d] The existing and proposed topographic contours of the land and abutting streets, with intervals of two feet or spot elevations where necessary.
- [e] Location of existing watercourses, wetlands, wooded areas, flood hazard areas, ledge ~~out-~~ ~~erops~~ outcrops, single trees with a diameter of 20 inches or more measured three feet above the base of the trunk, with an indication of whether they are to be retained.
- [f] Notations to reference all previous approvals issued by all authorities, to include dates, conditions, site plan references, and permit numbers.
- [g] A subdivision plan, or parcel assembly plan, if part of the proposal.
- [h] A table summarizing the proposed and required zoning information as follows: lot size, setbacks, required yards, floor area devoted to use, building height, lot coverage, building coverage, parking calculations, landscaping and any other specific site elements required by these regulations.
- [i] Location and use of all existing and proposed structures, and location of any land uses not requiring structures.
- [j] Location and construction design of existing and proposed vehicular circulation system, including all roads, internal circulation, driveways, parking and loading areas, with the number of stalls provided therewith, and pedestrian walkways or other means of separation.
- [k] A parking demand analysis, if requesting less than the minimum required parking as set ~~down~~ forth in § **450-15.15** of these regulations.
- [l] Location and construction design of all existing and proposed pedestrian circulation ~~systems~~ systems and ~~its~~ their relationship with the vehicular circulation system, public areas and open space.
- [m] A plan and design details of the proposed method of sanitary waste disposal and source of potable water supply. In accordance with ~~Section C.G.S. § 8-25a of the Connecticut General Statutes~~, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in ~~Connecticut General Statutes Section C.G.S. § 16-262m(a)~~, shall provide to the Commission/Board a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut Department of Public Utility Control. No application for a special permit/exception involving such a water company shall be deemed complete without said certificate, unless the applicant shall provide a resolution of the Bolton Board of Selectmen waiving said certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide

adequate service to its consumers. For any development proposing to use public sewers from the Bolton Lakes Regional Water Pollution Control Authority, written confirmation that there is adequate capacity to support the proposed uses.

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

BOLTON PLANNING AND ZONING COMMISSION, BOLTON, CT

DATE APPROVED _____ DATE OF EXPIRATION _____

CHAIRMAN

SECRETARY

~~[4] Where the application includes proposed housing under Section 7B, Incentive Housing Zone, if approved, compliance with that section shall be demonstrated.~~

[54] Low-impact development ("LID") measures to be employed on the site, as set forth in § **450-16.2L** of these regulations.

[65] A fee to defray the cost of the legal notice, the processing of the application, and the technical review and inspection, per the Bolton Fees for Permits Ordinance.

(d) Application referrals. The Commission shall refer the application to the Conservation Commission, Fire Marshall, the Bolton Lakes Regional Water Pollution Control Authority, Town Engineer, appropriate Town of Manchester officials (concerning public water supply issues), or such other board, commission, or official deemed appropriate by the Commission for their comments. Failure of any Commission or staff to provide written comments to the Commission within 35 days after the date of submission of the proposal shall be taken as a report of no objections or comments.

(e) Decision guidelines. In approving a preliminary development plan, the Commission shall find the following: [Amended during codification]

~~[1] The proposal conforms to the Town of Bolton Route 44 Incentive Housing Zone Study.~~

[21] The proposal satisfies the purposes of the GMUIZ as established in Subsection **A** above.

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- [32] For phased developments, each phase, standing alone, will comply with the purposes of the GMUIZ as established in Subsection A above.
- [43] The proposal conforms to the Architectural and Site Design Guidelines, Town of Bolton, CT (Appendix "C" of these Regulations).
- [54] The proposal conforms to the criteria of § 450-16.8 of these regulations.
- (f) Recording. An approved preliminary development plan, reflecting all conditions or modifications required by the motion for approval, shall be endorsed by the Commission and recorded in the Bolton Land Records within 90 days of the date of approval. The Commission may, for good cause shown, grant two extensions of up to 90 days each for such endorsement and filing.
- (g) Changes. Changes to an approved preliminary development plan may be permitted upon approval by the Commission. The Commission shall determine whether the proposed changes are substantial and require a public hearing. Substantial changes may include, but are not limited to: change in land uses, greater than 5% ~~change~~ (increase?) in proposed gross building square footage, changes requiring the addition of more than two parking spaces, and change in vehicular and pedestrian circulation systems layouts. Changes less than ~~these~~ these thresholds may be approved by the Zoning Enforcement Officer in accordance with § 450-3.22 of these regulations. Requests for change approvals shall be submitted in writing to the Land Use Office at least six days prior to the next regularly scheduled Commission meeting. The date of receipt of such requests shall be the date of the next regularly scheduled meeting, or 35 days from the date of receipt, whichever is sooner.
- (2) Site development plan approval required. Before any development connected with a preliminary development plan can begin, a site plan must be approved by the Commission. If the approved preliminary development plan provided for phased development, then each phase shall require a site development plan approval. The site plan shall substantially conform to the approved preliminary development plan, and shall be in accordance with the submission requirements, procedures, and criteria of Article XVI, Part 1, of these regulations. Any substantive deviations from the approved preliminary development plan, or any details not indicated on the approved plan, shall be considered as amendments to the plan and shall be subject to the procedures and criteria of Article XVI, Part 2.
- (a) Procedure.
- [1] Site development plans must be submitted within 18 months of preliminary development plan approval, and the failure to do so shall render the preliminary development plan approval null and void. For phased developments, the site development plan for the first phase must be submitted within 18 months of preliminary development plan approval, and each subsequent phase site development plan must be submitted within 18 months of the previous phase site development plan approval. The Commission, at its discretion, may approve an extension of 18 months per development (if not phased) or per phase.
- [2] Where required, the applicant shall comply with the provisions of the Town of Bolton Inland Wetlands Regulations and Subdivision Regulations and with the Town of Bolton Aquifer Protection Area Regulations. To the extent possible, the processing of any application for

subdivision approval shall be coordinated with the processing of a site development plan application under these GMUIZ Regulations.

- (b) Site development plan application. In addition to the requirements of Article **XVI**, Part 1, of these regulations, without duplication, the following materials are required with a GMUIZ site development plan application:
 - [1] Architectural renderings and perspectives of all proposed structures and their interactions with existing structures;
 - [2] Concept building plans, including schematic floor plans and exterior elevations.
 - [3] Where the site plan includes incentive housing ~~under Section 7B of these Regulations~~, the application shall include all materials required by that section and Article **XVI**, Part 1. [Amended during codification]
- D. Signage. See Article **XVIII** of these regulations.
- E. Lighting. See § **450-3.20** of these regulations.
- F. Use variances. The Zoning Board of Appeals may only grant use variances in accordance with the following requirement: Uses shall not be permitted by variance in the GMUIZ if such uses are not otherwise allowed in the GMUIZ.
- G. Special bulk requirements. In addition to the bulk requirements in the table of § **450-11.5**, the following shall apply in the GMUIZ:
 - (1) Build-to line. Except for unified village-style developments of sufficient scale to be oriented to an internal network of roads, parking, and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line. The Commission may waive this requirement for additions of less than 5% to buildings existing on the effective date of this § **450-9.2** where parking lots cannot be relocated to the sides or rear of the new and/or existing building, or where it is deemed by the Commission to be infeasible for the addition to meet the build-to line requirements of this section. See waiver provision for unified sites in Subsection **H(5)**.
 - (2) First-floor uses ~~—(RESERVED)—~~. (Reserved)
 - (3) Upper-floor uses ~~—(RESERVED)—~~. (Reserved)
 - (4) Maximum building coverage for retail uses in a unified village-style development on 10 or more acres. The maximum building coverage for retail uses in a single building or buildings that is an integral part of a unified village-style development of 10 acres or more shall be 75,000 square feet. The Commission reserves the right to limit the numbers of such buildings in a single unified village-style development. The Commission may accept an increase in the size of this threshold. Such decision to allow an increase in square footage shall be in accordance with the following findings:

- (a) The use occupying the building is an essential anchor to the development, or the building contains multiple uses and creates a street presence essential to a "Main Street" and village style.
 - (b) The design of the building meets the design guidelines for large-scale buildings by breaking up mass, articulating the ~~faade~~façade and by incorporation of elements adding interest and human scale.
 - (c) Amenities have been provided to the site design which enhance the pedestrian environment in connection with the building.
 - (d) Site design creatively creates a street presence for the building and related satellite buildings, and ~~deemphasizes~~de-emphasizes and buffers large-scale parking and loading and service area.
 - (5) Maximum building coverage for all other buildings shall be 25,000 square feet, unless increased in size by a majority vote of the Commission.
 - (6) Two- and three-story buildings are strongly encouraged in a unified village-style development in the GMUIZ. The Commission may approve a mix of buildings of various heights, provided that the Commission finds that the overall plan complies with the design guidance found in the Architectural and Site Design Guidelines of the Town of Bolton, and that such variation is essential to the design theme and economic objectives of the unified development. The Commission, as a part of this special permit, may require a higher first-floor height for single-story development to create a compatibility of facade heights where a mix of one-story and multiple-story buildings occurs in proximity to each other.
 - (7) Flexible bulk standards for unified village-style developments. The Commission may, by special permit, allow for reduced or zero yards or buffers, increased building coverage, increased impervious coverage, or increased building height on sites where the criteria are met for unified village-style developments as set forth in the following Subsection H, and in ~~§§§ 450-11.10, 450-11.11, and 450-11.12 and 11N.~~ [Amended during codification]
- H. Incentives and standards for unified village-style developments.
- (1) Parking, utilities, and vehicular and pedestrian/bike access shall be integrated with existing, planned, or future parking, utilities, and vehicular and pedestrian/bike access on abutting properties which are zoned GMUIZ, to the extent that such connectivity is feasible from an engineering and environmental standpoint, and provided that reciprocal rights exist or have been acquired for such integration. At the very least, the applicant shall provide such rights to abutting landowners located in the GMUIZ.
 - (2) Similarly, common access rights from Route 44 (or roads immediately abutting Route 44 located in the GMUIZ) shall be provided to abutting landowners, and the applicant shall design a road capable of supporting access from existing or future development on adjoining lots. In the alternative, the applicant may utilize common access from an abutting lot, provided reciprocal access rights have been obtained from an abutting lot or lot owners, and the existing common access has been designed or built to accommodate traffic from the combined lot development, and that such design and construction is deemed to meet engineering and public safety standards set ~~down~~forth in Article XVI. The applicant shall enter into agreements with abutters as necessary to equitably share

costs, and such reciprocal rights shall contain provisions for extension of related utilities, lighting, streetscape improvements, and provide for perpetual maintenance of the improvements subject to common rights.

- (3) Parking requirements set ~~down~~forth in § **450-15.17** may be reduced to the minimum for any unified village-style development containing multiple lots and/or businesses, and which establishes common access and utility rights, a common sign plan, and integrated parking and circulation, with perpetual ~~cross-~~easements to assure continued integration of the site or sites.
 - (4) Parcel consolidation. Applicants are encouraged to consolidate smaller parcels in order to develop a unified village-style development.
 - (a) Incentive for parcel consolidation. The incentives listed in ~~§§~~ **450-11.10, 450-11.11, and 450-11.12** ~~and 11M~~ of these regulations shall apply to projects which consist of consolidated parcels. [Amended during codification]
 - (5) Bulk. See the provisions of Subsection **G**. The Commission may waive the build-to line of Subsection **G(1)** where it contributes to the character of a unified village-style development.
- I. Disincentives and exceptions for single-structure development.
- (1) The Commission may approve a preliminary development plan for a single structure only if the following requirements are met:
 - (a) The site finds that the lot is so limited in development potential due to size, environmental constraints, and/or abutting residentially zoned land such that a future linkage to adjoining lots and associated combined access and combined parking such that a unified village-style development is impractical. The burden is on the applicant to provide a feasibility plan leading to support of this conclusion.
 - (2) The Commission may approve a site development plan with a single building pursuant to the requirements of ~~Sections~~ Subsection **C(2)** and Article **XVI**, Part **1**, under the following circumstances:
 - (a) The Commission finds that it is in compliance with a preliminary development plan approved pursuant to Subsection **C(1)**.
 - (b) The development contains a building and use existing as of the effective date of this section, and is the subject of an expansion request which does not exceed 5% of the area of the building, and/or two parking spaces, taken cumulatively as of the effective date of this section.
 - (c) The building has been destroyed by fire or act of nature, and is rebuilt with substantially the same footprint or architectural design that previously existed prior to destruction.
 - (3) Any site approved under this section is otherwise subject to the Architectural and Site Design Guidelines of the Town of Bolton, ~~(Appendix "C" of these Regulations).~~

ARTICLE X Golf Courses

§ 450-10.1 Location and definition.

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

§ 450-10.2 General standards

Golf courses and accessory uses to golf courses shall be subject to special permit procedures and criteria as set forth in Article XVI of the Bolton Zoning Regulations. Before determining whether to issue a special permit, the Planning and Zoning Commission shall consider the following criteria to determine if the proposed use provides for the protection of the public health, safety, convenience and property values:

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

§ 450-10.3 Dimensional, parking and access requirements.

- A. Golf courses and accessory uses to golf courses shall comply with the dimensional, parking and access requirements of this § 450-10.3, which shall supersede any conflicting requirements in other sections of the Bolton Zoning Regulations.
- B. The minimum contiguous acreage of a nine-hole golf course shall be 75 acres. Public roads may pass through a golf course. The entire golf course must be owned by the same people or entities.
- C. No buildings, except open shelters, shall be constructed within 400 feet of a property line, except that buildings may be located no closer than 50 feet to the property line along the public road on which the motor vehicle entrance for the general public is located.

- D. All buildings except maintenance buildings and open shelters shall be located within ~~one~~ a 1,000-foot-diameter circle located on the golf course.
- E. A 25-foot-wide buffer area of trees must be provided on a golf course along residential properties to provide for safety and privacy. If there is less than one tree at least six inches in diameter per 100 square feet of buffer area, the Planning and Zoning Commission may require that evergreen trees at least five feet high, or other trees suitable for the conditions as approved by the Commission, be planted in the buffer area to obtain this tree density. The Planning and Zoning Commission may substitute the tree buffer requirement in various locations with either of the following alternates:
 - (1) A fence acceptable to the Planning and Zoning Commission, to be maintained by the golf course owner for the life of the course.
 - (2) No fence, provided that the adjacent property owner does not object before the close of the public hearing for the special permit.
- F. The maximum building area coverage, not including structures that are actively being used for farming, shall not exceed 2% of the golf course area, exclusive of any lands that have been previously designated as open spaces.
- G. The maximum impervious area coverage, not including structures that are actively being used for farming, shall not exceed 7% of the golf course area, exclusive of any lands that have been previously designated as open spaces.
- H. The minimum frontage along a public street shall not be less than 200 feet.
- I. The maximum building height shall not exceed 35 feet.
- J. The minimum number of parking spaces shall be as required in ~~the~~ Article XV, Parking, Loading and Fire Lane Requirements-section of the Zoning Regulations for each use or building unless otherwise specified in this section. Parking areas are not required to be paved, but all unpaved areas and travel ways shall be maintained so as not to create any off-site dust.
- K. A paved road at least 12 feet wide with three-foot shoulders capable of carrying emergency vehicles shall be provided from the golf course public entrance at the public street to the golf course maintenance buildings and all enclosed buildings open to the public, except that open shelters and unheated buildings shall only require access as approved by the Fire Marshal.

§ 450-10.4 Specific requirements for golf courses.

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

- A. Each golf course shall be designed by a golf course architect, registered with a nationally recognized golf organization and shall have a minimum of nine holes in active use.
- B. A minimum of eight parking spaces shall be provided for each golf course hole.

- C. A comprehensive traffic study by a qualified traffic engineer shall be provided that addresses at least the following items: existing and future traffic volumes, traffic accident history and existing geometric conditions from the golf course public entrance to the nearest arterial road, the improvements necessary to provide the minimum requirements for a commercial street, as defined in the Subdivision Regulations for Bolton, on Town roads from the golf course public entrance to the nearest arterial road. Arterial roads and other road classifications are as described in the Plan of Development, Town of Bolton.
- D. The golf course shall have one motor vehicle entrance for the general public along a public road. If more than one public road could be used for the golf course entrance, the Commission will determine which road will be used to minimize the impact on the adjacent roads and neighborhoods.
- E. The golf course owner shall improve the public road between the golf course public entrance and the nearest arterial road to the same conditions required for a commercial street as described in the Subdivision Regulations for Bolton, except that the Planning and Zoning Commission may allow a paved travel way width as narrow as 26 feet and may waive any requirements for curbs. The golf course owner shall provide for safe and convenient vehicular movement on all private travel ways.
- F. A comprehensive drainage study prepared by a qualified engineer shall be provided that includes drainage calculations for the existing and proposed development conditions for the two-, ~~ten-~~, ~~twenty-five~~ 10-, 25- and ~~one-hundred~~ 100- year storms. The drainage flows from the developable area described in Subsection D and from the golf course site after it is developed shall each not vary by more than 10% from the flows before any development occurs.
- G. A comprehensive water use management plan prepared by a qualified environmental consultant shall be provided that as a minimum addresses the following items: an integrated pest management (IPM) system as endorsed by the Environmental Protection Agency, the application times and volumes of specified fertilizers, herbicides and pesticides, the periodic testing of surface water flowing off-site at specified locations for chemicals used on the golf course, and the periodic testing of the ~~ground-water~~ groundwater at specified well sites for the chemicals used on the golf course and for the static level of the ~~ground-water~~ groundwater near wells on adjacent properties. As a minimum, there shall be a surface water test location at each off-site flow point and at least four ~~ground-water~~ groundwater monitoring wells. Testing shall begin before any development work starts, and if possible one year before development starts, and shall continue for as long as the golf course is in use. The water use management plan shall describe the chemical concentrations allowed by the Connecticut Department of Energy and Environmental Protection and it shall describe the procedures to follow if chemical concentrations are near or exceed the allowable limits for all chemicals. The water use management plan shall recommend a minimum static level in each monitoring well to protect levels in nearby wells. If the minimum level is approached in a monitoring well, ~~ground-water~~ groundwater shall only be used at the golf course site for domestic uses. Static ~~ground-water~~ groundwater reports for each monitoring well shall be obtained as often as once per week when irrigation equipment is being used or as otherwise required by the Zoning Enforcement Officer and shall be retained by the golf course superintendent and provided to the Zoning Enforcement Officer upon request. The water quality and water availability in wells on adjacent properties shall not be affected. The golf course owner shall at all times engage the

services of a qualified environmental consultant and testing laboratory to conduct the water monitoring and other requirements of the water use management plan.

§ 450-10.5 **General accessory uses.**

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

- A. One clubhouse with locker rooms and a restaurant with the sale of alcoholic beverages.
- B. One pro -shop with a snack bar with a gross floor area not to exceed 3,000 square feet. No additional parking is required for this use. The retail items for sale shall be limited to items associated with recreational activities on the golf course.
- C. One tennis court for each two holes of play on the golf course. A minimum of two parking spaces shall be provided for each tennis court. Each tennis court shall be no closer than 400 feet to a property line.
- D. One swimming pool for each nine holes on the golf course. Each pool shall be no closer than 400 feet to a property line.
- E. Maintenance, operational and storage buildings, including golf cart storage.
- F. One freestanding sign meeting the requirements of § **450-18.9B**.

