

ZONING REGULATIONS
OF THE
TOWN OF COLUMBIA,
CONNECTICUT

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ARTICLE I - GENERAL PROVISIONS

SECTION 1 - PURPOSE

- 1.1 Purpose: These Regulations are adopted for the purpose set forth in the General Statutes of the State of Connecticut, namely to:
 - 1.1.1 lessen congestion in the streets;
 - 1.1.2 secure safety from fire, panic, flood and other dangers;
 - 1.1.3 promote health and the general welfare;
 - 1.1.4 provide adequate light and air;
 - 1.1.5 prevent the overcrowding of land;
 - 1.1.6 avoid undue concentration of population;
 - 1.1.7 facilitate the provision for transportation, water, sewerage, schools, parks and other public requirements;
 - 1.1.8 provide for sedimentation control and the control of erosion caused by wind or water;
 - 1.1.9 encourage energy efficient patterns of development, the use of solar and other renewable forms of energy and energy conservation.
- 1.2 Plan: The Regulations are made in accordance with a comprehensive plan, with due consideration for the recommendations of the Plan of Conservation and Development of the Town, with reasonable consideration as to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

SECTION 2 - JURISDICTION

- 2.1 Jurisdiction: Within the Town of Columbia, no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, conveyed or encumbered so as
- 1) to make said lot or land nonconforming or more nonconforming to these Regulations,
 - 2) to make any use, building or other structure nonconforming or more nonconforming,
 - 3) to reduce any setback, yard, open space or off-street parking and loading spaces to less than is required by these Regulations or
 - 4) to make any nonconforming setback, yard, open space or off-street parking and loading more nonconforming.
- 2.2 Nonconformity: Any use, building or other structure or any lot which existed lawfully by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 10.

SECTION 3 - ZONING PERMITS & CERTIFICATES OF ZONING COMPLIANCE

(Entire Section revised 7/1/14)

- 3.1 Zoning Permit. No building or structure shall be erected, added to, or structurally altered and no use shall be established until a Zoning Permit has been issued by the Zoning Enforcement Officer. All applications for such permits shall be in accordance with the requirements of these Regulations.
- 3.1.1 Application. Every application for Zoning Permit shall be accompanied by such information and exhibits as are required by these Regulations or may be reasonably required by the Zoning Enforcement Officer in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these Regulations. The application shall include a certification that the lot is on record by deed, including the date of recording, or is in a subdivision which has been approved by the Planning & Zoning Commission.
- 3.1.2 Plot Plan. The application shall be accompanied by two copies of a plot plan based on an A2 survey prepared by a land surveyor registered in the State of Connecticut, drawn to scale showing the actual dimensions of the lot to be built upon, the size of the structure(s) to be erected, the location of the structure(s) upon the lot, the floor area ratio, the dimensions of all open spaces and easements, the setback lines observed by the structure(s), the location of driveways and curb cuts, the area and percentage of impervious cover, both existing and proposed, any approval provisions under Section 51 or 52 of these Regulations and such other information as may be necessary. The Zoning Enforcement Officer may waive any of the plot plan requirements in cases where it is not needed to determine conformity with these Regulations.
- 3.2 Certificate of Zoning Compliance: No land shall be occupied or used and no structure built or altered shall be occupied or used in whole or in part for any purpose, until a Certificate of Zoning Compliance shall have been issued by the Zoning Enforcement Officer, stating that the premises or structure complies with all the provisions of these Regulations. Such a Certificate is also required for any change, extension, or alteration in a use. Prior to issuance of a Certificate of Zoning Compliance, the applicant shall submit an as-built survey at the A2 level, prepared by a licensed surveyor, showing the exact placement of the structures on the lot. No such Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer until all zoning requirements and conditions have been met. The Zoning Enforcement Officer may waive the as-built survey requirements in cases where it is not needed to determine conformity with these Regulations.