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

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

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

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

- A. For purposes of this § **450-10.7**, the term "underlying use" shall mean a use that would be permitted by the regulations for the underlying zone.
- B. The designation of any area as a Golf Course Overlay Zone shall not preclude the establishment or continuation of any underlying use, provided that the following requirements are fulfilled:
 - (1) If special accessory uses have been permitted pursuant to § **450-10.6**, no underlying use shall be allowed in the minimum area required by § **450-10.6** unless and until all such special accessory uses are physically and completely removed from the property and all disturbed ground surfaces, with the exception of landscaped or other already vegetated areas, are restored with vegetation.
 - (2) No underlying use shall be allowed in the minimum area required by § **450-10.3** unless and until the golf course use and all general accessory uses are physically and completely removed from the property and all disturbed ground surfaces, with the exception of landscaped or other already vegetated areas, are restored with vegetation.
 - (3) Notwithstanding the provisions of Subsection **B(1)** and **(2)** above:
 - (a) No building or structure that was used for a golf course or a general or special accessory use to a golf course shall be required to be removed if the building or structure otherwise complies with all requirements applicable to an underlying use and the landowner has obtained any zoning permit, special permit or site plan approval that may be necessary to conduct the underlying use.
 - (b) Farming activities may be conducted without a special permit outside of the area designated for golf course uses. No farming or other activities shall be conducted that disturb the golf course, its tees, fairways or greens.
 - (4) If a proposed underlying use would require the modification of any area that is shown on the currently approved plan as being used for a golf course or a general or special accessory use to a golf course, a special permit shall be required for the proposed modifications. The applicant shall be required to submit revised plans demonstrating that the golf course and accessory uses, as modified, comply with these regulations.

ARTICLE XI
Dimensional Requirements

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

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

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

Zone	Maximum Building Height (feet/ stories) ³	Minimum Dwelling Unit Floor Area (square feet) ⁴	Maximum Lot Coverage (%)	Maximum Impervious Coverage (%)
R-1	35 (or/2.5-stories)	One-story: 1,000 Others: 810 (foundation) ±2001,200 (total)	15%	20%
R-2	35 (or/2.5-stories)	One-story: 1,000 Others: 810 (foundation) ±2001,200 (total)	15%	20%
R-3	30 (or/2.5-stories)	One-story: 810 Others: 1,000	15%	20%

Notes:

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

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§ 450-11.2 ~~Two-family Duplex~~ dwellings and accessory uses in Residence Zones. [Amended eff. 11-1-2021]

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

Zone	Min-Minimum Lot (square feet)	Min-Minimum Lot Frontage (feet) ¹	Min-Minimum Front Yard (feet)	Min-Minimum Side Yard (feet) ²	Min-Minimum Rear Yard (feet)
R-1	60,000	300	35	40	40
R-2	60,000	300	35	40	40

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

Notes:

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

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Zone	<u>Min. Minimum</u> Lot Area (square feet)	<u>Min. Minimum</u> Lot Frontage (feet) ¹	<u>Min. Minimum</u> Front Yard (feet)	<u>Min. Minimum</u> Side Yard (feet) ²	<u>Min. Minimum</u> Rear Yard (feet)
GMUIZ	40 (or 3 stories)	600 (Grd. Flr.) ground floor	25% (See § 450-11.14.)	50% (See § 450-11.14.)	
RMUZ	35 (or 2.5 stories)	600 (Grd. Flr.) ground floor	25% (See § 450-11.14.)	50% (See § 450-11.14.)	

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Notes:

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

§ 450-11.4 Accessory buildings.

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

§ 450-11.5 Encroachment.

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

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

- A. Purpose: ~~and intent.~~
- (1) Irregular or rear lots, sometimes known as "flag lots", are unconventional and pose a number of potential problems compared to standard lots. They are difficult to find and access in an emergency; increase the density of neighborhoods; and can reduce the level of privacy that homeowners have come to expect in abutting established backyards and side yards. To limit their

use to only the most appropriate locations, and ensure that they are both safe and have minimal impact on their neighboring properties, review is required by the Commission.

- (2) The following provisions are intended for use when, after laying out lots within a subdivision in accordance with the dimensional requirements of these regulations, some "leftover" land remains. Accordingly, these provisions are meant as a last resort in the design of a lot, and as such are to be employed sparingly, and not as a common design technique.
 - (3) Applications under this section shall be considered as special situations, each requiring individual justification by the applicant. The burden of proof shall be on the applicant to demonstrate no adverse effects on surrounding properties.
- B. Rear lots shall be permitted only in the R-1 Zone in subdivisions of four lots or more. A rear lot shall not be created by a first or free cut. The number of rear lots shall not exceed one lot for every four lots contained within a subdivision, as it is originally divided, and any resubdivision thereof. Rear lots shall comply with all requirements of this § **450-11.6**.
- C. An access strip/frontage for a rear lot shall:
- (1) Be at least 50 feet wide at its narrowest point, including frontage exiting to a public street.
 - (2) Be owned in fee as part of a single parcel comprising the rear lot.
 - (3) Contain only one driveway.
 - (4) Provide access for one lot only.
 - (5) Be separated by a minimum distance of 400 feet from any other rear lot access as measured along any public street.
- D. Rear lots shall:
- (1) Contain at least a minimum lot area of 80,000 square feet, exclusive of any access strip area. In computing such lot area, the access strip extending from the front lot line to the public roadway shall not be counted towards satisfying the lot area requirement.
 - (2) The front, side and rear yard setbacks shall be a consistent perimeter of 85 feet from the property lines.
 - (3) The design of the rear lot shall be such that a rectangle of 200 feet by 400 feet can be placed within the parcel lines of the rear lot.
 - (4) No more than one rear lot shall be permitted to abut any other rear or interior lot created by a prior subdivision or first cut.
- E. Driveways serving rear lots shall:
- (1) Meet the Town Driveway Specifications.

- (2) Be located generally in the center of the ~~ffty~~50-foot strip subject to the needs of topography.
- F. It is not the intention to allow the creation of lots behind other existing properties which would change the characteristics of the neighborhood. The Commission may require a landscape buffer where necessary within the lot and along the ~~access way~~accessway to ensure that any new development will be in harmony with the surrounding areas and protect existing homes.

§ 450-11.7 Cul-de-sac lots.

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

§ 450-11.8 Frontage in Business Zones.

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

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

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

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

- A. One or more adjoining lots are designed as a single site, with combined parking lots and driveway curb cuts and perpetual cross-easements that provide for the maintenance of parking areas, driveways, landscaping, and illumination.
- B. The buildings have been designed, or existing buildings will be modified, such that the buildings on the combined site are of a harmonious architectural style, illumination, ~~roof line,~~roofline and landscaping pattern.

- C. The signage is of uniform design throughout the entire combined site, having the same basic size, shape, mounting method and location; and type of illumination. There shall be a single ground sign identifying the driveway curb cut, with cross-easements for each owner to install and maintain its own message on such ground sign.
- D. There shall be no reduction in side yards except for the interior lot lines between the lots which are submitted for unified site, building, access; and sign designs in accordance with this section, and not on the side of any lot adjacent to a parcel that is not included in such overall unified plan.

§ 450-11.10 **Minimum landscaped areas in Business and Mixed Use Zones. [Amended 6-25-2012]**
No less than 25% of the lot in any General Business and GMUIZ Zone, and no less than 30% of the lot in any Neighborhood Business and RMUZ Zone, shall be landscaped with grass, trees, shrubs; or other ornamental plantings. Such landscaped areas may include benches and other ornamental street furniture, but sidewalks and outdoor dining or display areas shall not be counted as landscaping.

§ 450-11.11 **Side and rear yards in Industrial Zone.**
The minimum side and rear yard in the Industrial Zone shall be 50 feet where abutting a Residential Zone.

§ 450-11.12 **Maximum lot coverage and maximum impervious coverage in GMUIZ and RMUZ Zones. [Added 6-25-2012]**
In connection with unified village-style developments encompassing multiple lots, the Commission may allow a greater maximum lot coverage and/or maximum impervious coverage on one or more lots, provided the overall coverage of the combined lots conforms to these regulations.

ARTICLE XII

Excavation and Filling or Removal of Earth Products

§ 450-12.1 **Special permit required.**
The Planning and Zoning Commission may grant a special permit for the excavation and filling or removal of earth products in all zones, subject to the requirements of the specific zone or zones in which the excavation operation is located, the provisions of Article XVI of these regulations, and any other review and approval which may be required by these regulations; and, in addition, the conditions, standards and requirements set forth in this ~~section~~ article. Notwithstanding the above, the quarrying of stone or rock is specifically prohibited in all zones.

§ 450-12.2 **Purpose.**
The purpose of these regulations is to:

- A. Regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, gravel, soils, minerals, loam, fill, clay, peat moss and any other earth products;.
- B. Prevent conditions detrimental to the public health, safety and general welfare, including, but not limited to, erosion, nuisances; or permanent damage to the landscape;.

- C. Conserve and preserve wetlands, watercourses and water storage areas, the value of adjoining and surrounding properties, and the land itself for future useful purposes~~;~~.
- D. Assure continuity of operation at a given location until a deposit is fully utilized in conformance with these regulations~~;~~.
- E. Minimize or eliminate any deleterious effects on adjacent or nearby land uses and prevent the emergence of any blighting influences.

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

- A. The following operations are exempt from the requirements of this ~~section~~article:
 - (1) Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Bolton or the State of Connecticut or within streets or roads as shown on a subdivision map or a plan of development map approved by the Planning and Zoning Commission.
 - (2) Excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.
 - (3) Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural~~;~~ or construction ~~operation~~operations, for which no building permit is required from the Town of Bolton, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal of or filling in ~~or~~ more than 600 cubic yards of earth products for each individual premises.
 - (4) Excavation operations either conducted in accordance with and pursuant to a permit granted by the Planning and Zoning Commission prior to the effective date of these regulations~~;~~ or existing prior to the effective date of these regulations.
- B. The owner of any premises or rights-of-way falling within the provisions of this § **450-12.3**, from or into which any earth products have been removed or filled, shall, within 30 days after the completion of such operations or any substantial portion thereof, grade and cover any exposed areas where removal or filling takes place with not less than four inches of topsoil or loam removed from such premises or rights-of-way and seed with a suitable cover crop or cultivation acceptable to the Zoning Enforcement Officer. Any such seeding shall be sowed at a rate not less than three pounds of seed for every 1,000 square feet of area covered. This requirement may be held in abeyance during the months of November, December, January and February or until such time as conditions permit proper germination.
- C. Notwithstanding this § **450-12.3**, a site plan review in accordance with the provisions of these regulations may be required for any excavation operations 50 feet or less from any watercourses or wetlands. In addition, excavation operations as noted in this § **450-12.3** shall not include the disposing of said earth products within the Town of Bolton after removal, or the obtaining of said earth products prior to filling in. The Planning and Zoning Commission may require a site plan review for said disposition and/or obtaining, in accordance with the provisions of these regulations.

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

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

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

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

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

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

- A. Prior to approving any application for a special permit for excavation operations, the Planning and Zoning Commission shall consider each such operation in terms of the criteria set forth in the preceding § **450-12.5**, and shall determine whether such operations conform to the following standards. Failure of the operations to properly satisfy the criteria set forth in § **450-12.5**, or to conform to any of the following standards shall be sufficient reason for the Commission to deny or withhold the special permit.
- B. The following standards are requirements for excavation operations based on the criteria set forth in § **450-12.5**:
 - (1) Site standards.
 - (a) Lot size. The minimum size of any lot proposed to contain an excavation operation shall be five acres. Prior to the issuance of any special permit for excavation operations, boundaries of the site shall be clearly surveyed and marked with permanent monuments by a Connecticut ~~registered~~ licensed land surveyor. [Amended during codification]

- (b) Area of excavation. The Planning and Zoning Commission shall have the discretion to determine the limits of the area of excavation within the subject lot.
- (c) Minimum setbacks. All excavation operations shall be located at least 50 feet from any property line, public street, road or highway right-of-way, except as may otherwise be permitted by the Commission.
- (d) Access roads. All vehicular access to any excavation ~~operations~~operation shall be arranged and aligned to minimize danger to traffic and nuisance to surrounding properties and the general neighborhood. All access roads shall be finished with a properly bound material so as to provide a durable anti-tracking surface to the property line from the work area. In addition, the section of the street right-of-way between the traveled portion of the street and the property line shall be paved to Town standards, at a width equal to that of the access road, plus turning radii.
- (e) Fences. All motor vehicle accesses to any excavation operations shall be barred by a fence and/or gate deemed appropriate by the Planning and Zoning Commission.
- (f) Buildings and structures. No buildings or structures related to the excavation operations shall be permitted or erected on the premises during the excavation operation except as may be permitted by the Planning and Zoning Commission and subject to any conditions set forth by the Commission.
- (g) Machinery and equipment.
 - [1] No fixed machinery or equipment shall be permitted, erected or maintained on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted on the premises, except as may be permitted by the Planning and Zoning Commission.
 - [2] Such fixed equipment and machinery as permitted by the Planning and Zoning Commission shall be located a minimum distance of 300 feet from any residential zone or any existing residential dwelling in any zone, except as may otherwise be permitted by the Commission.
 - [3] All equipment and machinery, whether fixed or not, shall be properly maintained and secured and shall be dismantled and removed from the premises by the owner not later than 60 days after the termination of the excavation operations or expiration of the special permit, whichever occurs first.
- (2) Operating standards.
 - (a) Hours of operation. Operating hours for excavation operations shall be restricted to weekdays (Monday through Friday), between the hours of 7:00 a.m. and 4:00 p.m., and Saturdays between the hours of 8:00 a.m. and 1:00 p.m., except as may otherwise be permitted by the Planning and Zoning Commission. Excavation operations shall not be allowed on Sundays or legal state holidays. Equipment startup and/or engine idling on or adjacent to the site shall not be permitted prior to the approved hours of ~~operations~~operation. **[Amended during codification]**
 - (b) Equipment and machinery. All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke, dust, unsightly conditions and any other nuisance.

- (c) Dust and wind erosion. All storage areas, yards, access roads, service roads or other untreated open areas within the premises shall be improved with proper landscaping, paving or other appropriate materials to minimize dust, other wind-blown air pollutants and wind erosion.
- (d) Spillage; vehicle identification. To prevent spillage from vehicles and wind-blown air pollution, any truckload of earth material which is to travel on a public street shall be covered with a tarpaulin or other suitable material. All commercial haulers shall utilize vehicles clearly marked with the hauler's name and an identification number. Vehicles with a hauling capacity of less than eight cubic yards shall be exempt from the above marking/identification requirements, but not from the above-mentioned spillage prevention requirements.
- (e) Drainage and water erosion. The owner and operator of the premises shall provide proper drainage, as approved by the Planning and Zoning Commission, at all stages during and after completion of the excavation operations. This shall be done in order to prevent the collection and stagnation of water, any interference with, or disturbance of, the flow, banks or bed of any watercourses, the erosion of the premises or adjoining properties, and any other harmful effects to adjoining properties or the future use of the premises.
- (f) Natural water or drainage areas. No watercourse, wetland, drainage area or buffer area within 100 feet, on all sides, of such watercourse, wetland or drainage area shall be altered in any way until and except as approved by the Planning and Zoning Commission and the Inland Wetlands Commission, subject to any conditions set forth by both Commissions. No waste products or process residues from any excavation operations shall be disposed of in any watercourse, wetland or drainage area. Proper sedimentation and erosion control measures shall be taken in the case of watercourses, wetlands and drainage areas regarding filtration, sedimentation, stabilization and grading.
- (g) Lateral support.
 - [1] Adequate provisions, as approved by the Planning and Zoning Commission, shall be provided for the lateral support and stabilization of all banks and slopes. No bank, both during the operation (except during the time of actual active excavation or filling in a particular location) and upon completion of the operation, shall exceed a slope of one foot of vertical rise in three feet of horizontal distance (i.e., 1:3), except that in any case the acceptable slope shall be determined by the Commission.
 - [2] In appropriate instances, as determined by the Commission, terracing of banks to achieve proper slope and ~~insure~~ensure adequate support and stabilization of such banks, may be permitted, subject to any conditions or limitations set forth by the Commission.
- (h) Stockpiling and overburden. All overburden shall be stockpiled in windrows or concentrated piles and stabilized (and appropriately covered if necessary) in a manner acceptable to the Planning and Zoning Commission so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other wind-blown air pollutants. There shall be no stockpiling of materials within 100 feet of any property line, watercourse or wetland area.
- (i) Topsoil preservation. A minimum of the top four inches of soil shall be set aside on the premises for ~~re-spreading~~respreading over the excavated area in accordance with these regulations. Such

topsoil stockpiles shall be treated, as approved by the Planning and Zoning Commission, to prevent the effects of erosion by wind or water and shall not be sold or removed from the premises.

- (j) Loaming and seeding. No later than 60 days after expiration of the special permit, or completion of the excavation operations or completion of any substantial portion thereof as determined by the Commission or its agent, any exposed area where filling or removal has taken place shall be covered to a depth of not less than four inches with topsoil or loam and seeded with a suitable cover crop acceptable to the Planning and Zoning Commission. This requirement may be held in abeyance during the time period of November through February.
- (k) Screening and landscaping. The Planning and Zoning Commission may require excavation premises and/or operations to be properly screened from adjoining properties or public streets because of the location, size, extent or intensity of the operations, particularly in the case of any permitted structures, buildings or fixed equipment and machinery.
- (l) Curbs and sidewalks. It shall be the responsibility of the operator of the excavation operations to repair, immediately, any damage to any sidewalks, curbs, surface drains or other improvements or utilities that may be caused as a result of the excavation operations and/or any related activity.
- (m) Safety. All operations shall be conducted in a safe manner to prevent hazards to persons, physical damage to adjacent land or improvements, and damage to any road, street, highway or property because of slides, sinking, collapse or blasting.

§ 450-12.7 Time period.

- A. The Planning and Zoning Commission may grant a special permit for excavation operations for a limited period of time, but in no case shall a special permit be issued for a period longer than 24 months.
- B. In fixing the period of time for the special permit, the Commission shall consider the size and location of the area proposed for excavation operations, the overall magnitude of the operations, and the character and development of the surrounding neighborhood, both existing and proposed.
- C. Any permittee seeking to renew a special permit for earth excavation or filling must submit an application for renewal no less than 30 days prior to the expiration date. Each such special permit may be renewed by the Commission, without need for any public hearing, for up to an additional period of two years per extension, provided the following conditions are met: (1) the permitted activity must be in compliance with all terms and conditions of the special permit, as initially issued or subsequently modified by the Commission, and of these regulations; (2) the applicant shall certify that there have been no material changes in the facts or circumstances which served as the basis for the issuance of the current special permit; and (3) the Zoning Enforcement Officer or other authorized agent of the Commission must provide a report to the Commission that he or she has inspected the property no more than 90 days prior to the expiration date of the special permit, as it may have been previously renewed, and has found no violations of any terms and conditions of the special permit or of these regulations. The Commission or its staff retains the right to require an updated engineering plan and an updated bond calculation, and may adjust the bond amount accordingly. **[Amended 2-1-2014]**

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

§ 450-12.8 Monthly reports.

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

§ 450-12.9 Expiration of permit.

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

§ 450-12.10 Change or extension of permit.

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

§ 450-12.11 Compliance with special permit.

- A. All excavation operations, except those exempted under § 450-12.3 of these regulations, shall comply with all the standards and conditions set forth in its special permit as approved by the Planning and Zoning Commission. Failure to comply with all such standards and conditions shall be grounds for the Commission, following an additional special permit procedure, to revoke the original special permit. A new application shall then be required in conformance with the provisions of these regulations for any continued operation of the excavation operations. If there is noncompliance with any standards or conditions, the excavator shall report to the next regularly scheduled Planning and Zoning Commission meeting to explain such noncompliance.
- B. The Zoning Enforcement Officer may, at his discretion and after inspection of the premises, permit minor deviations from the approved application and site plan map during the operation of the excavation operations which may be necessary to allow normal operations of field equipment and machinery. Such minor deviations shall not affect in any way the final results, grading, contours, and the like, of the premises as shown on the approved application and site plan map.

ARTICLE XIII

~~Certificate~~Certificates and Fees

§ 450-13.1 Exterior work prohibited without permission.

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

§ 450-13.2 **Building permit plans; permit term.**

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

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

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

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

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

§ 450-13.5 **Certification of location of principal building.**

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

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

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

- A. Zone change application;
- B. Zoning regulations amendment;
- C. Special permit application;
- D. Site plan review;
- E. Zoning permit and certification of zoning compliance.

ARTICLE XIV

Enforcement and ~~Violation~~Violations

§ 450-14.1 Intent.

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

§ 450-14.2 Zoning Enforcement Officer.

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

§ 450-14.3 Enforcement and penalties.

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

§ 450-14.4 Certificate of zoning compliance.

A. Issuance and requirement.

- (1) The Zoning Enforcement Officer(s) is hereby authorized to issue a certificate of zoning compliance (also referred to as a "zoning permit" in these regulations) for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these regulations. Such certificate shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any site plan approval, variance, special permit, or other permit or approval issued under these regulations.
- (2) In addition, the Zoning Enforcement Officer(s) is hereby authorized to issue a certificate of zoning compliance for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these regulations. Such certificate shall be evidence that such site, use, building or structure is permitted as of right by these regulations, or is a valid nonconforming use, building or structure, as defined in these regulations. The Commission

may provide for such certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

- (3) Except for agricultural uses, no use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a preexisting use or substitution of an identical use, without the issuance of a certificate of zoning compliance.
- (4) Prior to the issuance of certificate of zoning compliance, the Zoning Enforcement Officer shall require the approval of the Town Sanitarian for any building, structure, or use which requires the review and approval of said Town Sanitarian. In addition, in accordance with Town ordinance, no certificate of zoning compliance shall be issued for a new curb cut onto a local or state highway until the same has been approved for location and construction by the Town Engineer and the Board of Selectmen or the Department of Transportation, as the case may be.

B. Site plans.

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

consists of simple construction or repairs and the nature and scope of such construction can be adequately described in narrative form.

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

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

§ 450-14.5 Building permit.

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

§ 450-14.6 Certificate of occupancy.

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until a certificate of occupancy is issued by the Building Official. In accordance with ~~Connecticut General Statutes~~C.G.S. § 8-3(f), no certificate of occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a certificate of zoning compliance indicating that the use, building, or structure, as actually established or constructed, conforms to these regulations and any site plan, special permit, variance, or other permit or approval, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these regulations. Similarly, no certificate of occupancy shall be issued until an as-built plan has been submitted to and approved by the Eastern Highlands Health District. The Building Official may issue a

temporary certificate of occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in § 450-14.7.

§ 450-14.7 **Temporary certificates.**

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

§ 450-14.8 **Appeals of decisions.**

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

ARTICLE XV

Parking, Loading and Fire Lane Requirements

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

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

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

§ 450-15.2 **Dimensions.**

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

§ 450-15.3 **Handicapped parking.**

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

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

- A. All parking areas consisting of greater than five spaces shall be provided with an asphalt or bituminous paved, all-weather surface or other dust-free, structurally suitable, stable material as approved by the Commission and suitable subbase throughout their entirety. All spaces shall be clearly marked with standard pavement paint. Permanent curbing shall be installed around the perimeter of any such parking area as well as around the perimeter of any interior islands. Wheel stops or bumper strips within parking spaces shall not be permitted. Adequate drainage flow, drainage structures, traffic safety signage and exterior illumination shall be provided. Within parking areas of greater than 50 spaces speed bumps may be permitted, subject to review by the Town of Bolton Fire Marshal. Back-up areas, measuring four feet in length and 16 feet in width, shall be provided at "dead-end" sections of parking areas. For all of the above, proposed construction and design must be demonstrated to the satisfaction of the Town Engineer. In the Business and Industrial Zones, unless otherwise permitted by the Commission, parking or parking areas shall not be permitted between the building and any street.
- B. Notwithstanding the above, the Commission may waive certain requirements of this section as appropriate to implement the low-impact development requirements of § 450-16.2L, Stormwater management, and the flexible design standards set down~~forth~~ in § 450-15.7~~17~~. Waivers and exceptions.

§ 450-15.5 **Angle of spaces.**

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

§ 450-15.6 **Drive aisles.**

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

§ 450-15.7 **Location.**

All parking spaces plus any associated parking area shall be located on the lot containing the use or uses served by such parking. Except for single-family and ~~two-family duplex~~ residences, no pavement or other all-weather surface material shall be installed within 50 feet of the front property line (except for entrance/exit drives), and no more than 25% of the proposed parking spaces shall be situated in the area between the building line and the front property line unless a landscaping plan is provided to improve the parking area appearance as approved by the Commission.

§ 450-15.8 Landscaping.

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

§ 450-15.9 Fire lanes.

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

§ 450-15.10 Obstruction.

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

§ 450-15.11 Expansion or change of use.

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

§ 450-15.12 Loading spaces.

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

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

§ 450-15.13 Access to street.

All parking areas shall be designed so as to provide safe and appropriate means of vehicular ingress ~~from~~ to, and egress ~~to~~ from, an adjacent or abutting street. The Planning and Zoning Commission shall recommend a suitable curb cut location to either the Board of Selectmen or the State Department of Transportation, whichever is applicable.

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

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

- (1) Industrial uses: one space for every 15 parking stalls.
 - (2) Mixed-use developments: sum of residential and commercial/office/retail requirements.
 - (3) Residential: one space for every four residential units.
 - (34) Commercial/Office/Retail: one space for every 25 parking stalls.
- B. Design requirements. All bicycle parking spaces shall be provided in the form of anchored bicycle racks or locker-type facilities unless otherwise approved by the Commission. Bicycle parking facilities shall be designed and installed to include:
- (1) A minimum area per bike rack of 12 square feet;
 - (2) Minimization of the number of potential conflict points between bicycles and motor vehicles or pedestrians;
 - (3) Adequate lighting;
 - (4) Provision for locking of bicycles to the rack or bicycle locker;
 - (5) Where possible, bicycle parking located within view of building entrances or in view of windows, and/or security personnel stations and evenly dispersed throughout the project site to provide convenient parking opportunities;
 - (6) Bicycle racks located at least three feet from any wall or obstruction;
 - (7) Bicycle rack design utilizing materials that are durable finishes that can tolerate abrasions, and the materials and form shall be consistent with the streetscape elements;
 - (8) Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side shall be counted as one required space; and, **[Amended during codification]**
- C. Waiver. The Commission may reduce or waive the preceding requirements where the applicant can demonstrate bicycle activity will not occur at the particular location. The Commission may reduce one vehicular parking space for every five bicycle rack spaces provided.

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

Off-street parking for customers and employees shall be provided and maintained in connection with any use, any substantial change in use, construction, conversion, or increase in intensity of use of buildings or structures. Such spaces shall be provided using the following guidelines in amounts per 1,000 square ~~foot (square-feet)~~ of gross floor area (GFA) unless otherwise indicated:

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

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Land Use	Maximum <u>Number of Spaces</u>	Minimum <u>Number of Spaces</u>
Printing establishment	2	1
Public utility building, substation, cable/satellite TV office	4	3
Day-care centers	1 space per 4 children at max - <u>maximum</u> capacity	1 space per 8 children at maximum capacity
Churches and places of worship	1 space per 3 seats in <u>the</u> portion of the building used for services	1 space per 5 seats in the portion of the building used for services
Museums, art studios, art galleries, and libraries	2	1
Social, fraternal clubs and organizations	4	3
Private elementary, middle and high schools	1 space per 4 children at max - <u>maximum</u> capacity	1 space per 8 children at maximum capacity
Hotels and motels	1.2 spaces per guest room or suite	1 space per guest room or suite
Warehouse	1 per employee	1 per employee
Home occupation	4 per d-u - <u>dwelling unit</u> , plus 1.5 per nonresident employee	2 per d-u - <u>dwelling unit</u> , plus 1 per nonresident employee
Single-family residences (in Mixed Use Zone)	2 /d-u - <u>per dwelling unit</u>	2 /d-u - <u>per dwelling unit</u>
Two-family <u>Duplex</u> residences (in Mixed Use Zone)	2 /d-u - <u>per dwelling unit</u>	2 /d-u - <u>per dwelling unit</u>
Accessory Apt - <u>Apartment</u>	2	1
Multifamily residences	2.5 /d-u - <u>per dwelling unit</u>	1 /d-u - <u>per dwelling unit</u>

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

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

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

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

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

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

ARTICLE XVI

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

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

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

Part 1 Site Plan Review

§ 450-16.1 General.

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

§ 450-16.2 Submission requirements.

The site plan submission shall consist of the following:

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

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

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

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

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

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

- (4) General information, as follows:
 - (a) Title of development.
 - (b) Name and address of applicant and owner.
 - (c) North arrow, numerical and graphic scale.
 - (d) Date of plan and revision dates, with each revision identified.
 - (e) A key map at a scale of one inch equals 500 feet showing streets, property lines and zoning district boundary lines within 500 feet of the site, and an index map if the proposed site development is divided into sections or phases or is of such size that more than one sheet for each plan element is provided.
 - (f) A schedule specifying in square feet the area of the lot, certified by a Connecticut licensed land surveyor or professional engineer; the area of wetlands and watercourses, as determined by a certified soils scientist and calculated by a Connecticut licensed land surveyor; amount of floor area by use, building ground coverage and total coverage by building and paving and the basis for computation of required off-street parking and loading spaces, all for existing development, proposed development and as required by these regulations.
- (5) Property information, as follows:
 - (a) The boundaries of and existing conditions on the lot based on a survey meeting or exceeding a "Class A-2" type survey as defined in the Regulations of State Agencies adopted pursuant to ~~Conn. Gen. Stats~~C.G.S. § 20-~~00b~~300b, as amended.
 - (b) The names of all abutting lot owners, as disclosed in the records of the Town Assessor.
 - (c) Any line delimiting a portion of the lot to be used under the application and any zoning district boundary on the lot.
 - (d) Location, width and purpose of all existing and proposed easements and other encumbrance lines.
 - (e) Existing and proposed grading contours at an interval not exceeding two feet, or equivalent ground elevations, based on mean sea level, including identification of a ~~bench mark~~benchmark at the site and certified in accordance with Class T-1, T-2, or T-3 by a land surveyor licensed in the State of Connecticut.
 - (f) Location of all wetlands, watercourses, rock outcrops, wooded areas, floodway and flood hazard area boundaries, established encroachment or building lines, and other significant physical features.
 - (g) ~~U.S.D.A. Soil~~USDA Natural Resources Conservation Service soils type boundaries and codes. [Amended during codification]

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

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

paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut ~~registered-licensed~~ professional engineer. **[Amended during codification]**

- (c) Facilities for subsurface sewage disposal systems, including location of seepage tests and deep test pits; or public sanitary sewer lines and laterals, as applicable.
 - (d) Well locations and facilities for water supply.
 - (e) Underground storage for fuel or other liquids and fill facilities and connecting lines.
 - (f) Base flood elevation and floor elevation data, as specified in § 450-3.18 of these regulations, based on the datum identified in Subsection C(5)(e).
 - (11) Measures for soil erosion and sediment control in accordance with § 450-3.9 of these regulations.
 - (12) A signature block for approval by the Commission and date of signing.
 - (13) The following legend below the signature block: "The statutory five-year period for completion of all physical improvements expires on _____, 20__."
- D. Sanitary waste disposal plan. If the applicant proposes to utilize a community sewerage system, as defined in ~~Connecticut General Statutes Section C.G.S. § 7-245~~, a report from the Bolton Lakes Regional Water Pollution Control Authority or any other water pollution control authority having jurisdiction in the Town of Bolton, indicating that all requirements of ~~Connecticut General Statutes Section C.G.S. § 7-246f~~ have been satisfied shall be provided. If individual on-site septic systems are to be used, the applicant shall provide a sanitary waste disposal plan which conforms to the Public Health Code as administered by the Eastern Highlands Health District. Conformance with the Public Health Code shall be certified by a written report from such Health District.
- E. Protection of surface ~~and ground~~-water and groundwater supply.
- (1) Pursuant to ~~Connecticut General Statutes Section C.G.S. § 8-2~~, as amended ~~by Public Act 85-279~~, every application for site plan shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum: **[Amended during codification]**
 - (a) A statement describing the nature of the use of any buildings or areas of the site and their method of solid and sanitary waste disposal.
 - (b) The nature of any discharges anticipated.
 - (c) The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
 - (d) The nature of the ~~ground~~groundwater or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Energy and Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

- (e) Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
 - (f) Other information which might assist the Commission in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission that he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.
- (2) The information described in Subsection **E(1)(d), (e) and (f)** need only be provided when the information set forth in Subsection **E(1)(a) and (b)** indicates the presence of materials or processes which have the potential to adversely impact groundwater.
- (3) In addition to the preceding, see any Aquifer Protection Ordinance which may hereafter be adopted by the Town of Bolton pursuant to ~~Conn. Gen. Stats. C.G.S. § 22a-354o.~~
- F. Water supply; certificate for community wells.
- (1) The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.
 - (2) In accordance with ~~Section C.G.S. § 8-25a of the Connecticut General Statutes, as amended by Public Act 84-330,~~ any development providing water by means of a "water company", as that term is defined in ~~Connecticut General Statutes Section C.G.S. § 16-262m(a),~~ shall provide to the Commission a certified copy of a certificate of public convenience and necessity issued for the development by the Connecticut ~~Department of Public Utility Control~~ Utilities Regulatory Authority. No application for site plan 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. [Amended during codification]
- G. Covenants and restrictions. The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these regulations and the site plan as approved.
- H. Architectural plans.
- (1) Architectural plans of all proposed buildings and structures, drawn to scale, as follows:
 - (a) The architectural design of the proposed buildings and structures, including elevations at an appropriate scale, of the facade and all exterior elevations, showing all fenestration, signs and other architectural features in sufficient detail to indicate the exterior building materials, color, height, bulk, stories, ~~roof line~~ roofline, ornamentation and general character of buildings and structures, and special exterior features, such as building-mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and ornamental or decorative features on the interior of the building designed to be capable of being seen from the exterior, all prepared, except for drawings for signs, by an architect or professional engineer licensed to practice in the State of Connecticut. Such

submissions shall include the color and type of all exterior building materials and samples of such materials if required by the Commission~~;~~.

- (b) Floor plans to depict the interior uses of the floor area~~;~~.
- (c) Color photographs of buildings if located elsewhere or color renderings of proposed buildings~~;~~.
- (d) A drawing showing the height and architectural style of the proposed building or structure in relation to surrounding buildings and structures; composite elevations for all streets abutting the site where multiple buildings are proposed on a lot.
- (e) The height, location, fixture design~~;~~ and intensity of all exterior lighting and anticipated illumination off-site. The Commission may require the submission of a photometric plan, which plan shall depict all lighting fixtures to be used on the site.
- (f) The height, location, material, exact colors and design of all signs, fencing and screening.
- (g) Elevation drawings from all streets abutting the site with all proposed plantings superimposed thereon. Location and size of all plants and trees shall be shown.
- (h) All provisions for the design of the following appurtenances if visible from the exterior of a building or structure:
 - [1] Utility lines, meters, boxes;
 - [2] Refuse storage and pickup areas;
 - [3] Stairs, ramps;
 - [4] Flues, chimneys, exhaust fans, ventilators;
 - [5] Sunshades, awnings, louvers;
 - [6] Balconies, decks, terraces~~;~~ and patios;
 - [7] Mechanical equipment visible from the exterior, including roof-mounted units;
 - [8] Loading docks, loading spaces;
 - [9] Roof leaders, downspouts;
 - [10] Antennas~~;~~.
- (2) The application shall include all information required to demonstrate compliance with the criteria of § **450-16.3X**.
- I. Soil erosion and sediment control plan. A soil erosion and sediment control plan in accordance with the provisions of § **450-3.9** of these regulations, which plan may be combined with the site plan submitted under Subsection C; 14 copies shall be submitted.

- J. Wetlands, watercourses. If any part of any lot affected by the site plan is within the jurisdiction of the Inland Wetlands and ~~Water Courses~~Watercourses Regulations of the Town of Bolton, the report and/or action of the Inland Wetlands and Watercourses Commission of the Town of Bolton concerning any regulated activity on the lot shall be submitted with the application. Any plans submitted to the Commission shall conform, in all relevant respects, to those plans submitted to the Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.
- K. Traffic impact report. For site plans involving 50 or more new parking spaces or proposed uses projected to generate either more than 200 vehicle trips per day or more than 100 vehicle trips per day per 1,000 square feet of floor area, a traffic impact report, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips and peak-hour volumes to be generated by all of the uses on the lot and the access conditions at the lot, distribution of such traffic to be generated, types of vehicles expected, effect upon the level of service on the street giving access to the lot and at nearby intersections and the roadway capacity and traffic management improvements needed to accommodate projected traffic; 14 copies shall be submitted. Such traffic study shall demonstrate that the proposed development will not cause a decrease in the level of service of surrounding intersections.
- L. Stormwater management. **[Added 6-25-2012]**
- (1) Purpose. Stormwater management requirements and controls are hereby established to protect and safeguard the quality of the ~~ground~~groundwater and surface water resources of Bolton, and to reduce adverse impacts associated with increases in peak rates of stormwater runoff.
 - (2) Stormwater management objectives:
 - (a) To incorporate decentralized stormwater management systems in any new development designs;
 - (b) To minimize the increases in peak rates of stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion, and to maintain the integrity of stream channels and downstream drainage structures;
 - (c) To minimize the increase in ~~non-point~~nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local ~~ground~~groundwater and surface water quality;
 - (d) To minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
 - (e) To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and designed to minimize potential threats to public safety.
 - (3) Design and performance criteria. In order to prevent the adverse impacts of stormwater runoff, the Commission has developed a set of performance standards that must be addressed in the design of any new site development plan or modification to an existing site development plan that disturbs 5,000 square feet or more of area.

- (a) All stormwater ~~run-off~~runoff generated from new development shall not discharge stormwater ~~run-off~~runoff directly into natural wetland systems, a water body, municipal drainage system; or abutting property without adequate pretreatment;
 - (b) A vegetative separation shall be maintained to provide a disconnection between impervious surfaces and the natural wetland systems of the site and abutting sites;
 - (c) All stormwater best management practices (BMPs) shall be designed to minimize the need for maintenance, while maintaining water quality discharge treatment standards;
 - (d) All site development plans shall be designed to minimize the need for stream bank/channel protection for the receiving natural system, but, when required, shall include provisions to prevent erosion and scouring of the stream bank/channel;
 - (e) The design of all stormwater BMPs shall convey stormwater runoff in a manner to allow for the maximum removal of pollutants and reduction in flow velocities;
 - (f) Stormwater discharges from land uses or activities with a higher potential pollutant loading may require the use of specific pretreatment structural methods and pollution prevention practices;
 - (g) All site development plans shall include the design of stormwater detention or retention facilities to attenuate the increase in peak rates of stormwater runoff for the two-, five-, 10-, ~~twenty-five~~25- and ~~one hundred~~100-year ~~twenty-five~~25-hour-duration storm events to provide for a zero post-development increase whenever practical.
 - (h) Drainage report. A storm drainage study and runoff computations for design of storm drainage systems for the one-, two-, 10-, ~~fifty~~50- and ~~one hundred~~100-year-frequency storms. Such study shall conform to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, stormwater renovation methods; and Best management practices specified by the Connecticut Department of Energy and Environmental Protection.
- (4) Sensitive waters and wetlands: enhanced criteria.
- (a) Stormwater discharges to critical areas with sensitive resources such as the Blackledge River, Railroad Brook, Hop River, Lower Bolton Lake, Risley Reservoir, and their contiguous wetlands, the Bolton Aquifer Protection Area, and the Town of Manchester's Lydall water supply watershed may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices. Within the aquifer protection area and the Lydall watershed, the Commission may require pretreatment of runoff from paved areas as recommended in the 2004 Connecticut Stormwater Quality Manual, as amended, concerning stormwater management practices in water supply watersheds. Land development that discharges to sensitive waters and wetlands as noted above shall meet enhanced criteria. These may include, but are not limited to:
 - [1] Nutrient-sensitive waters. Enhanced control of nutrients and sediment removal for stormwater discharges shall be required.