SECTION 4 - DISTRICTS

4.1 Districts: For the purpose of these Regulations, the Town of Columbia is hereby divided into the following classes of districts:

District	Map Code
*Residential Agricultural District	RA
*Columbia Lake-Overlay A on Residential Agricultural District	LAR
*Columbia Lake-Overlay B on Residential Agricultural District	LBR
*Columbia Lake-Overlay C on Residential Agricultural District	LCR
Commercial	C
Manufacturing	M
*(effective September 30, 2003)	

4.2 Special Districts: The following are additional classes of districts established in accordance with Article V.

Flood Plain District	FPD
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SECTION 5 - ZONING MAP

- 5.1 Map: The boundaries of the districts specified in Section 4 are hereby established as shown on the map entitled "Zoning Map of the Town of Columbia, Connecticut", Town Zoning Commission, including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these regulations and is herein referred to as "Zoning Map".
- 5.2 Interpretation of Map: The Zoning Map for Columbia is based largely on a GIS (Geographic Information System) digital map of outside boundaries of tax assessor parcels present in October 2001 or as amended. Where a question arises as to exact boundaries of a district shown on the Zoning Map, the Zoning Commission shall by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map, the location of the property lines and the expressed intent and purposes of these Regulations.
- 5.3 Extension of Use: Where the boundary of a district divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the Land Records of the Town of Columbia on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing such boundary, the Zoning Commission, in accordance with the provisions of Section 52, may grant a Special Permit authorizing a use of land, buildings and other structures permitted in one district to be extended into the other district for a distance of not more than 30 feet.

SECTION 6 - PERMITTED and PROHIBITED USES

Section revised effective 7/1/14

6.1 Permitted Uses: Land, buildings and other structures in any district may be used for one or more of the uses listed as permitted in the district under Articles II and III and subject to applicable requirements and standards of these Regulations. Uses listed as Site Plan and Special Permit uses are permitted in the district subject to approval by the Zoning Commission in accordance with the provisions of Section 51 or 52 as specified. Uses listed as staff approval are permitted subject to approval by the Zoning Enforcement Officer in accordance with the provisions of Section 3 as specified.

6.2 Prohibited Uses: To further assist in the interpretation of permitted uses, certain uses are listed as prohibited in a district even though the listing of uses prohibited is not intended to be exhaustive; any use not specified as permitted in the district is prohibited.

The following uses are specifically prohibited in all districts:

6.2.1 The use, occupancy, parking or storage of a trailer on any lot except in accordance with the provisions of Section 64 is prohibited.

6.2.2 The outdoor storage on any lot in a Residence District of:

- more than one (1) unregistered motor vehicle is prohibited, or
- any boat over twenty (20) feet in length not on a trailer in compliance with Section 64 of these Regulations is prohibited, or
- the storage of large quantities of used, spare, or discarded parts of motor vehicles, the sum of which shall be equal in bulk to one motor vehicle is prohibited.

6.2.3. The display of any vehicle (car, boat or other vehicle) for sale on a residential lot, or as an approved use on a non-residential lot, is limited to one vehicle at a time and no more than two different vehicles in a calendar year.

6.2.4 Carousel, roller coaster, whirligig, merry-go-round, Ferris wheel or similar amusement device are prohibited unless sponsored by a local charitable or benevolent organization for a period not to exceed six (6) days; any establishment, including arcade, amusement center, store or shop, where more than two (2) amusement machines or devices are available for use by the public on a fee basis are prohibited.