- [2] Cold-water fisheries. Techniques to control temperature increases from stormwater discharges into these streams and water bodies shall be required.
- [3] Groundwater. Enhanced recharge and pretreatment of stormwater discharges shall be required to protect groundwater supplies.
- [4] Wetlands. Controls to minimize impacts to the natural or ~~predevelopment~~pre-development wetland hydrology, including limiting adverse fluctuations in surface water and groundwater elevations.
- (b) In these cases the Commission may require additional storage capacity, treatment, filtering, infiltration, or other mitigation techniques. The use of ~~non-structural~~nonstructural practices shall be used to the maximum extent practical to meet enhanced criteria. In making its determination to apply enhanced criteria the Commission shall consider the cumulative impacts of the site development plan.
- (5) Stormwater management plan requirements. All stormwater management plans shall include measures to capture and treat stormwater runoff in accordance with the guidelines outlined in the most recent version of the CT ~~DEPDEEP~~ Stormwater Quality Manual and to incorporate low-impact development design elements to the extent that is practical. No application involving any site development plan will be approved by the Commission unless it includes a stormwater management plan detailing how the stormwater runoff and associated water quality impacts resulting from the development will be controlled and managed during and after construction. The plan must be prepared by an appropriate design professional. The Commission may also require a storm drainage study and runoff computations for design of storm drainage systems for the one-, two-, 10-, ~~fifty~~50- and ~~one hundred~~100-year-frequency storms, conforming to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, stormwater renovation methods, and best management practices specified in this section. The Commission may impose additional requirements deemed reasonable and necessary to control the volume, timing, rate, and/or quality of ~~run-off~~runoff if the hydrologic, geologic, topographic, or land use conditions warrant greater control than provided by the applicant. Further, the Commission may restrict the use of certain ~~BMP's~~BMPs, and may require pretreatment to exceed the minimum standards established in the most recent version of the CT ~~DEPDEEP~~ Stormwater Quality Manual.
- (a) Compliance with federal and state regulations. All stormwater facilities and conveyance systems shall be designed in compliance with all applicable Town, state and federal laws and regulations. It shall be the applicant's sole responsibility to identify and obtain all required permits prior to the start of any construction.
- (b) Protection of public health, safety, and general welfare. The design of stormwater ~~BMP's~~BMPs shall consider public health, safety, and general welfare. These considerations shall include, but not be limited to: preventing flooding of buildings, structures, and travel ways; preventing long-term standing water in and near drainage facilities; ~~minimize~~minimizing the creation of ~~mosquitoes~~mosquito breeding pools; preventing attractive nuisance conditions and dangerous conditions due to stormwater depth or velocity and/or access to drainage structures, including inlet and outlet openings. In addition, designs shall not result in the creation of aesthetic nuisances due to

excessive slopes, cuts and fills, lack of suitable native landscaping and other similar conditions that would detract from the appearance of the surrounding environment.

- (c) Natural resource inventory. Stormwater management designs shall include an inventory of important natural resources features on the site, and these features shall be shown on the stormwater management plan. Protection and/or conservation of the ~~site's~~ natural features shall be a part of the stormwater management plan. The plan shall identify important natural features identified through a natural ~~resource~~ resources inventory that includes, but ~~is not be~~ is not limited to, the following: natural drainage features, riparian buffers, wetlands, steep slopes, soils with high infiltration capacity, significant forest cover, significant trees and natural communities, including the presence of any threatened and/or endangered species.
- (d) Site design feasibility report.
 - [1] Stormwater management practices for a site shall be selected on the basis of the physical characteristics of the site. The design professional shall submit a report outlining the stormwater practices options, including low-impact alternatives that were considered and those that were chosen for the design based on the evaluation and analysis of site opportunities and constraints. Among the factors that should be considered:
 - [a] Depth to ~~ground water~~ groundwater/ledge.
 - [b] Hydrologic functions.
 - [c] Contributing drainage area.
 - [d] Site vegetation.
 - [e] Soil characteristics.
 - [f] Topography.
 - [g] Location in relation to environmentally sensitive features.
 - [2] A soils report based on on-site boring logs or soil test pit data shall be submitted with all designs. The number and location of soil borings/test pits and associated soil testing shall be that which is necessary to determine the suitability and distribution of soil types present at the location of the proposed stormwater measures as shown on the site development plan.
- (e) Infiltration. All stormwater designs shall include infiltration for any new site development unless the site design feasibility report and associated soils report demonstrate that the physical characteristics of the site are not suitable. Low-impact design elements utilized for infiltration discharge into a natural system shall utilize native plant species.
- (f) Overland flood routes. Overland flood routing paths shall be provided to safely convey stormwater ~~run-off~~ runoff from the ~~one-hundred~~ 100-year, ~~twenty-four~~ 24-hour-duration storm event to receiving water resource or stormwater BMP with adequate hydraulic capacity, such that the ~~run-off~~ runoff is contained within a drainage easement for the flood routing path that does not cause flooding of

buildings and abutting properties. There shall be an allowance in all designs for a minimum of one foot of ~~free board~~freeboard for all flood conveyance systems and flood control structures.

- (g) Stormwater conveyance. Stormwater conveyance systems shall be designed to:
- [1] Maximize the flow path from inflow to outflow points;
 - [2] Include protection of inlet and outlet structures;
 - [3] Provide for the elimination of or protection from erosive velocities; and;
 - [4] Utilize infiltration systems where applicable.
- (h) Velocity dissipation. Devices and techniques to reduce stormwater velocities and prevent erosion shall be placed at discharge outlet locations and along or within the full length of any outlet channels to convey and discharge peak design flows in a manner that will not result in scouring or surface erosion, including receiving streams or channels or wetlands, so that the natural physical and biological characteristics and functions of the receiving waters are maintained and protected.
- (i) Landscaping/Planting plan. All stormwater management designs shall include have a detailed landscaping plan that identifies the types (both common and botanical names), locations, sizes and total number of all proposed plantings. Planting notes and details shall also be provided, as well as a maintenance and management plan to ensure the long-term viability of all plantings. In addition, the landscaping plan shall include a stabilization schedule for the ~~re-vegetation~~revegetation of all disturbed areas of the site. Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be seeded with temporary vegetation within seven days after the suspension of grading work is expected to last a period of 30 days or more. Permanent vegetation shall be fully established by the date of substantial completion of construction. Following the first year after the establishment of permanent vegetation and the completion of all landscaping plantings, an inspection shall be conducted by the Town to confirm their health and survival. Should any permanent vegetation or plantings be determined to be dead or dying following a one-year period, then they shall be revegetated or replaced. A second inspection shall then be conducted by the Town one year from any subsequent revegetation or replanting.
- (j) ~~Non-structural~~Nonstructural stormwater practices. To the extent that they are feasible, the use of ~~non-structural~~nonstructural stormwater treatment practices ~~are~~is required and shall be selected and designed using the appropriate criteria from the most recent version of the CT ~~DEPDEEP~~ Stormwater Quality Manual or other appropriate design low-impact design manuals acceptable to the Commission.
- (k) Structural stormwater practices. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the CT ~~DEPDEEP~~ Stormwater Quality Manual. For other structural stormwater controls not included in the CT ~~DEPDEEP~~ Stormwater Quality Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means acceptable to the Commission, before approval of any design utilizing such structural stormwater controls.

- (l) Discharge to municipal stormwater system. If any stormwater ~~run-off~~runoff from a new or ~~modifies~~modified site development plan is discharged to a municipal separate storm sewer system (MS4) or other publicly municipally or privately owned storm sewer system, the applicant must demonstrate that the existing storm sewer system has adequate excess hydraulic capacity to convey both increases in peak discharge flow rates and runoff volumes. In addition, all such discharges shall conform to all the requirements contained in the applicable General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, the General Permit for the Discharge of Stormwater Associated with Industrial Activity, or; the General Permit for the Discharge of Stormwater Associated with Commercial Activity, as originally issued and reissued.
- (m) Operation, inspection and maintenance plan agreement and schedule.
- [1] An enforceable operation, inspection and maintenance plan agreement and schedule shall be executed to ensure that the stormwater management plan facilities ~~functions~~function as designed and approved. The agreement shall designate the responsible party for the long-term maintenance of the approved stormwater management facilities and include a provision passing the responsibility for such maintenance to successors in title. This agreement shall include easements to the Town allowing access to all stormwater management plan facilities at reasonable times for periodic inspection by the Town and/or ~~their~~its agent to ensure that the facilities are being properly maintained and in good working order. Said easements shall be executed and recorded on the Bolton Land Records with filing of the final endorsed plan.
- [2] The design and planning of all stormwater management plan facilities shall include detailed inspection procedures and frequencies, maintenance plans and schedules, as well as; repair procedures to ensure their continued long-term function. These items shall identify the components of the stormwater management system that need to be inspected and maintained, provide a maintenance schedule for each facility; and the equipment necessary to perform that maintenance. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- [3] All stormwater management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and to ensure compliance with the requirements of the CT ~~DEP~~DEEP Stormwater Quality Manual and any additional conditions assigned by the Commission. Any maintenance and/or repair needs found must be addressed in a timely manner by the owner and a ~~re-inspection~~reinspection made confirming the completion of the identified items. The owner shall submit to the Commission annually a copy of the inspection report and, if necessary, any ~~re-inspection~~reinspection reports. If the responsible party fails or refuses to fully address all items identified in an inspection report after 30 days' notice from the Commission of such failure to comply, the Commission shall commence enforcement action to achieve compliance.
- (n) Substantive changes to plan. No changes shall be made to an approved stormwater management plan without review and written approval by Town staff, or if any such changes are determined to be substantive by the Commission. Additional data may be requested to allow for a complete review and evaluation of proposed changes to ensure compliance with the required discharge standards.

- (o) Drainage report. A storm drainage study and runoff computations for design of storm drainage systems for the one-, two-, 10-, ~~five~~50- and ~~one hundred~~100-year-frequency storms. Such study shall conform to the current Connecticut Department of Transportation requirements with appropriate calculations, maps, graphics, hydraulics, assumptions, erosion controls, drainage paths, stormwater renovation methods, and best management practices specified by the Connecticut Department of ~~Energy and~~ Environmental Protection.
- (p) Stormwater management requirements for single-family lot development. All building permits for new single-family homes, or additions to such homes of 500 square feet or more, taken cumulatively from the date of adoption of these regulations, or the construction of accessory structures exceeding a building coverage of 500 square feet shall comply with the design and performance criteria set ~~down~~forth in Subsection L(3)(a) through (f), but shall not otherwise be subject to the requirements of this section. Any practices approved by the ZEO under this section shall be maintained, and any deviation from an approved plan shall be deemed a zoning violation. The ZEO may require a covenant or other appropriate legal mechanism to ensure perpetual maintenance of the stormwater improvements.
- M. Cost estimates. Cost estimates for landscaping and installation of erosion and sedimentation control measures, such estimates to be in accordance with costs published by the Connecticut Department of Transportation.
- N. Additional reports. The following additional engineering and technical reports prepared by a professional engineer licensed to practice in the State of Connecticut; 14 copies shall be submitted:
- (1) Results of potable water supply analyses and tests required under § 450-16.3K(1);
 - (2) Results of test holes and percolation tests for storm drainage and sewage ~~disposal~~disposal and the basis for design of the sewage disposal system, as required under § 450-16.3K(2);
 - (3) Identification of source of water for fire protection, and, where appropriate and based on evidence of consultation with the appropriate fire department, explanation of provision for a fire well, fire pond, water tank or other source of water adequate for fire-fighting purposes; the report shall include evidence that comments from the fire department have been solicited, and considered as received.
- O. Other.
- (1) Other permits. A list of federal, state, and other local agencies which have responsibility for approval of, or granting of, permits for the proposed use and site development, and identification of the current status of such approvals and/or permits;
 - (2) Legal documents. Draft copies of all proposed easements and other legal documents pertaining to and/or required by the proposed use and site development.
 - (3) Sufficiency of information presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application. It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of

the requirements and criteria of these regulations, in a way that is clear and comprehensible to the Commission and its staff.

- (4) Adequacy of information to establish compliance. All applications shall contain sufficient information to permit the Commission to make the findings required in § 450-16.3 of these regulations.
- P. Review and modification of submission. The Commission, upon written request by the applicant, may by resolution ~~a1~~) determine that the required submission of all or part of the information required under ~~Subsection~~Subsections C through O, except for ~~Subsection~~Subsections E, F, I and J, is not necessary in order to decide on the application and need not be submitted or ~~b2~~) determine that required submission of part of such information is deferred for submission and decision at a later date, and the Commission or other agency may otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these regulations.

§ 450-16.3 **Criteria for review of site plans.**

The Commission shall consider the following criteria in evaluating a site plan:

- A. General standards. The proposed use, buildings, structures and site development shall conform to all of the requirements of these regulations and shall be designed and arranged as follows:
 - (1) To protect and enhance the public health, safety, property values, and welfare, in accordance with the purposes of these regulations (See Article I of these regulations) and Chapter 124 of the Connecticut General Statutes;
 - (2) To conserve, to the maximum extent practical, the existing terrain, vegetation, and other natural resources of the site, and the lakes, ponds and rivers of Bolton identified for protection in the current Bolton Plan of Conservation and Development;
 - (3) To be in harmony with the character of the surrounding area, and to enhance the unique rural and historic character of Bolton;
 - (4) To protect nearby residential, historic, and environmentally fragile areas;
 - (5) To show that reasonable consideration has been given to the restoration and protection of the ecosystem and habitat of Bolton Lake and reducing the amount of hypoxia, pathogens, toxic contaminants and floatable debris therein.
- B. Complete application. The application shall contain all information required by this Article XVI, Part 1, and the number of copies required, ~~and~~ said information ~~has~~having been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

- C. Compliance with regulations. The application shall conform in all respects with these regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, preexisting nonconformity in accordance with § 450-3.3 of these regulations. Further, the application shall conform to the Bolton Subdivision Regulations; the Bolton Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an inland wetlands permit issued by the Bolton Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these regulations.
- D. Plan of Conservation and Development. The site plan shall be in conformance with the purpose and intent of any Plan of Conservation and Development, or supplement or amendment thereto, adopted by the Commission under the provisions of Chapter 126 of the Connecticut General Statutes and pertaining to the area in which the use is to be located, particularly ~~in~~with regard to but not limited to the following:
- (1) The provision or improvement of streets in the area of the site which the use may require; the provision or improvement of frontage roads used for access to the site; limitations on the location and number of access driveways; and maintenance of safety, convenience and level of service on streets, and avoidance of congestion;
 - (2) The setback, location and bulk of buildings and structures; the appearance of buildings and structures from any street or highway, or from other lots;
 - (3) The preservation of natural land form features, wetlands and watercourses;
 - (4) The provision, location and character of landscaping;
 - (5) The location, character and intensity of outdoor illumination; and
 - (6) The extent, character, purpose and location of signs.
- E. Neighborhood. The use of premises, buildings and other structures, the location and bulk of buildings and other structures and site development shall be of a character so as to harmonize with and enhance the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
- F. Access and circulation. Provision shall be made for vehicular access to the premises and circulation upon the premises in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot and on the street giving access to the premises. Access and circulation shall also conform to the following:
- (1) The street giving access to the lot shall have traffic-carrying capacity and roadway improvements and traffic management facilities that are sufficient to accommodate the amount and types of traffic generated by the proposed use, taking into account access to existing uses along the street and existing traffic projected to the date the proposed use will be in effect. Roadway, traffic

management and other deficiencies in the street giving access, which result in congestion or impairment of safety and convenience, may be remedied by the applicant if authorized by the owner of the street or other traveled way.

- (2) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage road driveways and traffic controls within the street.
- (3) Access driveways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- (4) Driveways into the lot shall have suitable alignment and grade, not exceeding 10%, as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the street line and travel way of the street in such a manner as to conform to the established cross-section for the street as may be specified by the Town or State of Connecticut.
- (5) Where a lot has frontage on two or more streets, the entry and exit from the street shall be provided where potential for traffic congestion and for hazards to traffic and pedestrians are minimized.
- (6) Where reasonable alternate access is available, the vehicular access to nonresidential use of a premises shall be arranged to minimize traffic use of local residential streets and other traveled ways situated in or bordered by residential districts.
- (7) Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use:
 - (a) When such driveway connection will facilitate fire protection services, as approved by the First Selectman and Town Fire Marshal, or their agents; and/or
 - (b) When such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street.
- (8) There shall be no more than one driveway connecting from any lot to any street, except that ~~1a)~~ separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion; ~~and 2b)~~ additional driveway connections may be provided, particularly for but not limited to large tracts and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed 30 feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated, unless a greater width is required by Town ordinance or by the State of Connecticut. See Article **XI** concerning shared driveways.
- (9) The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

- G. Existing streets. Along an existing street where the lot has frontage or access, proper provision shall be made for grading and improvement of shoulders, and sidewalk areas within the right-of-way and for provision of curbs and sidewalks, as approved by the owner of the street and in accordance with the pattern of development along the street. Provision shall be made for turning lanes and traffic controls within the street as necessary to provide the access specified in Subsection F.
- H. Handicapped persons. The site plan shall make proper provision for buildings and site development that are accessible to and usable by physically handicapped persons, such as by:
- (1) Provision of walks and ramps of suitable width and grade;
 - (2) Inclined curb approaches or curbs cut flush with parking areas;
 - (3) Reserved, wide parking spaces; and
 - (4) Ground-level building entrances.
- I. Parking and loading. Off-street parking and loading spaces shall be provided in number and with location and design as specified in Article XV of these regulations.
- J. Lighting. Outdoor illumination facilities shall comply with § 450-3.20 of these regulations, and shall be designed for safety, convenience and security while minimizing sky glow, safeguarding against discomforting or disabling glare and avoiding trespass lighting and adverse effect from illumination upon the use, enjoyment and value of property and upon the appearance and beauty of the community. Lighting shall be designed so as to be on two circuits, one for security light levels and one for full operation, and security light levels only shall be employed except when the use is open to the public. There shall be no change in the height, intensity, location, or other aspects of site or building lighting except as an amendment to any approval granted under this section.
- K. Sanitation. Proper provision shall be made for the water supply, sewage disposal and waste management requirements of the proposed use as follows:
- (1) Demonstration of a suitable system of potable water supply to serve the proposed use shall include evidence from a public water company that such company is willing and able to serve the site, or, where a private well is used, evidence relating to: ~~4a~~) chemical, bacteriological or other analyses and tests, performed by a licensed water analyst and which meet water standards established by the State Department of Public Health Services, and ~~2b~~) pumping tests of the well or wells to be used, conducted for at least 12 hours, determining the yield and maximum ~~draw-down~~drawdown. The potable water supply system shall be approved by the Eastern Highlands Health District.
[Amended during codification]
 - (2) Public sanitary sewers shall have the capacity and proximity to serve the site. On-site sewage disposal systems shall be designed in accordance with the Connecticut Public Health Code and standards of the Connecticut Department of Energy and Environmental Protection (~~ConnDEPC~~ConnDEEP) and with Town ordinances and regulations where applicable. The design of the sewage disposal system shall be approved in writing by the Eastern Highlands Health District, and by ~~ConnDEPC~~ConnDEEP when applicable, prior to approval of the site plan.