6.2.5 Junkyards as defined in Section 9 are prohibited.

SECTION 7 - AREA, LOCATION AND BULK STANDARDS

- 7.1 **General:** The following regulations shall apply to the area, shape and frontage of lots and the location and bulk of buildings and other structures in each district under ARTICLES II and III.
- 7.2 **Lot Area, Shape and Frontage:** Each lot shall have at least the minimum area and street frontage as specified in the district except as provided in Section 7.6.
- 7.3 **Height:** No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less, as specified in the district. This limitation, however, shall not apply to the following: ornamental cupolas, belfries, chimneys, flag poles, silos, bulkheads, water tanks, churches or town buildings and structures, nor to tanks and elevator, heating, ventilating, air conditioning or similar equipment located on the roof of a building and not occupying more than 25% of the area of the roof. (Effective 12/20/97)
- 7.4 **Setbacks:** No building or other structure shall extend within less than the minimum distance of any street line, rear property line, other property line or Residence District boundary line as specified in the district, subject to the following exceptions and additional limitations:
- 7.4.1 **Projection:** Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project into the area required for setback from a street line, property line or Residence District line for a distance not to exceed two feet.
- 7.4.2 **Additional Setbacks:** In any district, any portion of a building or other structure, which portion exceeds 35 feet in height, shall be set back from any street line, property line or Residence District boundary line by two (2) additional feet for each foot or fraction thereof by which such portion exceeds 35 feet in height.
- 7.4.3 **Narrow Streets:** The required setback from a street line of a street having a width of less than 50 feet shall be increased by one-half of the difference between 50 feet and the actual width of the street.
- 7.4.4 **Railroads:** In Commercial and Manufacturing Districts no setback is required by the right-of-way line of a railroad.
- 7.4.5 **Fences, Walls and Terraces:** The required setback distances shall not apply to fences or walls six (6) feet or less in height nor to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace shall be located within the right-of-way of any street.
- 7.4.6 **Reduced Setback in Residential-Agricultural Districts:** In Residence Districts, an unattached accessory building may meet 50% of the setback requirements for buildings as specified in the district if the following conditions are met:
- a. the ground coverage of the building does not exceed 120 square feet;
 - b. the width of the building is not less than 50% of its length;

- c. the height of the building does not exceed 15 feet;
- d. no more than one such accessory building is permitted within the full setback requirements on any given parcel. (Effective 10/1 /95)

7.4.7 Reduced Setback in C & M Zones: Minimum front, side and rear yard requirements in C & M zones may be reduced as follows:

- a. A rear yard abutting a residential zone property must be 50 feet and a side yard abutting a residential zone property shall be 30 feet wide. Within these reduced setbacks, permanent buffers, including, but not limited to, vegetative screens, berms, fencing, and other sight, sound, dust or noise reducing measures, as determined by review of the specific site, shall be required. The proposed screening will be detailed on the Site Plan, as specified in Sections 31 and 51 of these regulations.
- b. Minimum front yard requirements may be reduced to 40 feet and minimum side and rear yard requirements, that do not abut a residential zone property, may be reduced to 10 feet, under the following conditions;
 - 1. The 10 foot setback area may contain only natural landscaping, including but not limited to lawns, trees, shrubs, flowers, berms, stone or decorative walls, or fences under 6 (six) feet tall.
 - 2. The only structures between the 10 foot setback and the normally required setback shall consist of buildings which have a residential style of architecture, including, but not limited to; gabled roofs; siding typical of frame residences; and window sizes and materials, and trim typical of residential installations. The applicant will be required to provide architectural elevations as indicated in sections 8 and 51, for review by the PZC or its designated consultant, to determine compliance with this section.
 - 3. Normally permissible signs (under Section 62) may be located on the lot, within the reduced front yard, but never closer than ten feet from the property line.
 - 4. All paved and parking areas shall be located on the interior side of the normal setback areas, or on the interior side of any structures that are located in a reduced setback area. Access driveways, paved or not, may cross a setback area but shall not run along the length of such an area.
 - 5. Building entrances shall face the interior of the lot.
 - 6. (Effective 3/12/2001)

7.5 Accessory Living Unit: One accessory living unit may be added to a single-family house with approval from the Zoning Enforcement Officer, provided the following conditions are met:

- 7.5.1 The accessory living unit shall not exceed 30% of the floor area of the primary dwelling unit, except that primary dwelling units having less than 1150 square feet of

floor area may have an accessory dwelling unit which does not exceed 350 square feet;

7.5.2 No structural alterations are made to detract from the primary dwelling unit's appearance as a single family dwelling, such as multiple entrances on any one exterior wall, fire escapes on the road side(s) of the dwelling, and additional driveways to serve the accessory living unit;

7.5.3 The accessory living unit shall include a separate kitchen and bathroom;

7.5.4 The sanitary facilities have been approved in writing by the Town Sanitarian as being adequate to serve the increased requirements;

7.5.5 Adequate off-street parking is available on the parcel;

7.5.6 An accessory living unit meeting the above conditions may be added to a customary accessory building, such as a barn or garage, provided that the principle use of the accessory building remains unchanged, and that no more than one accessory living unit may exist on a single parcel. (Effective 3/15/95)

7.6 Rear Lots:

7.6.1 Intent. The intent of this section is to: encourage variation in the development of house sites; to allow development of parcels that cannot be reached by public streets due to irregular topography or wetlands; and to minimize the environmental impact of development. Application of the rear lot provision is not intended to be used to avoid new road construction where new roads can reach the property, nor to encourage the development of land with severe limitations for building, septic installation, or other site work required for house development.

7.6.2 Approval (Revised effective 7/1/14). Subdivision approval is required with the exception that one rear lot may be created as a first division on any parcel of land that has not been divided since the Town adopted subdivision regulations on November 20, 1954.

Development of an existing residentially zoned rear lot is by zoning permit.

7.6.3 Location. Rear lots may be approved in Residential and Manufacturing Zones only.

7.6.4 Minimum Lot Area. In residential zones, the minimum lot area is 150,000 s.f. (3.44 acres), exclusive of access way. The access way shall include all land leading up to the place where minimum lot width is achieved. In Manufacturing Zones, the minimum lot area is per Section 7.2.

7.6.5 Access Strip. An access strip on which a driveway can be constructed shall be provided for each lot. The access strip shall be a minimum of 30 feet wide for its entire length. In residential zones, a vegetated buffer may be required on either side of the driveway in order to protect the rural, residential character of the adjacent property.

7.6.6 Lot width. In residential zones, minimum lot width is 300 feet and lot width shall be maintained for a minimum depth of 300 feet.

- 7.6.7 Yard Requirements. In residential zones, yard requirements shall be 50 feet from all property lines.
- 7.6.8 Maximum Number of Rear Lots. For the purposes of this section, a "Subject Parcel" shall be any parcel legally existing as of the enactment of this Regulations Amendment on April 1, 1999. No more than one lot out of each 6 lots divided from a Subject Parcel may be a rear lot, but the rear lot may be the first or any subsequent split. When re-subdivisions occur, all lots created from the Subject Parcel shall be counted in calculating the number of rear lots allowed.
- 7.6.9 Indemnification. A note shall be placed on the final plan and in the deed to the property stating: "This lot is served by a private driveway. The Town of Columbia will provide no maintenance or repair of this driveway, now or in the future."

HEIGHT, AREA AND YARD REQUIREMENTS

IN SQUARE FEET*

	RA	C	M
Minimum Lot Area (Sq. ft.)	50,000	80,000	80,000
Minimum Frontage (ft)	200	200	200
Minimum Front Yard (ft)	50	100	100
Minimum Side Yard (ft)	25	30	30
Minimum Rear Yard (ft)	50	100	100
Maximum Stories	2	3	3
Maximum Heights (ft)	35	40	40
Maximum Lot Coverage	10%	25%	25%
Minimum Habitable Floor Area (sq. ft.)			
One floor dwelling	1,000		
Two floor dwelling			
First floor	750		
Total	1,250		

*(effective 10/15/03)