- (3) Provision shall be made for collection, storage and disposal of solid wastes, accumulated in connection with the proposed use, in a manner approved by the Eastern Highlands Health District. Facilities for management of toxic or hazardous wastes shall be designed by a professional engineer when required by the Eastern Highlands Health District. Waste management shall include control of litter by means of receptacles, fences or other means.
- L. Storm drainage. Provision shall be made for the management of stormwater in accordance with the requirements of § **450-16.2L**. [**Amended 6-25-2012**]
- M. Utilities. Electric, telephone and cable television lines on the lot shall be installed underground unless underground installation is determined to be impractical by the Commission or other agency responsible for approval of the site plan. ~~Lines~~ When necessary to be installed aboveground, lines shall be located, landscaped or screened in a manner to harmonize with the design of the premises. Utility services located out of doors, such as transformers and heating and cooling equipment, shall be placed at the side or rear of buildings being served and screened from view; and if on rooftops, shall be screened in a manner which complements the architectural style of the building.
- N. Emergency services. Suitable provision shall be made on the lot for access to lots, buildings and other structures by fire, police and other emergency services. Suitable provision shall be made for fire wells, fire ponds, water tanks or access to other water sources for fire protection.
- O. Outside storage. See § **450-3.17** of these regulations. Hazardous, explosive; or flammable materials shall not be stored outside, except in accordance with applicable federal, state; and local laws and regulations, and in those locations depicted on a site plan approved by the Commission.
- P. Total ground coverage. See Article **XI**, Dimensional Requirements.
- Q. Landscaping. Landscaping shall be provided and permanently maintained on the lot to conform to the standards of Article **XV** (~~Parking, Loading and Fire Lanes~~) Lane Requirements, and to the following:
- (1) In addition to standards for landscaping heretofore specified, landscaping shall be provided and permanently maintained with an intent to reduce excessive heat, glare and dust, to provide privacy from noise and visual intrusion, to control erosion of soil and excessive runoff of stormwater, to enable recharge of groundwater and to avoid degradation of groundwater, wetlands and watercourses.
 - (2) All portions of the lot not covered by buildings and other structures, outside storage areas, areas for off-street parking, loading and driveways and permitted paved areas shall be suitably landscaped with trees, shrubs, lawns or other suitable landscaping or, if not disturbed by filling, grading, excavation or other construction activity, may be left as natural terrain, provided any such area has trees and other vegetation and a location, size and shape that supports the landscaping plan for the premises. No landscaping shall include any invasive ~~specie(s)~~ species as published by the Connecticut Department of Energy and Environmental Protection.
 - (3) Any parking area accommodating 10 or more cars shall ~~1a~~ 1a) be provided with interior landscaping within the paved portion of the parking area; and ~~2b~~ 2b) have a landscaped area along its perimeter except where the parking area is functionally integrated with an adjoining parking area on an

immediately adjacent lot. Landscaped areas within the interior of the parking area shall have a minimum size of 100 square feet and a minimum dimension of at least eight feet. Parking areas shall contain no more than 15 spaces in a row or have more than four rows across without an intervening landscaped area. Interior landscaped areas shall be planted with grass or shrubs and with at least one tree for each 20 cars or fraction thereof. The perimeter landscaped area shall have a minimum dimension of five feet and shall be planted with grass or shrubs and with at least one tree for every 50 feet along such perimeter. All such trees shall be of not less than three inches caliper and 10 feet in height when planted. Landscaping required under the following ~~paragraph~~ ~~(e)~~**Subsection Q(4)** may, if appropriately located, be counted to satisfy this requirement. Islands within the parking area shall indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic. The Commission may by resolution, upon request of the applicant, modify or adjust one or more of the requirements of this ~~Paragraph~~**subsection** for the purpose of recognizing the particular conditions of the site with respect to enhancement of growth potential of landscaping or assurance of safety of site utilization and the proper functioning of site improvements while maintaining the purpose and intent of this ~~paragraph~~**subsection**.

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- (4) A strip of land on the lot along and adjacent to the street line and not less than 20 feet in width in General Business Zones and 30 feet in width in all other ~~non-residential~~**nonresidential** districts shall be landscaped with lawn, shrubs and/or other growing ground cover and provided with one deciduous tree not less than three inches caliper and six feet in height for each 40 feet of lot frontage or fraction thereof. Such required landscaped strip may be crossed with driveways and sidewalks approved under the site plan. The area in front of the lot between the street line and edge of street pavement shall also be graded and landscaped with lawn or other growing ground cover as may be approved by the owner of the street.
- (5) All off-street loading bays or docks visible from any street or residential zone shall be screened from view by means of fences, walls, embankments or evergreen shrubs or trees.
- (6) Landscaping, including trees and shrubs, shall be selected, located and maintained so as to avoid sight line hazards for vehicles and pedestrians within the site and for access to the site from the street.
- (7) All plant and other landscaping materials shall be provided in accordance with good landscaping practice and be suitable for survival and growth under the conditions at the site. Landscaping shall be protected from damage by motor vehicles by means of curbs, fences or other devices. Planting islands in paved areas shall have suitable area and dimensions to support plantings. Plant materials and landscape design are subject to approval by the Commission.
- (8) Landscaping, including trees, shrubs, fences, walls and other landscape features, provided in connection with an approved site plan to comply with these regulations shall be maintained, and replaced when deteriorated, for the full duration of the approved use on the lot. Such maintenance and replacement is a continuing requirement for compliance with these regulations.

- R. Signs. All signs shall conform to the standards for the subject zoning district as specified in these regulations. The following are also applicable to signs:
- (1) Signs installed on or at the lot for the purpose of traffic management shall, to the extent practicable, have a message and be of a size and design established by the Connecticut Department of Transportation for the particular traffic management purpose.
 - (2) The Commission, in connection with approval of a site plan, may require and may approve:
 - (a) An overall sign design program for the premises establishing, in advance, the area, location and character of signs and thereby avoiding the need to submit in the future each sign for individual review and approval; and/or
 - (b) A sign program for additional signs attached to buildings and designed to be read only by persons who are pedestrians on the lot, as such signs may be needed to identify the location of particular stores, offices or other occupancies.
 - (3) All illuminated signs shall be turned off when the occupant which ~~it identifies~~ they identify is not open for business to the public.
- S. Preservation of natural features. The site plan, including proposals for the location and arrangement of buildings, structures, driveways, landscaping, drainage, wetlands protection, paved areas and other development, shall be prepared with consideration for preservation of the natural assets of the lot and to minimize changes in the elevation of existing topography. When the Commission finds that there exist on the lot significant natural or man-made features (such as water bodies, rock formations, major trees, scenic vistas and distant views, wildlife habitats, historical or archeological sites, or unusual landscaping), the preservation of which would contribute significantly to the livability and values of the general area and thus promote the purposes of these regulations, such Commission may, after due notice and public hearing as required by law, grant a special permit reducing by not more than 25% the minimum lot dimension and/or the building setbacks specified in these regulations, or modifying the required location of the square on the lot, provided that the following requirements are met:
- (1) The reduction or modification shall be only to the degree necessary to achieve such preservation;
 - (2) The features to be preserved shall be clearly and accurately shown on the site plan element of the plan and their significance described in writing as part of the plan submission;
 - (3) The precise extent of the area within which such features lie shall be accurately delineated on such site plan and this area restricted by notation on the site plan, providing for such area to be preserved in a natural or undisturbed condition;
 - (4) The reduced lot dimension and/or building setback requirements and modified location of square shall be shown on such site plan and reference made to this section of the regulations by notation thereon; and
 - (5) The total lot area required by the Zoning Regulations remains the same.

- T. Significant archeological sites. When a lot or premises for which a site plan is to be submitted has been identified by the State of Connecticut Archeologist or by the Bolton Plan of Conservation and Development as historically or architecturally significant, the site plan submission shall include the location of the archeological resource, a statement as to the nature of the resource and description of measures being or to be undertaken to protect the resource.
- U. Soil erosion and sediment control. Provision shall be made in the site plan for installation, maintenance and completion of measures for soil erosion and sediment control in accordance with § 450-3.9 of these regulations.
- V. Surface water and groundwater protection. In reviewing any site plan or use, the Commission shall consider the impact on existing and potential public surface and ground drinking water supplies, and shall diligently implement the provisions of § 450-16.2L, Stormwater management, in public water supply watersheds and aquifer protection areas. The application may be denied if the Commission concludes that unreasonable adverse impact will result from the approval of the site plan. [Amended 6-25-2012]
- W. Water supply. No site plan depicting a development to be served by a water company, as defined ~~herein above~~ hereinabove, shall be approved unless and until a certificate of public convenience and necessity, or the waiver thereof by the Bolton Board of Selectmen, has been obtained in accordance with § 450-16.2F of these regulations.
- X. Buildings and structures, architectural and design requirements:
 - (1) Applicability. The Commission, in accordance with ~~Connecticut General Statutes Section C.G.S. § 8-2~~, shall review all applications for special permits, site plan approvals or modifications to an already approved plan, in accordance with this Subsection X.
 - (2) Purpose.
 - (a) The purpose of these architectural and design requirements is to promote and encourage public and private actions to:
 - [1] Maintain a high standard of community development;
 - [2] ~~To~~ Protect the public health, safety, convenience and welfare;
 - [3] Protect the value of all real property within the community;
 - [4] Promote aesthetically pleasing development; and
 - [5] Preserve the special character of existing neighborhoods.
 - (b) Findings as to the adequacy of design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, inappropriateness of poor quality of design in the exterior appearance of buildings erected in any neighborhood may adversely affect the desirability of the immediate area and the neighboring areas for residential, business or other purposes.

- (c) It is the policy of the Commission that it will seek improvements in design rather than practice censorship of creativity.
- (3) Evaluation. The Commission shall consider and evaluate each and every application subject to architectural and design requirements by applying, at a minimum, the following criteria:
 - (a) Appropriateness of location or use:
 - [1] The size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Town Plan of Conservation and Development, the specific zone and the neighborhood.
 - [2] The existence of other uses of the same kind or character in the neighborhood and the effect thereof on said neighborhood, and conformity to any adopted neighborhood plan.
 - [3] The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
 - [4] The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities, and the distance between offensive processes and adjacent properties.
 - [5] The overall effect on market values and utilization of neighborhood properties.
 - [6] Unusual topography or the location, the nature, location, and height of buildings, walls, stacks, fences, grades and landscaping of the site.
 - [7] The extent, nature and arrangement of parking facilities, entrances and exits.
 - [8] Problems of fire and police protection.
 - [9] The preservation of the character of the neighborhood, including but not limited to historical significance.
 - [10] The availability of adequate sewerage and water supply.
 - (b) Safety, health and environment. Accessibility for emergency vehicles and equipment; property utility, drainage, driveway and similar specifications; proper fire and structural specifications; and no improper impact on the environment. The Commission may seek reports on the application from any appropriate federal, state and local officials and agencies.
 - (c) Overall design, architectural treatment and aesthetic character: The basic design of the proposed uses, buildings or development; the relationship between the buildings and the land; the relationships between uses and between buildings or structures; the overall physical appearance of the proposed use, building or development and its subsequent compatibility with surrounding development and the neighborhood.
 - (d) The Commission's evaluation of the criteria in this Subsection X shall be made in view of the fact that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior

appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and the neighboring areas for residential, business or other purposes, and, by so doing, impairs the benefits of occupancy of existing property in such areas, the stability and value of both improved and unimproved real property in the area, prevents the most appropriate development and use of such areas, produces degeneration of property with attendant deterioration of conditions in the area affecting the health, general safety and welfare of the community, and destroys a proper relationship between the taxable values of real property in the area and the cost of municipal services provided ~~therefore~~therefor.

(e) Relationship of building to site.

- [1] The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and parking area.
- [2] Parking areas shall be treated with building wall extensions, planting berms, or other innovative means to partially screen parking areas from view from public ways. These elements should also be designed with public safety in mind.
- [3] The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- [4] Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

(f) Relationship of buildings and site to adjoining area.

- [1] Buildings adjacent to those of different architectural styles are to be made compatible by means including, but not limited to, materials, fenestration, screens and sight breaks.
- [2] Attractive landscape transition to adjoining properties is encouraged where practical.
- [3] Compatibility with adjacent buildings to texture, lines, colors and massing shall be considered.

(g) Landscaping and site treatment. Landscaping elements included in these standards consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction, except buildings and utilitarian structures.

- [1] Landscaping treatment shall be provided to enhance architectural features, strengthen vistas and provide shade.
- [2] Plant material shall be selected for interest in its structure, texture and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- [3] Plants shall be of sufficient size and number to ensure an attractive appearance upon completion of the landscape construction.

- [4] Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
 - [5] Existing trees at four inches caliper or greater shall be incorporated into the site plan, wherever possible.
 - [6] Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting or combinations of these. Screening shall be effective during all seasons of the year.
 - [7] In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.
 - [8] In areas where general planting will not survive, other materials such as fences, walls and pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
 - [9] Parking areas and traffic ways shall be enhanced with landscaped spaces containing shrubs, trees or tree groupings.
 - [10] For every five parking spaces, a minimum of one three-inch-caliper tree shall be provided. Preferred varieties include: pin oaks, sugar maples, crimson maples, great ash, little leaf linden and black locusts.
 - [11] Within wetlands and regulated areas, plantings must conform to those listed in the document entitled "Native Wetland Plants for the Hockanum Watershed" and outlined in "Planting Guide to Native Wetlands Plants of the Connecticut River Watershed for Wetland Restoration Use" dated February, 1997.
- (h) Building design.
- [1] Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
 - [2] Buildings shall be in good scale and in harmonious conformance with permanent neighboring development.
 - [3] Building materials.
 - [a] Materials shall have good architectural character;
 - [b] Materials shall be selected for suitability to the type of building and the design in which they are used; and
 - [c] Materials shall be of durable quality.

- [4] Building components, such as windows, doors, eaves, and parapets, shall have good proportion and relationships to one another.
- [5] Colors shall be harmonious.
- [6] Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building or they shall be located sp as not to be visible from any public ways.
- [7] Refuse and waste removal areas, service yards, storage yards and exterior work areas shall be screened from view of public ways.
- [8] Monotony of design in single- or multiple-building projects is discouraged. Variation of detail, form and siting shall be used to provide visual interest.
- [9] Prototype structures (the first new structure in an area which has been designed for a particular character) shall reflect the desired character of the entire area.
- (i) Lighting, street hardware and miscellaneous structures.
 - [1] Exterior lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.
 - [2] Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings and proportions shall be attractive.
- (j) Signs.
 - [1] Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.
 - [2] Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - [3] The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
 - [4] The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
 - [5] Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
 - [6] Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

- [7] Signs which specifically advertise brand names or symbols of products of any kind shall be strongly discouraged.
- (k) Maintenance—; planning and design factors.
 - [1] Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
 - [2] Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
 - [3] Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design.
- (l) All other standards prescribed by these regulations.

§ 450-16.4 Procedures when Commission action on site plan is required.

When a use, other than a special permit use, is permitted in a zone subject to administrative approval of a site plan by the Commission, the following procedures, standards and conditions are applicable.

- A. Preliminary consideration. Prior to filing of an application for approval of a site plan, the future applicant is invited to prepare and present for informal discussion with the Commission or its land use staff a preliminary or sketch plan of the proposed use and site development. The plan should be drawn to scale, not less than one inch equals 40 feet, and should include the location of proposed buildings, access driveways, parking lots, utilities, existing and proposed drainage, wetlands and watercourses, test holes and percolation tests and data ~~therefore~~therefor, and significant natural and man-made features at the site as well as existing contours from available U.S. Geological Survey maps or other sources. While preliminary consideration is not a part of or requisite for formal application, it is expected that an informal discussion with the Commission or its land use staff will assist the applicant with the subsequent formal application, serving the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application. Following any preliminary consideration, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state, or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.
- B. Application and fee. Application for approval of the site plan shall be submitted in writing to the Zoning Enforcement Officer or the Commission's designee and shall be accompanied by the following:

- (1) An application for approval of the site plan on forms approved by the Commission and an application fee as set by the Commission pursuant to Town ordinance and § **450-13.6** of these regulations.
 - (2) The following persons may apply for a site plan: an owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document; provided, however, that the ~~said~~ document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.
 - (3) Site plan submission documents as specified in § **450-16.2**.
- C. Application review. When received, the Commission shall review the application and site plan submission for completeness, may consult with the applicant and may make determinations concerning the sufficiency of the submission as provided in § **450-16.2P**. Incompleteness of a site plan submission is cause for denial. The Commission shall consider:
- (1) Whether a site plan meets the standards and criteria set forth in § **450-16.3**; and
 - (2) Whether it meets other applicable sections of these regulations, including, but not limited to, Article **III**, Parts 1 and 2, Article **XI**, Article **XII** and Article **XV**;
 - (3) The potential environmental impact of the proposed project on the Town's natural resources, with specific consideration of Bolton Lake and other watercourses in the Town.
- D. Notices of consideration.
- (1) Notices mandated by statute.
 - (a) The Commission shall notify the Clerk of any adjoining municipality of the pendency of any application concerning any site plan application in accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-~~34-7d~~. [**Amended during codification**]
 - (b) In accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-3i, in any site plan application for any property which is within the watershed of a water company, as defined in ~~Conn. Gen. Stats~~C.G.S. § 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

- (c) In addition to the requirements set forth in the preceding ~~paragraphs~~subsections, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.
- (2) Posting of sign.
 - (a) No less than 10 days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for special permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened. If the Commission provides a mount for the sign, such sign mount shall be returned to the Commission's offices within three days after the close of the hearing. The Commission may require a cash deposit to assure such return.
 - (b) Where a site plan review is reviewed without a public hearing, all provisions of this section shall apply, except that the sign shall be posted no less than four days before the meeting at which such plan is to be reviewed.
- E. Public hearing.
 - (1) The Commission may hold a public hearing regarding any site plan submission if, in its judgment, circumstances warrant such hearing. The Commission shall give notice of the hearing in the same manner as required by law for hearings on special permits. ~~(Conn. Gen. Stats. (C.G.S. § 8-3c-)).~~
 - (2) In the event that a public hearing is scheduled, the applicant shall also notify all abutting landowners of record of the date, time and place of the public hearing of the Commission at which said site plan is to be considered no less than 10 days preceding the date of said hearing, and shall submit proof to the Commission of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.
- F. Action and notice.
 - (1) The Commission shall review the application for conformance with the criteria of this Article **XVI**, Part 1. The Commission may approve, modify and approve, or deny the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such reapplication is made within one year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.
 - (2) The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Article **XVI**, Part 1. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for ~~non-structural~~nonstructural uses such as tag sales, outdoor

events, and the like), the Commission may grant a site plan which is temporary and will be effective only commencing on, or terminating on, specified dates.

- (3) The Commission shall publish notice of such action as required by the Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Chairman or Secretary, by certified mail, to the applicant within 15 days of its action. A copy of the decision shall also be transmitted by the Commission to the Zoning Enforcement Officer.
- G. Filing of site plan. A copy of the site plan element of an approved site plan, and as such plan may have been required by the Commission to be modified, shall be made on media which meets the requirements for filing in the office of the Town Clerk and presented to the Commission for endorsement of its approval. The final plan shall include upon the face thereof a complete statement of any conditions imposed on the approval. The following are applicable to endorsement and filing of the site plan:
- (1) Upon receipt of such copy of the site plan, together with executed copies of any required legal documents in form for recording and the posting of any completion bond required under Subsection **I**, the Chairman, Vice Chairman, or Secretary of the Commission shall endorse the approval of such Commission on such copy and note thereon the date of such endorsement and, as required by Subsection **H**, the date of expiration of the period allowed for completion of the work. The applicant shall then be notified by the Commission that such endorsed copy of the site plan and executed copies of any required legal documents may be obtained from its Clerk.
 - (2) The applicant shall then file in the office of the Bolton Town Clerk such endorsed copy of the site plan and shall record in such office any required legal documents received from the Commission's Clerk, such filing to take place within 90 days from the date of the endorsement approving such site plan; provided, however, that the Commission may, by majority vote, extend the time of such filing for up to two additional consecutive period of 90 days, during which periods the approved site plan shall remain valid.
 - (3) Filing and recording fees shall be paid by the applicant, and the applicant shall, as promptly as filing and recording procedures permit, furnish the Commission's Clerk a memorandum stating the date when the endorsed copy of the site plan was filed and each required legal document was recorded together with the map number(s) assigned to such site plan and the number and page of the volume in which each such legal document was recorded. No zoning permit shall be issued for the proposed use of the land involved in the proceeding until the aforementioned documents have been recorded.
- ~~H. Commencement and completion of work. For any approved Site Plan application for which a Building Permit is required, the applicant shall obtain such Permit within 12 months of the date upon which such application was approved. Otherwise, such Site Plan approval shall become null and void.~~
- H. Posting of a completion bond. The Commission, as a condition of approving a site plan, may require that the applicant, within 90 days from the date of the approval of the site plan, file with the Treasurer of the Town of Bolton a completion bond in an amount approved by the Commission as

security for the satisfactory completion of all of the work shown on such site plan, including erosion and sedimentation control per § 350-3.9 of these regulations.

- (1) Term and form of bond. Such bond shall refer to and identify the various site plan sheets, shall be for a term expiring no earlier than 90 days after the planned completion date of the project, and shall remain in full force and effect until modified or released by the Commission. Bonds of up to \$20,000 shall be in cash. Bonds for greater amounts may be cash or letters of credit. Surety bonds are not acceptable for any purpose. The form of the bond shall be satisfactory to legal counsel for the Commission.
 - (2) Continuing effectiveness. Such bond shall remain in full force and effect, regardless of future ownership of the property being developed, until released by vote of the Commission. The site plan filed in the office of the Bolton Town Clerk shall so state. Where the Commission deems it appropriate, it may authorize release of bonding in stages. The Commission shall not authorize final release of a bond until after it shall have received written certification from the applicant and from the Commission's engineer or other technical staff member designated by the Commission that all of the requirements of the site plan have been met.
 - (3) Prerequisite to field work. No field work implementing an approved site plan shall commence until the required completion bond in content and form acceptable to the Commission shall have been filed with the Town Treasurer.
- ~~H~~. Minor changes to site plans. The Zoning Enforcement Officer shall have the authority to approve minor changes to an approved site plan if, in the judgment of the Zoning Enforcement Officer, such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the site plan as approved, and such changes are in conformity to the requirements of these regulations.
- ~~K~~. Major changes to site plans. If the Zoning Enforcement Officer determines that changes in the site plan may alter the overall character, quality, density, intensity, uses, amenities, parking facilities or other major features of the site plan as approved, said modification shall be made only after approval thereof by the Commission. The Commission may determine that the modifications are so substantial as to require a new application.
- ~~L~~. Conformance to approved site plans; deviations, amendments, misrepresentations.
- (1) No person who has obtained a site plan approval shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission without an amendment as provided in these regulations. Violation of this provision shall be grounds for the Commission to void said site plan approval following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said site plan approval and the conditions attached thereto.
 - (2) In the event that the Commission determines or discovers that information submitted to it in support of any application for site plan review was incorrect or invalid, the Commission may,

following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

Part 2
Special Permits

§ 450-16.5 General.

Certain uses of land, buildings and other structures, and the construction, reconstruction, extension, moving and alteration of buildings, and other structures and site development in connection therewith in Articles **VI**, **VII**, **VIII** and **IX** of these regulations; and certain waivers/modifications and other particular uses in these regulations; are permitted in a zone subject to the securing of a special permit from the Commission. The provisions which follow establish the application and submission requirements, the general standards applicable to special permits and the procedures to be followed by the Commission. Special standards apply to particular special permit and other uses, per Article **III**, Part 2, of these regulations. In addition, the following uses require a special permit, regardless of the provisions of Articles **VI**, **VII**, **VIII** and **IX**:

- A. Multiple dwellings, whether traditional or OSCD;
- B. Excavation and filling or removal of earth products, per Article **XII**;
- C. Construction of, or addition to, any structure(s) or building(s) on a lot for which use a special permit is required, or where such construction or addition totals over 15,000 square feet of floor area, in the aggregate, whether at one time or at any time since the adoption of zoning regulations in the Town of Bolton;
- D. Mortuaries, funeral homes; and crematoriums;
- E. Uses of premises for the sale of alcoholic beverages, including sales for both off-premises and on-premises consumption;
- F. Buildings that would be accessory buildings, but to be located on a lot which lacks a principal building;
- G. Houses of worship, schools, colleges, libraries; and other civic buildings; and
- H. Commercial stabling of horses.

§ 450-16.6 Purpose and requirement; waiver.

- A. Purpose. Uses permitted as special permit uses subject to the approval of the Commission are deemed to be permitted uses in the districts specified, subject to the satisfaction of the requirements and standards of this ~~section~~ **Part 2**. Special permit uses that may be permitted in a district are unusual uses which under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use must be considered as an individual case.

B. Special permit requirement; waiver.

- (1) In any instance involving a use or uses requiring a special permit as set forth in these regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission shall grant a special permit in accordance with this Article XVI, Part 2, or amend a previously granted special permit.
- (2) The Commission may waive the requirement for a special permit where it finds that:
 - (a) One special permit use is being substituted for another similar use on the same lot which was previously granted a special permit by the Commission;
 - (b) The new use will require no greater parking or loading than the original, as set forth in Article XV of these regulations;
 - (c) The new use shall entail no exterior change to the building or premises; and
 - (d) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in § 450-16.8 of these regulations.

§ 450-16.7 **Application procedure.**

- A. Informal discussion. Any proponent of a use permitted by special permit may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for special permit. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, state, or federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for special permit.
- B. Who may apply. The following persons may apply for a special permit: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document; provided, however, that the ~~said~~ document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.
- C. Application. Application for a special permit shall be submitted in writing to the Zoning Enforcement Officer, and shall also be accompanied by the following:
 - (1) Application and fee. An application for approval of a special permit on forms approved by the Commission and signed by the applicant and by the owner if different from the applicant, and an

application fee as set by such Commission pursuant to § **450-13.6** of these regulations and Town ordinance.

- (2) Site plan. A site plan and other documentation consisting of the statement of use, site plan, architectural plans, soil erosion and sediment control plan, traffic impact report and other reports and lists as specified in § **450-16.2** of these regulations for site plans. ~~Fourteen, 14~~ copies shall be submitted. The Commission is aware of the holding in the case of SSM Associates Limited Partnership v. Plan and Zoning Commission, 211 Conn. 331, 334 (1989). The reference herein to § **450-16.2** is for convenience only to avoid the repetition of the information contained there, and shall not be construed as creating a separate application or request for site plan review. The materials required to be submitted in connection with a special permit application are to allow the Commission to evaluate the special permit and determine compliance with the standards of this Article **XVI**, Part 2.
- D. Review and modification of submission. The Commission, upon written request by the applicant, may by resolution:
- (1) Determine that the required submission of all or part of the information required under § **450-16.2** is not necessary in order to decide on the application and need not be submitted; or
 - (2) Determine that required submission of part of such information is deferred for submission and decision at a later date; and the Commission may by resolution otherwise determine that additional or alternate information is necessary and required to be submitted in order to make a reasonable decision on the application under the standards of these regulations.
- E. Complete application. A complete application shall consist of the application form and fee, together with the required information set forth in this Article **XVI**, Part 2. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or 35 days following the submission of such application, whichever shall first occur.
- F. Notices mandated by statute.
- (1) The Commission shall notify the Clerk of any adjoining municipality of the pendency of any application concerning any special permit in accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-3h-7d. [Amended during codification]
 - (2) In accordance with ~~Conn. Gen. Stats~~C.G.S. § 8-3i, in any special permit application for any property which is within the watershed of a water company, as defined in ~~Conn. Gen. Stats~~C.G.S. § 16-1, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.
- G. Notice to abutting owners. The applicant shall also notify all abutting landowners of record within 500 feet of the subject property, as disclosed by the Assessor's records, of the date, time and place of the public hearing of the Commission at which said special permit is to be considered, no less

than 10 days preceding the date of said hearing, and shall submit proof to the Zoning Enforcement Officer of such notification. No notice shall be required for the continuation of a public hearing once it has been opened.

- H. Posting of sign. No less than seven days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any application for special permit. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. No sign need be posted for the continuation of a public hearing once it has opened. If the Commission provides a mount for the sign, such sign mount shall be returned to the Commission's offices within three days after the close of the hearing. The Commission may require a cash deposit to assure such return.
- I. Submission for review. In addition to the requirements set forth in the preceding ~~paragraph~~subsection, the Commission may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations.
- J. Time limits. The Commission shall, within 65 days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than 35 days following the opening thereof. ~~Within~~Not later than 65 days following the close of said public hearing, the Commission shall act upon said application. The applicant may request an extension of any of the time limits set forth in this ~~paragraph~~subsection for a period not to exceed a cumulative total of 65 days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these regulations. [Amended during codification]

§ 450-16.8 **General standards.**

The proposed special permit use, buildings and other structures and site development shall conform to all of the requirements of these regulations, including the following general standards and any special standards that may be contained in Article **III**, Part 2, of these regulations for particular uses:

- A. Complete application. The application shall contain all information required by this Article **XVI**, Part 2, and the number of copies required, and said information ~~has been~~shall be prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future, complete applications.

- B. Compliance with regulations. The application shall conform in all respects with these regulations, unless a certified copy of a variance from any such provision is submitted with the application, or except to the extent that the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, preexisting nonconformity in accordance with § 450-3.3 of these regulations. Further, the application shall conform to the Bolton Subdivision Regulations; the Bolton Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Bolton Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his/her authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these regulations.
- C. Conformance with criteria of § 450-16.3. Any application for special permit shall, at a minimum, conform to all of the general standards for site plans of § 450-16.3. Those standards and criteria are considered the basic ones for all uses and premises in Bolton, other than uses permitted as of right, with the criteria of this § 450-16.8 being over and above those of § 450-16.3.
- D. Character. The location, type, character and extent of the use and of any building or other structure and site development in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.
- E. Lot size. The lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will be in harmony with and not be detrimental to the neighborhood or adjacent property.
- F. Landscaping. The premises will be suitably landscaped to be in harmony with adjacent lots and the character of the neighborhood.
- G. Access. The traffic to be generated by the use and the provision to be made for vehicular access to the lot shall assure safety and convenience on the street and a level of vehicular traffic consistent with the pattern of traffic in the neighborhood. The nature and location of the use, buildings, structures and site development shall be such that there is adequate access for fire protection purposes and within the equipment capability of the applicable fire department. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five feet. Interior walkways should be constructed of slate, brick, concrete, or suitable paving blocks. The Commission may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.
- H. Traffic access. All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such

provision shall include rights-of-way to the Town and/or to the adjacent property owner(s). No driveway to a public street shall exceed 30 feet in width, excluding the radius fillets at the point of intersection with the street, except as otherwise approved by the Commission after the submission of a traffic engineering study demonstrating the need for greater driveway width. No proposed driveway shall be closer than 100 feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and; in nonresidential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and ~~sitesight~~ lines shall comply with state standards, where applicable.

- I. Water supply. No site plan depicting a development to be served by a water company, as defined ~~herein above~~~~hereinabove~~, shall be approved unless and until a certificate of public convenience and necessity, or the waiver thereof by the Bolton Board of Selectmen, has been obtained in accordance with § ~~450-16.2F~~ of these regulations.
- J. Public health and safety; environmental protection. The site and building plans shall be designed so as to minimize any delay, inconvenience; and expense of providing for the public health, safety and welfare, including, but not limited to, the following: adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with Article ~~III~~, Part 3, and in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; ~~Flood-proofing~~~~floodproofing~~ measures which may be desirable, even if over and above the minimum requirements of these regulations or applicable state or federal standards; protection of the natural environment; potential environmental impact of the proposed project on Town resources and on water bodies in or adjacent to the Town, including Bolton Lake; avoidance of glare visible from streets or adjacent properties. [**Amended 1-1-2006; 12-10-2014**]
- K. Appropriateness of use. The proposed use shall be appropriate for the designated location with regard to:
- (1) The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties;
 - (2) The capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of nonresidential traffic through residential streets;
 - (3) The development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
 - (4) The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls;
 - (5) The overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use;

- (6) The preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character; and similar factors;
 - (7) The availability of adequate effluent disposal, water supplies, stormwater disposal systems; and other special burdens on utilities which the use may entail;
 - (8) The degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate;
 - (9) The use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the pollution of lakes (particularly Bolton Lake), streams; and other water bodies, while providing the best possible design of structures and land uses compatible with the shape, size and topographic and natural character of the site.
- L. Architectural character; historic preservation; site design.
- (1) The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings and structures, the preservation of scenic vistas and public access, materials used, ~~roof lines~~ rooflines, door and window details, site and building lighting, street furniture, paving materials, landscaping, signs, colors; and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on abutting properties, in the neighborhood; or throughout the Town. Failure to maintain any landscaped area or buffer strip required by these regulations shall constitute a violation of these regulations.
 - (2) In multi-building commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, ~~roof lines~~ rooflines and other exterior treatments.
- M. Uses in, adjacent to; or impacting residential areas. In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of; a residential zone or area of residential uses, the Commission shall find that:
- (1) The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to; or detrimental to the character of the ~~said~~ residential area or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.
 - (2) Where any lot, or part thereof, adjoins or is separated by a street from a residential zone, the provisions of § 450-11.11 (concerning setbacks) shall apply. In addition, the Commission may require additional setbacks or buffers for uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor; and any other similar characteristics.

- (3) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the premises shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- (4) No use shall be permitted which does not meet the requirements of Article **III**, Part 1-~~c~~ General Use Regulations, of these regulations.
- (5) No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission, and such authorized outside storage shall be screened in such manner as the Commission may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.
- (6) All buildings in multi-building developments shall be logically related to provide convenient access to a common open space.
- N. Specific recommendations and requirements for sites and buildings. The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission will examine in evaluating any application for a special permit, and the preferred or required features, as the case may be:
- (1) Mechanicals. All roof-mounted ventilation, heating, and air-conditioning equipment, including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that ~~they are it is~~ not visible from any adjacent property at the height of the proposed building.
- (2) Lighting. Lighting shall conform to § **450-3.20** of these regulations and shall be limited to that required for basic security and protection of the premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians. Lighting standards in most parking areas should not exceed 16 feet in height, but in no event higher than the height of the building adjacent to the area to be illuminated. No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low-level lighting standards with shielded light sources. All loading areas, rear entries, and other high-crime areas shall be illuminated to the level of parking areas. Building-mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building-mounted ~~flood lights, floodlights~~ and ornamental building lighting are prohibited in all zones.
- (3) Walkways. The Commission may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along streets may also be required.
- (4) Landscaping and screening. All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the

subject neighborhood, and to provide all-season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of 2 1/2 inches DBH, all evergreen trees shall have a minimum height of six feet, and all shrubs shall be of a size at least one-third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission may require that any or all buildings shall have foundation plantings.

- O. Special standards—; various. The proposed special permit use, and the buildings, structures and site development proposed in connection therewith, shall also conform to any requirements contained in Article **III**, Part 2, Special Regulations; or any other applicable standards of these regulations.
- P. Special standards—; open space conservation development (OSCD). Open space conservation developments (~~OSCDs~~ **OSCDs**), and the buildings, structures, and site development proposed in connection therewith, shall also conform to the applicable provisions of Article **VII** of these regulations.

§ 450-16.9 **Action on applications.**

A. Action.

- (1) The Commission shall review the application for conformance with the criteria of this Article **XVI**, Part 2. The Commission may approve, modify and approve, or disapprove the application. If the Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such reapplication is made within one year of the denial without prejudice, the Commission may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.
 - (2) The Commission may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Article **XVI**, Part 2. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for ~~non-structural~~ **nonstructural** uses such as excavations, outdoor events, and the like), the Commission may grant a special permit which is temporary and will be effective only commencing on, or terminating on, specified dates.
 - (3) The Commission may state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission shall, in addition, send written notice of its decision under the signature of the Commission's Secretary or Clerk, by certified mail, to the applicant within 15 days of its action.
- B. Endorsement and filing. Within 65 days of the Commission approval, the applicant shall submit one set of final plans on a reproducible material suitable for filing in the Town Clerk's office and six sets on paper, reflecting all conditions or modifications required by the Commission, and accompanied by signed, sworn statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the

effect that the plans submitted are the same as those approved by the Commission, except for the depiction of modifications and conditions required by the Commission in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds, per § 450-16.10 of these regulations) have been provided, the plan shall be endorsed by the signature of the Chairman, Vice Chairman, or Secretary of the Commission, as the case may be. Thereafter, it shall be the responsibility of the applicant to file one set of endorsed final plans in the office of the Town Clerk. In accordance with ~~Section C.G.S. § 8-3d of the Connecticut General Statutes~~, no special permit shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within 90 days following the Commission's vote of approval shall become null and void; provided, however, that the Commission may grant one extension not to exceed an additional 90 days. Any special permit site plan filed in the Town Clerk's office without the endorsement of the Commission's Chairman, Vice Chairman, or Secretary shall likewise be void. Such filing is a prerequisite to eligibility for issuance of a zoning permit for the proposed use. The Commission may establish an effective date for the special permit, which shall be on or after the date of such filing with the Town Clerk; in the event the Commission shall fail to designate an effective date, such date shall be presumed to be the date of filing with the Town Clerk.

§ 450-16.10 **Bond.**

If the Commission determines that a bond is required, the applicant shall file a completion bond with the Treasurer of the Town of Bolton, in an amount approved by the Commission, to guarantee satisfactory completion of work shown on any site plan element of the approved special permit. Bonds of up to \$20,000 shall be in cash. Bonds for greater amounts may be cash or letters of credit. Surety bonds are not acceptable for any purpose. The form of the bond shall be satisfactory to the Commission's legal counsel. The approved plans shall be cited in the bond agreement. The bond may be released only after written certification, that all of the requirements of the special permit have been met, is received from the Zoning Enforcement Officer or the project engineer designated by the Commission, as the case may be.

§ 450-16.11 ~~Commencement and completion of work.~~

~~For any approved Special Permit application for which a Building Permit is required, the applicant shall obtain such Permit within 12 months of the date upon which such application was approved. Otherwise, such Site Plan approval shall become null and void.~~

~~§ 450-16.12~~ **Conformance to approved plans, specifications, and representations; deviations, amendments, and misrepresentations.**

- A. No person who has obtained a special permit approval shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission without an amendment as provided in these regulations. Violation of this provision shall be grounds for the Commission to void said special permit approval following a public hearing with notice to the subject property owner and permit holder, and to take such other legal action as may be required to secure compliance with said special permit approval and the conditions attached thereto.
- B. In the event that the Commission determines or discovers that information submitted to it in support of any application for special permit was incorrect or invalid, the Commission may,

following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

§ 450-16.~~43~~**12 Change of zone (public hearing required).**

The following items shall together constitute a complete change of zone application for amendment to the Town of Bolton Master Map, and such application shall not appear on any Zoning Commission agenda until all of the following items have been submitted to the Town of Bolton:

- A. Completed and signed application form;
- B. Filing fee (see § 450-13.6 of these regulations);
- C. Written evidence of the applicant's legal interest in the subject property (deed, lease, option to purchase, bond for deed, etc.);
- D. Six copies of a plan containing a boundary survey of the subject property at a scale not smaller than one ~~feet~~^{foot} equals 100 feet, certified at least Class D by a land surveyor licensed in the State of Connecticut, and also depicting all properties and road rights-of-way within 500 feet of the subject property;
- E. A list of all current property owners within 500 feet ~~to~~^{of} the subject property, as shown in the records of the Town Assessor, with coded reference to the particular properties depicted on the above-mentioned plan;
- F. Stamped mailing envelopes listing the name and primary mailing address of all current property owners within 500 feet of the subject property, as shown in the records of the Town Assessor;
- G. A list of all hazardous or potentially hazardous materials which will be present on the property as part of the proposed use, with a full description of procedures that will be used to assure safety;
- H. A written statement of intended use of the subject property if the change of zone is approved;
- I. Any other items or information which the Commission may feel is pertinent to review of the application (This requirement need not delay placement of the application on a Planning and Zoning Commission agenda~~).~~).

§ 450-16.~~44~~**13 Zoning regulations ~~amendment~~amendments (public hearing required). [Amended during codification]**

The following items shall together constitute a complete application for amendment to these regulations, and such application shall not appear on any Planning and Zoning Commission agenda until all of the ~~above~~^{following} items have been submitted to the Town of Bolton:

- A. Completed and signed application form;
- B. Filing fee (see § 450-13.6 of these regulations);
- C. Six copies of a statement containing all proposed new wording and/or deletions listed under the section ~~o~~^{for} subsection to be affected.

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§ 450-16.~~4514~~ **Waiver.**

The Commission may waive a portion or portions of the application filing requirements, or may permit the combining of various forms of information onto a small number of plan sheets, if, in its opinion, circumstances warrant such action.