SECTION 8 - ADDITIONAL STANDARDS

- 8.1 General: The requirements hereinafter specified are supplementary to and in addition to standards set forth elsewhere in these regulations.
- 8.2 Section reserved for future use.
- 8.3 Indoor Restaurants: Indoor restaurants and other indoor food and beverage service establishments shall serve customers only when they are seated at tables or counters. At least 75% of the seats at tables or counters shall be located within an enclosed building. Such establishments may provide a food take-out service when a) the service and transfer of food and beverages to customers is located within an enclosed building, b) such food is intended for consumption off the premises, and c) such service is clearly incidental to a primary permitted indoor food and beverage service establishment where customers are served only when seated as herein specified.
- 8.4 Accessory Uses: Accessory Uses shall not include uses which are otherwise not permitted or specifically prohibited in the District. In Residence District, accessory uses shall also conform to the following additional standards and conditions:
- 8.4.1 The accessory use shall be located on the same lot with the use to which it is accessory.
- 8.4.2 Accessory Uses may include off-street parking spaces and private garages, but except in connection with a farm or a SPECIAL PERMIT use, there shall be no more than one (1) commercial vehicle parked on any lot, and such vehicle shall not exceed 1 ½ tons capacity.
- 8.4.3 No part of a lot located in any of the Residence District shall be used for access to a use not permitted in such district.
- 8.5 Home Occupations: The Town of Columbia recognizes the need for some of its citizens to use their place of residence for limited activities of a commercial nature. It is the intent and purpose of this section to establish standards through which limited commercial activities are permitted in the Town's residential zone through the process described below, while at the same time protecting the integrity of the underlying residential zone.
- 8.5.1 A minor home occupation in a dwelling unit located in a residential zone is an additional use for which a Certificate of Zoning Compliance is required. The application for a Certificate of Zoning Compliance shall be signed by the person or persons proposing to conduct the home occupation and shall be accompanied by a detailed description of the proposed use. Each Certificate of Zoning Compliance shall automatically terminate when the applicant no longer resides in the dwelling unit. The Zoning Agent can issue such a Certificate if the home occupation is of commercial nature which does not typically require visitations by clients, does not result in

additional traffic to the site or change the appearance of the property, and if the home occupation conforms to the following additional standards and conditions:

- a. The home occupation is clearly secondary to the use of the dwelling for dwelling purposes.
- b. The individual(s) conducting the home business shall reside in the dwelling unit.
- c. The home occupation shall be contained wholly within the dwelling or a permitted accessory building. The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not exceed 25% of the total living area of the dwelling or 750 square feet, whichever is less. However, in no case shall a combination of home occupation use and related storage for equipment/vehicles exceed 1000 square feet of building area.
- d. There shall be no external evidence of the home occupation so as to change the residential character of the property, except for a sign as permitted in Section 64.4.1(a).
- e. Off street parking, sufficient to the allowed use, is provided.
- f. No more than two (2) persons other than members of the household, are employed on the premises at a given time.
- g. The home occupation does not create objectionable noise, odors, smoke, dust, lighting, vibrations, unsightly conditions noticeable off the premises, television, radio and electrical and electronic interference, or vehicular traffic in the neighborhood. There shall be no discharge of a hazardous or toxic substance to the air, surface water, ground water or ground.
- h. One commercial vehicle associated with the home occupation is permitted and it shall be limited to a single rear axle, single rear wheels vehicle of no more than twenty (20') feet in overall length (bumper to bumper) and seven (7') feet in overall height. (Road surface to top of body).
- i. One additional commercial vehicle associated with the home occupation is permitted if it meets the following conditions:
 1. The vehicle size is limited to a single rear axle, dual rear wheels vehicle of no more than twenty-two (22') feet in overall length (bumper to bumper) and ten (10') feet in overall height (road surface to top of body).
 2. Said vehicle shall be either garaged on the premises or screened so as not to be visible, when standing at ground level, form the boundary of any adjacent property including those properties separated by public or private rights of way. Screening for the purposes of this section shall consist of the use of the natural

topography, or landscaping, stone walls and/or evergreen trees or shrubs of suitable height to meet this requirement.

8.5.2 The following major home occupations may be permitted in a residential zone if a Special Permit is approved by the Planning and Zoning Commission in accordance with the provisions of Section 52:

- a. Businesses requiring more than an average of six vehicle business -related visits per day.
- b. Businesses requiring more than two commercial vehicles.