§ 450-16.~~4615~~ **Criteria for consideration ~~and~~ permitted stipulations.**

- A. Criteria for consideration. The Planning and Zoning Commission may require an applicant to submit any of the following items for review before making its decision on a special permit, site plan review, change of zone or zoning regulation amendment application (This requirement need not delay placement of the application on a Planning and Zoning Commission agenda~~#:.~~):
- (1) Drainage calculations for the existing and proposed development conditions for the two-, 10-, ~~twenty-five~~25- and ~~one-hundred~~100-year storms.
 - (2) Methods to limit the increased drainage flow rates from a site for the proposed development to be 10% or less than the existing development flow rates for the two-, 10-, ~~twenty-five~~25- and ~~one-hundred~~100-year storms.
 - (3) Traffic studies and proposed traffic improvements to ensure that development will not create or worsen traffic hazards or create traffic congestion any worse than a Level of Service "C" as defined by the Highway Capacity Manual.
 - (4) Perspective sketches or color drawings of the developed site and buildings to represent the final proposed conditions.
 - (5) A lighting plan by a qualified lighting designer that shows adequate on-site lighting for safety and security and shields adjacent properties from glare.
- B. Permitted stipulations. The Commission, in approving a special permit, site plan review, change of zone or zoning regulation amendment application, after applying these regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development; or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting and building design, architectural treatment and massing.

§ 450-16.~~4716~~ **Expiration.**

For any approved site plan review or special permit application for which a building permit is required, the applicant shall apply for such initial permit within 12 months of the date of the Commission meeting at which such application was approved. Otherwise, such approval shall become null and void. Within the initial twelve-month period, the applicant may apply for, and the Commission may grant, one extension of this time period for not more than 12 months.

§ 450-16.1817 **Consultant assistance.**

For any site plan review, special permit, change of zone or zoning regulations amendment application, the Commission may engage the services of a professional engineer and/or professional planner or other qualified professional to assist in the review of plans and information submitted by the applicant. Such planner or engineer may also make recommendations to the applicant and to the Commission.

ARTICLE XVII Wireless Telecommunication Sites

§ 450-17.1 **Purpose.**

The purpose of this regulation is to provide for the operation of wireless telecommunication services within the Town of Bolton while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications sites (WTS) through careful design, siting and screening. More specifically, this regulation has been developed in order to:

- A. Maximize use of existing towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- B. Encourage providers to co-locate their facilities on a single tower;
- C. Site facilities below visually prominent ~~ridge lines~~ridgelines;
- D. Minimize the location of facilities in visually sensitive areas;
- E. Encourage creative design measures to camouflage facilities;
- F. Protect historic and residential areas from potential adverse impacts of communication towers;
- G. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

§ 450-17.2 **Definitions.**

For the purpose of applying the provisions of this ~~section~~article, the terms below shall be defined as follows:

ANTENNA

A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas and dish antennas.

CO-LOCATION

Locating wireless communication facilities from more than one FCC-licensed provider on a single support structure, such as a tower or existing structure.

HEIGHT OF TOWER

The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within 10 feet thereof to the topmost point of the tower, including any antenna or

other appurtenances. The "existing elevation" shall mean the actual or approved elevations of the property at the time of application.

TOWER

A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include, but are not limited to:

- A. Self-supporting lattice;
- B. Guyed; and
- C. Monopole.

WIRELESS TELECOMMUNICATION SERVICES

Licensed wireless telecommunication services, including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), wireless video services, paging services and similar services that are marketed to the general public.

§ 450-17.3 Location of wireless telecommunication sites.

The locations for siting the antennas and equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in Subsections A through F below, in order of preference:

- A. On existing or approved towers.
- B. On existing structures such as but not limited to buildings, water towers, steeples and utility poles.
- C. On new towers less than 75 feet in height located in business or industrial zones.
- D. On new towers 75 feet or greater in height located in business and industrial zones.
- E. On new towers less than 75 feet in height located in residential zones.
- F. On new towers 75 feet or greater in height located in residential zones.

§ 450-17.4 Uses allowed by site plan review.

- A. The following uses which generally pose minimum adverse visual effect, as determined by the Commission, are permitted uses subject to the standards in § 450-17.6 and subject to the site plan review requirements of Article XVI. Uses that do not comply with the requirements of this § 450-17.4 shall comply with the requirements of § 450-17.5.
 - (1) Wireless telecommunication sites with no towers but with antennas located on nonresidential buildings and shielded from view from all surrounding streets and driveways used by the general public. The method and materials used to shield such sites must be approved by the Planning and Zoning Commission as part of the site plan review, provided that the standards in Subsection B are met.

(2) Wireless ~~telecommunications~~telecommunication sites with no new towers where the antenna is mounted to existing towers, utility poles, water towers, steeples, light standards, bridges or other structures not classified as buildings, provided the standards in Subsection **B** are met:

B. WTS standards for site plan review:

(1) No changes are made to the height of such structure, except that an antenna may extend no more than 72 inches above the structure.

(2) No panel antenna shall exceed 72 inches in height and 24 inches in width.

(3) No dish antenna shall exceed three feet in diameter.

(4) All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Planning and Zoning Commission as part of the site plan review.

(5) The following information shall be submitted in accordance with each particular application, where applicable:

(a) A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

(b) Details of all proposed antenna and mounting equipment, including size and color.

(c) Elevations of all proposed shielding and details of materials, including color.

(d) An elevation of all proposed equipment buildings or boxes.

(e) Details of all proposed fencing, including color.

(e) Maps depicting the extent of the provider's planned coverage within the Town of Bolton and the service area of the proposed wireless telecommunication site. Maps indicating the search radius for the proposed wireless telecommunication site showing the least number of towers and all towerless antenna locations possible.

§ 450-17.5 Uses allowed only by special permit.

All proposals to develop or expand a wireless telecommunication site shall be subject to the requirements in this Article **XVII** and the special permit requirements in Article **XVI** of these regulations, except as otherwise provided for in these regulations. In addition, the following information shall be submitted in accordance with each particular application, where applicable:

A. Items listed in § **450-17.4B(5)** above.

B. A design drawing, including cross-section and elevation of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. The design shall illustrate how the tower will collapse without encroaching upon any adjoining property line.

- C. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
- D. If applicable, a report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements.
- E. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
- F. For towers located in or within 100 feet of an R-1, R-2, or R-3 Zone, upon request of the Commission, the applicant shall provide a ~~view shed~~viewshed analysis showing all areas from which the tower would be visible.

§ 450-17.6 **Dimensional requirements.**

- A. Lot size. Each wireless telecommunication site located in a Residence Zone and containing a tower shall comply with the following requirements:
 - (1) Each tower shall be located on a lot that has at least the minimum frontage for the zone that the lot is in.
 - (2) Each tower shall be located on a lot that has at least the minimum lot area of 40,000 square feet per tower, exclusive of all other uses.
 - (3) Any other uses on a lot with a tower shall comply with the area requirements of Article **XI**, exclusive of the tower(s) area requirements.
- B. Height.
 - (1) The maximum height of a tower proposed under this regulation shall be 150 feet, including the antenna and all other appurtenances.
 - (2) The maximum height of any building shall be as required by Article **XI**.
- C. Setbacks.
 - (1) All towers shall be located a minimum distance from any property line equal to 125% of the proposed tower height.
 - (2) All equipment buildings/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.
- D. Building size. The lot coverage area of all buildings for wireless telecommunication services shall not exceed 500 square feet per tower.

§ 450-17.7 **General requirements.**

- A. No tower wireless telecommunication service shall be located within 200 feet of an existing dwelling.
- B. No tower shall be located within 200 feet of the boundary of an existing approved historic district or a site on the National Registry of Historic Places.
- C. No lights shall be mounted on proposed towers unless otherwise required by the FAA or applicable law. All strobe lighting shall be avoided if possible. Any required lights on a tower shall be directed upwards as much as possible. There shall be no outdoor lights in use except while a person is on the site, and there shall be no direct light beyond the property line.
- D. Towers not requiring special FAA painting or markings shall be a ~~non-contrasting~~noncontrasting blue or gray or other unobtrusive color as approved by the Commission.
- E. Towers may not be used to exhibit any commercial signage or other advertising.
- F. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is over 50 feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
- G. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
- H. No proposed wireless telecommunication site shall be designed, located or operated so as to interfere with public safety communications.
- I. All applications for wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in § **450-3.18** of these regulations.
- J. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for ~~non-ionizing~~nonionizing electromagnetic emissions. A report shall be provided from a Connecticut licensed engineer in the field of telecommunications broadcasting indicating that the proposed wireless telecommunication site will comply with the emission standards found in § **450-17.7** of this regulation.
- K. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- L. All generators installed in conjunction with any wireless telecommunication site shall comply with all state and local noise regulations.
- M. Any building in a residential zone or on a lot adjacent to a residential zone shall be made to look like a residential building with a pitched roof.

- N. Appropriate trees and other vegetation as approved by the Commission shall be planted and maintained to screen a tower and any equipment buildings from view from nearby residences and roads. Existing trees and vegetation should be used as much as possible to provide this screening.
- O. The Commission may require that an appropriate bond be submitted as surety to remove any abandoned towers, buildings or equipment.

§ 450-17.8 Factors upon which special permit decisions of Commission shall be based.

A. In order to approve applications for wireless telecommunication sites, the Commission must find:

A. in the case where an application for the proposed location of a wireless telecommunication site is not a preference A through C location in § 450-17.3, the applicant has adequately described the efforts and measures taken to pursue those preferences and has provided an adequate explanation as to why a higher preference location was not technologically, legally or economically feasible.

B. The documentation supplied by the applicant should include an evaluation of the following factors:

- (1) Whether the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower and whether the interference can be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
- (2) Whether the planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies and whether such deficiencies cannot be eliminated at a reasonable cost, as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
- (3) Whether the existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant and whether the interference cannot be prevented or eliminated at a reasonable cost as documented by a Connecticut licensed engineer in the field of telecommunications broadcasting.
- (4) Any restriction or limitation imposed by the FCC.

§ 450-17.9 Abandonment.

A wireless telecommunication site that is determined by the Commission or its agent to be not in use for 12 consecutive months shall be removed by the service facility owner. The Commission shall send the service facility owner a notice of abandonment by certified mail. This removal shall occur within 90 days of the date that the notice of abandonment is sent. Upon removal the site shall be restored to its previous appearance and, where appropriate, ~~re-vegetated~~, revegetated to blend with the surrounding area.

§ 450-17.10 Expiration of approval.

The approval of an application for special permit or site plan review shall be void and of no effect unless the applicant has obtained a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support and construction of the WTS is completed within one year from the date of the approval granted by the Commission. The

Commission may grant up to two six-month extensions of this period upon written request by the applicant. The Commission shall not grant an extension unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and the applicant provides adequate evidence that construction is able to be completed within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approvals shall extend the aforementioned one-year period the length of such appeal. The Commission may, as a condition of approval of a special permit, establish a time period that such special permit shall remain in effect.

§ 450-17.11 **Existing towers.**

Any existing tower as of the effective date of this Article **XVII** may continue to be used to the full approved height of the tower in accordance with all the requirements of Article **XVII** except for height.

ARTICLE XVIII Signage

[Added 4-20-2011]

§ 450-18.1 **Purpose. [Amended 6-25-2012]**

The purpose of this ~~section~~ article is to promote the public safety and welfare by providing adequate standards to control the number, height, size and location of signs and by providing criteria for the illumination and design of signs. The provisions and controls of this ~~section~~ article have been formulated to preserve the right of free speech and expression, and to protect against traffic distractions and hazards, to provide reasonable standards by which permitted uses within the various zones may relate their function to the public and to aid in preserving and enhancing the aesthetic and historical values of the community. The purpose of this ~~Regulation~~ article is also to encourage unified, multi-use development in the Gateway Mixed Use Industrial Zone and the Rural Mixed Use Zone by providing additional sign area for such mixed-use ~~development~~ developments that share common access and shared signs, and that provide a streetscape that emphasizes landscaping or pedestrian-friendly buildings along the street line.

§ 450-18.2 **General.**

- A. No sign shall be established, constructed, structurally altered or moved except in conformance with these regulations. Except for those signs specified in §§ **450-18.5** and **450-18.6**, a zoning permit shall be obtained for all signs in accordance with the provisions of § **450-3.8** of these regulations. In situations where a proposed sign or signs are one component of a comprehensive construction project, the sign authorization may be incorporated into one comprehensive zoning permit for the subject construction project.
- B. Wherever commercial speech is allowed by these regulations, the same degree of ~~non-~~ commercial ~~noncommercial~~ speech is hereby permitted.

§ 450-18.3 **Definitions.**

The definitions pertaining to signage are found in Article **II** of these regulations.

§ 450-18.4 **Prohibited signs.**

The following signs are prohibited:

- A. Abandoned signs.
- B. Advertising signs.
- C. Permanent banner signs, except noncommercial banners (such as streetscape banners) installed by public entities.
- D. Signs on structural canopies.
- E. Electronic message ~~boards~~boards.
- F. Flashing, rotating, or moving signs. This provision shall not apply to clocks or time/temperature signs that have been approved by the Planning and Zoning Commission in connection with a site plan or special permit approval.
- G. Graphic light projection signs.
- H. Moving message ~~boards~~boards, except time/temperature signs.
- I. Roof signs.
- J. Signs that are illuminated in a manner or with such intensity or brightness that they may tend to cause glare, distraction or nuisance to operators of vehicles, pedestrians, or neighboring property owners.
- K. Signs including structural elements that may tend to endanger vehicular or pedestrian traffic on a street, driveway or public way by obstructing or obscuring visibility or by causing confusion with traffic control signs or signals.
- L. Signs including structural elements that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress to or egress from any building or structure, except as may be permitted under ~~Section 18E.8~~§ 450-18.5.
- M. Pennants, or streamers, aerial signs, inflatable signs or flag-like devices hung from or attached to any part of a building, vehicle, structure or otherwise on a lot for commercial purposes, except where specifically exempted pursuant to §§ **450-18.5** and **450-18.6** of these regulations.
- N. Structural canopy signs.
- O. Vehicle signs.
- P. Signs located in Town rights-of way, except those authorized pursuant to § **450-18.5** of these regulations.

- Q. Portable signs, such as sandwich board signs or A-frame signs, which are moveable and not permanently attached to a building, structure or the ground, except as may be authorized on a temporary basis as temporary signs pursuant to § 450-18.5 of these regulations.

§ 450-18.5 **Temporary signs.**

A. The following signs are authorized without zoning permit approval, provided that they comply with all other applicable provisions of these regulations and with the specific standards noted below:

- (1) "Help Wanted" signs, provided that the size of any such signs shall not exceed two square feet in area.
- (2) Window signs for authorized commercial uses, provided the signs do not cover more than 40% of the window area, or do not cover more than 25% of the glass area of a door used actively as an entrance door, such 25% covering the lower half of the door.
- (3) Political signs.
- (4) Project and real estate signs. Except as noted below, one ~~non-illuminated~~nonilluminated sign not exceeding six square feet in area, pertaining only to the sale, lease, rental or construction or improvement of the land or building upon which it is displayed.
 - (a) Real estate signs shall be removed within 30 days after the subject property is sold (i.e., the closing has occurred), leased, or rented.
 - (b) For construction projects, project signs shall only be displayed during the period of active construction, and shall be removed when construction is complete.
 - (c) For commercial or industrial projects approved by the Planning and Zoning Commission, one ~~non-illuminated~~nonilluminated sign not exceeding 24 square feet in area, pertaining only to the contractors or professionals involved in the project may be maintained on the premises where the work is being performed. Said sign shall be removed prior to the issuance of any certificate of zoning compliance and occupancy permits. [Amended during codification]
 - (d) For subdivisions containing a new road, one ~~non-illuminated~~nonilluminated sign not exceeding 24 square feet in area may be maintained on the premises, provided it bears only a map of the project, the name of the project, and the name of the contractor and professionals involved in the project. The sign shall be removed after 75% or more of the lots have been sold. The Commission may approve well-maintained additional signage in connection with the subdivision approval.
- (5) Special events signs for community-wide public, educational, charitable, or religious events. One ~~non-illuminated~~nonilluminated sign or banner not exceeding 32 square feet in area, for public, charitable, educational or religious events, provided the sign is posted at the site of the event no sooner than 21 days prior to the event, and provided the sign is removed within 24 hours of the close of the event. In addition, up to three off-site directional signs are permitted, provided each of said signs does not exceed five square feet in area, and provided the signs are posted and removed as per the aforementioned time requirements.

(6) Signs associated with agricultural and horticultural sales. One ~~non-illuminated~~nonilluminated sign not exceeding 16 square feet in area, provided the sign is located at the stand site, and provided it is utilized only when products are available for sale. In addition, up to 32 square feet of off-site directional signs are permitted, provided no one sign exceeds eight square feet in area, and provided the signs comply with the locational provisions of § 450-18.11 of these regulations.

B. The following signs are authorized without zoning permit approval, provided that the property owner or tenant submits to the Zoning Enforcement Officer a notice of intent form to be provided by the ZEO to install a sign or signs authorized as follows. In all other respects, such signs shall comply with all other applicable provisions of these regulations and with the specific standards noted below:

(1) Grand opening event signs. One ~~free-standing~~freestanding sign or banner no larger than 16 square feet in area, subject to the following requirements:

(a) Grand opening signs shall be permitted only in business and industrial zones.

(b) The proposed grand opening event shall be a bona fide opening of a new commercial or industrial business at the site or a bona fide change of business ownership at the site.

(c) All grand opening event signs shall be located on the site of the subject commercial or industrial business.

(d) All grand opening event signs shall be displayed on the site and remain on-site for no more than 20 days.

(e) All grand opening event signs shall comply with the location and height provisions of § 450-18.7 of these regulations.

(f) All grand opening events shall be conducted within six months of the business opening.

(2) Signs for seasonal or special sales.

(a) Seasonal and special events signs will be permitted for a total period of 120 days annually, as documented by the required notice of intent form.

(b) All signs for seasonal or special sales must be constructed of weather-resistant materials, professionally constructed, and have clear, legible lettering, and may be double-sided.

(c) All seasonal or special sales signs may be an A-frame sign, self-standing sign, or a banner sign.

(d) Temporary banner signs for seasonal or special sales shall be no larger than 16 square feet in size and must be securely and neatly fastened to the building wall located on the business or tenant space.

(e) A-frame or self-standing signs for seasonal or special sales may be two-sided signs, but shall be no larger than 2 1/2 feet by 3 1/2 feet and may not contain materials such as papers, balloons, winds socks, streamers, pennant flags, lights, etc. Such signs shall be installed level, and the height of the

sign shall not exceed four feet from the existing ground, nor be artificially increased above the allowed maximum height by placement of additional materials under the base of the sign, except as necessary to level the sign.

- (f) All A-frame and self-standing signs must be located:
 - [1] On the property the subject of the sale event;
 - [2] A minimum of 100 feet from another temporary sign along the road frontage for single-tenant properties; a minimum of 50 feet for multiple-tenant occupancies;
 - [3] Outside of any sight line from an ingress/egress;
 - [4] Outside of parking spaces, drive ~~lane~~ lanes or Town or state rights-of-way; and
 - [5] So as not to interfere with pedestrian and vehicular traffic.
- (g) In multiple-tenant occupancies, no more than two A-frame and self-standing signs may be permitted at any one time.
- (h) All seasonal or special sales signs must be secured to the ground so as to withstand strong winds so as to not cause a roadway hazard.
- (i) All seasonal and special events signs shall be professionally made and made of weather-resistant materials.
- (j) Any seasonal or special sales sign placed in violation of these regulations will result in a violation notice and will result in the suspension of a business's temporary sign permit privileges for the remainder of the calendar year, upon notice by the Zoning ~~Official~~ Enforcement Officer.
[Amended during codification]

§ 450-18.6 Permanent signs not requiring zoning permit.

The following signs are authorized without zoning permit approval, provided that they comply with all other applicable provisions of these regulations and with the specific standards noted below:

- A. Public flags, provided they do not pose an obstruction as set ~~down~~ forth in ~~Section 18D.5 and 6 and~~ § **450-18.11** of these regulations.
- B. Public signs. Signs erected in the public interest by or on the order of a local, state or federal official in the performance of duty, such as, but not limited to, traffic control signs and identity signs of public buildings, parks or historical sites, signs for governmentally ~~-funded events~~, and public banners (such as for streetscape projects). This section does not apply to political signs.
- C. Residential ~~name-plate~~ nameplate/street address/home occupation. For any residence, or authorized home occupation on the premises, one ~~name-plate~~ nameplate with street address and one home occupation sign are authorized, provided neither sign is larger than 0.5 square foot in area if located within 20 feet of the street line, or no more than three square feet if located more than 20 feet from

the street line. Home occupation signs shall not be internally illuminated and, if lighted externally, the sign shall be lighted only during the hours open for business.

- D. "No Trespassing" signs or signs indicating the private nature of a premises or the restricted use of the premises, provided that the size of any such signs shall not exceed two square feet in area.
- E. ~~Name plates~~Nameplates or public convenience signs for authorized commercial and industrial uses identifying the building occupant, store hours, or other ~~non-advertising~~nonadvertising notices, provided the size of any such signs shall not exceed two square feet in area.
- F. "Open/Closed" flag signs (no more than one per business), provided the longest side does not exceed four feet.
- G. In lieu of an "open/closed flag sign permitted in Subsection ~~F~~F above, signs displayed in windows or doors of commercial uses, including neon or LED signs, indicating whether the subject use is "open" or "closed," provided the size of any such sign shall not exceed four square feet in area.

§ 450-18.7 Permanent signs requiring zoning permit. [Amended 6-25-2012]

The Zoning Enforcement Officer shall issue a zoning permit in connection with the following signs within 30 days after receipt of a request demonstrating compliance with these regulations:

- A. Business identification signs for industrial and commercial uses. (For residential uses, see §§ ~~450-18.5 and 450-18.6~~450-18.5 and 450-18.6.)
 - (1) Wall signs in General Business, Gateway Mixed Use Industrial, and Industrial Zones.
 - (a) Wall signs.
 - (b) Wall signs shall have an area not exceeding a total area of 1/2 square foot for each linear foot of building front for the first 50 feet of building front; 1/4 square foot for each linear foot of building front for the next 50 feet of building front; and 1/8 square foot for each linear foot of building front for the third 50 feet of building front, such calculation to be based on the front building wall of each individual occupancy.
 - (c) Neon or LED signs are permitted on the exterior of a wall or interior of a window, provided that the sign area is included in the total area of the wall sign as set ~~down~~forth above, provided the sign area or face of the neon sign is no more than 25% of the total permitted wall sign area, and provided that the LED sign message is fixed and not intermittently displayed.
 - (d) Entrance canopy signs and awning signs are permitted, provided that the sign face does not exceed 25% of the total canopy or awning area, and provided that the square footage of the sign is ~~including~~included in the total wall sign area allocation.
 - (e) No credit for sign area shall be provided for linear building front exceeding 150 feet.
 - (f) Wall signs may be internally illuminated or externally illuminated.

- (2) Freestanding signs in General Business, Gateway Mixed Use Industrial, and Industrial Zones.
- (a) No more than one freestanding sign per lot shall be permitted on a lot or lots comprising a single development in the General Business and Industrial Zones. In the Gateway Mixed Use Industrial Zone, no freestanding sign shall be permitted except as provided in Subsection **A(3)(b)** below.
- (b) A freestanding sign shall not exceed 36 square feet in area, except that such freestanding signs for properties with multiple occupancies may be increased by 12 square feet for each additional occupancy.
- (c) Neon or LED signs are permitted as components of freestanding signs, provided that the sign area or face of the neon sign is no more than 25% of the total permitted freestanding sign area, and provided that the LED sign message is fixed and not intermittently displayed.
- (d) A freestanding sign shall be not less than 15 feet from any lot line, except the front yard setback wherein the setback is zero, or 20 feet from the sight line, whichever is greater.
- (e) A freestanding sign shall be located at least 100 feet from an adjacent residential zone.
- (f) Maximum height from ground level to the top of a freestanding sign shall not exceed 12 feet.
- (3) Total sign area in General Business, Gateway Mixed Use Industrial, and Industrial Zones.
- (a) The total sign area of all signs on the premises shall not exceed three square feet per linear ~~feet~~foot of building front or 250 square feet, whichever is smaller, except as provided in Subsection **A(3)(b)** and (c).
- (b) Freestanding signs in the Gateway Mixed Use Industrial Zone. The Commission may allow one ground sign per street frontage, which sign shall not exceed 36 square feet in area and shall be not less than zero feet from any street line and not less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of 12 feet measured from the ground level to the top of the sign. Freestanding signs shall comply with all provisions of this Subsection **A(23)**, except as specifically waived in this subsection. The purpose of such sign is to identify the name of the development to identify its anchor tenants or occupants. In addition, the Commission may allow one directory sign mounted on the ground or on a building wall, which sign shall not exceed 32 square feet in area and shall be not less than 50 feet from any street line nor less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of eight feet measured from the ground level to the top of the sign. Such directory sign shall not be located along the travel lane(s) of a primary site access driveway, but shall be located where motorists and pedestrians may safely view it without obstructing through-traffic (such as at a turnoff). The Commission may allow such ~~sign~~ freestanding or directory signs only under the following conditions:
- [1] The development consists of two or more individual buildings and two or more individual businesses;
- [2] The development is designed to face inward upon itself to form a village-style design where individual buildings are oriented around a green, a pedestrian plaza, or other central pedestrian-friendly common space;

- [3] All parking is used by the businesses in common and street access is restricted to one public entrance per lot frontage [The Commission may allow a secondary truck/loading access, which shall not be allowed to have a ground sign, but may have a directional sign per Subsection **A(3)(c)** below~~;~~];
- [4] The development includes a landscaped area along all road frontages, other than access and loading driveways;
- [5] No individual building displays a wall sign that is visible from the street;
- [6] Approval of the ground sign and directory sign under this ~~section~~subsection shall not be precluded by the subdivision of any parcel of land which would otherwise be eligible for such signs, provided that the lot owners agree to a perpetual restriction on individual ground or directory signs absent the approval of the Commission.
- (c) Directional signs. The Commission may allow directional signs not to exceed two square feet in area nor higher than four feet measured from the ground level to the top of the sign. Such signs may direct the visitor to businesses located on the site for multi-building or multi-business sites; may identify truck or delivery access driveways or emergency ~~access ways~~accessways; indicate one-way traffic; identify drive-through aisles; or otherwise assist pedestrians and motorists to navigate their way around the site. All such directional signs shall be identified on the proposed site plan.
- (4) Wall signs in Neighborhood Business Zones and Rural Mixed Use Zones.
- (a) Wall signs. Wall signs for each occupancy shall have an area not exceeding a total area of 1/4 square foot for each linear foot of building front for the first 50 feet of building front; and 1/8 square foot for each linear foot of building front for the next 50 feet of building front, such calculation to be based on the front building wall of each individual occupancy.
- (b) No credit for sign area shall be provided for linear building front exceeding 100 feet.
- (c) Wall signs shall be externally illuminated; internally illuminated signs are prohibited.
- (5) Freestanding signs in Neighborhood Business Zones and Rural Mixed Use Zones.
- (a) Not more than one freestanding sign per lot shall be permitted on a lot or lots comprising a single development in the Neighborhood Business Zone. In the Rural Mixed Use Zone, no freestanding sign shall be permitted except as provided in Subsection **A(5)(b)** below~~;~~;
- (b) A freestanding sign shall not exceed 18 square feet in area, except that freestanding signs for properties with multiple occupancies may be increased by eight square feet for each additional occupancy.
- (c) LED signs are permitted as components of freestanding signs, provided that the sign area or face of the LED sign is no more than 25% of the total permitted freestanding sign area, and provided that the LED sign message is fixed and not intermittently displayed.

- (d) A freestanding sign shall be not less than 15 feet from side and rear lot lines, and may be zero feet at the front property line.
- (e) Maximum height from ground level to the top of a freestanding sign shall not exceed six feet.
- (f) Freestanding signs shall be externally illuminated; internally illuminated signs are prohibited. **[Amended 4-20-2011]**
- (6) Total sign area in Neighborhood Business Zones and Rural Mixed Use Zones.
 - (a) The total sign area of all signs on the premises shall not exceed 1.5 square feet per linear ~~feet~~foot of building front or 150 square feet, whichever is smaller, except as provided in Subsection **A(4)(b)** and (c).
 - (b) Freestanding signs in the Rural Mixed Use Zone. The Commission may allow one freestanding sign per street frontage, which sign shall not exceed 18 square feet in area and shall be not less than zero feet from any street line nor less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of six feet measured from the ground level to the top of the sign. Freestanding signs shall comply with all provisions of this Subsection **A(6)**, except as specifically waived in this subsection. The purpose of such sign is to identify the name of the development to identify its anchor tenants or occupants. In addition, the Commission may allow one directory sign mounted on the ground or on a building wall, which sign shall not exceed 18 square feet in area and shall be not less than 50 feet from any street line nor less than 15 feet from any other lot line; and which sign shall not exceed a maximum height of eight feet measured from the ground level to the top of the sign. Such directory sign shall not be located along the travel lane(s) of a primary site access driveway, but shall be located where motorists and pedestrians may safely view it without obstructing through-traffic (such as at a turnoff). The Commission may allow such freestanding or directory signs sign only under the following conditions:
 - [1] The development consists of two or more individual buildings and two or more individual businesses;
 - [2] The development is designed to face inward upon itself to form a village-style design where individual buildings are oriented around a green, a pedestrian plaza, or other central pedestrian-friendly common space;
 - [3] All parking is used by the businesses in common and street access is restricted to one public entrance per lot frontage ~~(The Commission may allow a secondary truck/loading access, which shall not be allowed to have a ground sign, but may have a directional sign per Subsection **A(6)(c)** below);~~];
 - [4] The development includes a landscaped area along all road frontages, other than access and loading driveways;
 - [5] No individual building displays a wall sign that is visible from the street;
 - [6] Approval of the ground sign and directory sign under this section shall not be precluded by the subdivision of any parcel of land which would otherwise be eligible for such signs, provided that

the lot owners agree to a perpetual restriction on individual ground or directory signs absent the approval of the Commission.

- (c) Directional signs. The Commission may allow directional signs not to exceed two square feet in area nor higher than four feet measured from the ground level to the top of the sign. Such signs may direct the visitor to businesses located on the site for multi-building or multi-business sites; may identify truck or delivery access driveways or emergency ~~access ways~~ accessways; indicate one-way traffic; identify drive-through aisles; or otherwise assist pedestrians and motorists to navigate their way around the site. All such directional signs shall be identified on the proposed site plan.

§ 450-18.8 Signs subject to site plan review approval by Planning and Zoning Commission.

- A. Comprehensive signage plan. Any use subject to site plan approval by the Planning and Zoning Commission shall be required to apply for any and all signage associated with the application, including the requirement for a comprehensive signage plan for the overall property. The Commission may delegate approval of specific sign details to the Zoning Enforcement Officer. All signs shall be subject to the requirements of § **450-16.3R** and **X(3)(j)** of these regulations. The time period for action on these signs shall be the same as for the site plan application for approval of the use.
- B. Changeable-copy signs in Business and Industrial Zones. The Commission may allow a changeable copy sign by site plan review pursuant to Article **XVI**, Part 1, for up to 20% of either the allowable wall sign area or 20% of the allowable freestanding sign area for purposes of on-premises special event or sale advertising, which area is in addition to the maximum allowable sign area permitted in § **450-18.7**. No temporary signs or message board signs pursuant to §§ **450-18.6** and **450-18.9**, other than a grand opening sign, shall be permitted for any property for which a changeable copy sign has been approved. The time period for action on these signs shall not exceed 35 days, notwithstanding the provisions of Article **XVI**, Part 1.
- C. Message board signs. The Commission may allow message board signs by site plan review, provided that the signs meet the following standards:
- (1) The message board component is integral to the freestanding sign.
 - (2) The message component of the sign face shall be encased to provide protection from the weather.
 - (3) The sign shall not be internally lit.
 - (4) The sign shall not exceed 16 square feet in area, shall count towards either the wall sign or freestanding sign size limitations, as applicable, and shall be no more than 50% of the total area of the sign.
 - (5) No temporary signs or changeable-copy signs pursuant to §§ **450-18.6** and **450-18.8**, other than a grand opening sign, shall be permitted for any property for which a message board sign has been approved.
 - (6) The time period for action on these signs shall not exceed 35 days, notwithstanding the provisions of Article **XVI**, Part 1.

D. Off-site signs. The Commission may grant a site plan review to endorse the permitting of an off-site sign by the Board of Selectmen within a Town ROW, or by the state DOT within a state ROW, provided that the following standards are adhered to:

- (1) The property is in a GB or I Zoning District, or is a bona fide agricultural commercial use in a residential district and does not have frontage on a state route.
- (2) Compliance with the siting requirements of § 450-18.11.
- (3) The height and size of the sign are in accordance with the requirements for a freestanding sign in a GB or I Zoning District.
- (4) A freestanding composite sign for multiple properties shall be permitted in accordance with the size requirements of § 450-18.7A(2)(b).
- (5) The time period for action on these signs shall not exceed 35 days, notwithstanding the provisions of Article XVI, Part 1.

§ 450-18.9 **Special signage regulations.**

In addition to the standards of this Article XVIII, the following standards shall apply; and in the case of any conflicts, the following standards shall prevail. Signs in this section shall be subject to the approval of a zoning permit, which shall be acted on within 30 days of receipt of a sign application.

A. Signs associated with adult-oriented establishments in GB Zones. No sign visible from the exterior shall contain photographic or artistic representation or written description of the human form, or of any specified anatomical areas as defined in the Town's Adult-Oriented Establishments Ordinance.

B. Signs associated with golf courses developed in accordance with Article X of these regulations:

- (1) One ~~free standing~~freestanding sign not to exceed 32 square feet.
- (2) No closer than zero feet ~~from~~to the property line along the public road from which access is provided, but 15 feet from side or rear yards.
- (3) No interior lighting.
- (4) ~~Twelve feet~~Maximum height of 12 feet.
- (5) No interference with visibility or traffic hazard.
- (6) ID message allowed on reverse side of sign board.

C. Signs associated with continuing-care facilities and multifamily complexes.

- (1) Such signs shall be located at the driveway entrance.
- (2) Such signs shall be no more than 32 square feet in area.

(3) Such signs may be located on the street line, but shall maintain a 15-foot setback from any side or rear yard.

D. Identity signs for governmental, nonprofit, educational, charitable, or religious institutions.

(1) One freestanding sign not to exceed 24 square feet in area.

§ 450-18.10 Orientation of signs in Business and Industrial Zones.

A. No sign shall face the side of an adjoining lot if such lot is in a Residence Zone.

B. No sign shall face a limited-access highway or other street from which the lot has no direct vehicular access.

§ 450-18.11 Hazards or obstruction to vehicular and pedestrian traffic.

No sign shall be placed so as to obstruct pedestrian or vehicular traffic, or create a sight line impediment to such traffic.

§ 450-18.12 Determination of sign area.

The area of a sign shall be determined in accordance with the definition of "sign area or face" contained in Article II of these regulations.

§ 450-18.13 Construction and design.

All signs (including temporary signs permitted pursuant to § 450-18.5) shall be professionally designed and constructed of weather-resistant materials. Special events signs shall not be subject to the same standards as other temporary signs.

§ 450-18.14 Illumination.

All signs shall meet the outdoor lighting requirements of § 450-3.20 of these regulations.

§ 450-18.15 Removal of sign faces after termination of use.

All wall and freestanding sign faces shall be removed within 30 days after the permanent closure of any business, but such removal shall not affect the right of the current or future property owner to install a sign within each sign face equal to or less than the area of the sign previously existing on the property. Removal of the structure supporting each sign shall be deemed to be permanent abandonment, and consequently the installation of new signage and structures supporting those signs must conform to these regulations in effect at the time the new sign is proposed.

ARTICLE XIX

Zoning Board of Appeals

[Amended 6-1-2006; 7-15-2009; 4-20-2011]

§ 450-19.1 Powers and duties.

The Zoning Board of Appeals shall have the powers and duties as set forth in ~~Section 8-6 of the Connecticut General Statutes of Connecticut~~ C.G.S. § 8-6, as amended from time to time.

§ 450-19.2 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 zones in which such uses are not otherwise allowed.

§ 450-19.3 Submission of appeals or applications.

Any appeal or application addressed to the Zoning Board of Appeals (ZBA) shall be on a form prescribed by the ZBA, accompanied by the required fee, written evidence of the applicant's interest in the subject property (deed, lease, purchase option, etc.) and three copies of a plot or site plan with the following information:

- A. Applicant's name and address, together with names of any other parties involved.
- B. Location of the property and names and addresses of all current property owners within 500 feet, as shown in the records of the Town Assessor.
- C. Descriptions of the hardship claimed and of the variance or action requested, including the specific ~~paragraph~~ section/subsection of the zoning regulations to be varied.
- D. Statement of any previous request for any similar variance and its disposition.
- E. A concise statement of appeal (if applicable), indicating why a decision or action of the Zoning Enforcement Officer should not be sustained. Such statement, plus all associated information, must be submitted within 30 days of the date of the action being appealed.

§ 450-19.4 Supplemental notice.

- A. Posting of sign. No less than 10 days prior to the opening of any public hearing, the applicant shall post a sign on the property which is the subject of any request for variance. The face of such sign shall be as provided by the Commission, and shall set forth the date, time and place of the public hearing, the general nature of the application, and the telephone number to call for additional information. It shall be the obligation of the applicant to post such sign(s) on the property in a location which is plainly visible from each abutting public street, and to maintain the sign(s) until the opening of the public hearing. An information sheet providing specifications for the construction of the sign shall be available in the Land Use Office. No sign need be posted for the continuation of a public hearing once it has opened.
- B. Notice to abutting landowners. The applicant shall also notify all landowners of record within 500 feet of the subject property, as disclosed by the Assessor's records, of the date, time, ~~and~~ and place of the public hearing of the Board, and the general nature of the application, at which said variance is to be considered, such form of notice to be provided by land use staff. The applicant shall mail such notice at least 10 days preceding the date of said hearing, and shall submit to the ZEO certificates of mailing of the abutter notices. No notice shall be required for the continuation of a public hearing once it has been opened.

§ 450-19.5 Findings; action by Board.

After conducting a public hearing according to statutory requirements, the Zoning Board of Appeals may grant or deny the appeal within limits established by the Connecticut General Statutes and by these

regulations, as amended from time to time. Before granting a variance on the basis of unusual difficulty or unreasonable hardship, there must be a finding by the Zoning Board of Appeals that all of the following conditions exist:

- A. That if the owner or applicant complied with the provisions of these regulations, the owner or applicant would not be able to make any reasonable use of the property.
- B. That the difficulties or hardship ~~are~~ is peculiar to the property in question, in contrast with those of other properties in the same zone.
- C. That the hardship was not the result of the owner's or applicant's own action.
- D. That the hardship is not merely financial or pecuniary.

ARTICLE XX
Severability; Effective Date
[Amended 6-1-2006; 7-15-2009; 4-20-2011]

§ 450-20.1 Severability.

If any section, paragraph, subdivision, clause, provision, sentence, phrase, or word of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, provision, sentence, phrase, or word as adjudged, and the remainder of these regulations shall be deemed valid and effective.

§ 450-20.2 Effective date.

The effective date of these revised regulations shall be: August 1, 2011.

Attachments:

[Attachment 1 - Appendix A, R-1 Cul-de-Sac Frontage Diagram](#)

[Attachment 2 - Appendix B, Setback and Minimum Lot Width Requirements for Irregular Lots](#)

[Attachment 3 - Appendix C, Architectural and Site Design Guidelines](#)

~~[Attachment 4 - Route 44 Incentive Housing Zone Study](#)~~

[Attachment 5 - Zoning Map](#)