8.5.3 The following uses are prohibited as home occupations:

- a. Vehicle storage, salvage, or repair. (Effective 1/1/93)

8.6 Renting of Rooms: The renting of no more than two individual sleeping accommodations in a dwelling unit located in a Residence District is an additional use for which a Certificate of Zoning Compliance is required. The person renting the rooms shall reside in the dwelling unit. No accessory building shall be used for renting of rooms, and there shall be no provision for cooking facilities in the rented space.

8.7 Commercial Greenhouse: No commercial greenhouse shall extend within less than 150 feet of any property or street line. A commercial greenhouse is a glassed enclosure used for the cultivation and protection of tender plants as a business.

8.8 Minimum Access: No dwelling shall be constructed, and no building shall be changed in use for occupancy as a dwelling, unless located on a lot which has a minimum access of not less than 20 feet on a street and in the case of rear lots complies with the requirements of Section 7.6.

8.9 Corner Visibility: On any corner lot there shall be no building, structure, fence, wall or planting, located within a triangular space on the lot bounded by the two intersecting street lines and a straight line connecting a point on one street line 25 feet from the intersection with a point on the other street line 25 feet from the intersection, so as to obstruct a clear line of sight anywhere across such triangle between an observer's eye at an elevation of 3.5 feet above one street line and an object one (1) foot above the other street line, except that any building may extend to within the minimum distance of a street line as specified in these Regulations. Any fence, wall or planting which so obstructs such line of sight shall not be considered a nonconformity authorized to continue under the provisions of Section 2.2.

8.10 Regulations Concerning Livestock: Livestock may be kept in any zone permitting farms subject to the following conditions:

8.10.1 Manure Storage: Animal manure must be located at least 75 feet from any adjoining property lines and 100 feet from any off-site dwelling. All manure storage

shall be subject to the Connecticut Public health Code and the regulations of the Connecticut Department of Environmental Protection.

8.10.2 Fencing Requirements: Adequate fencing must be installed and maintained to contain the livestock within the livestock lot area.

8.10.3 Setback Requirements: All structures used for the keeping of livestock shall conform to the setback requirements for the district in which they are located.

8.10.4 Building Requirements: Buildings used for sheltering animals and storing supplies shall be of permanent construction. The use of temporary buildings or trailers for the housing of animals for periods in excess of ninety days is prohibited, and supplies shall not be stored outside.

8.10.5 Maintenance Requirements: The area devoted to the keeping of livestock shall be maintained in character with the neighborhood, and shall be maintained so that it will not create a nuisance.

8.10.6 Lighting Restriction: There shall be no outdoor lighting which causes any glare onto any adjoining property.

8.10.7 Avocational Livestock: On lots 5 acres and smaller, avocational livestock may be kept provided that the following minimum area requirements are met:

- a. Lot Requirements and Number Limitations: The livestock lot area shall not be less than that listed below. Livestock lot area is defined as that contiguous portion of a lot or lots which is available for said livestock and which includes any shelter for the livestock but excludes the area occupied by residential dwellings, accessory buildings, and the front yard.

	Minimum Livestock Lot Area total (sq ft)	Minimum Livestock Lot Area per animal (sq ft)
Horses, ponies, burros, donkeys, calves, cows, bulls and steers	30,000	20,000
Sheep, goats, pigs, and ponies less than 48 inches high at the withers	20,000	5,000
Poultry	20,000	None

8.11 Fall-Out Shelters: Individual fall-out shelters - Fall-out shelters are permitted as principal or accessory uses and structures in any district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any principal or accessory use permitted in the district, subject to the

district regulations on such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

8.11.1 Joint Fall-Out Shelters: The Zoning Board of Appeals may permit, as a Special Permit, construction of joint shelters by two or more property owners. Where such joint shelters are permitted, the Board may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction, provided, however, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

8.11.2 Fall-Out Shelters and Other Uses: The Zoning Board of Appeals may permit a fall-out shelter to be used for other purposes permissible as a Special Permit uses in the district in which the shelter is located if the Board finds that all of the general requirements of these Regulations concerning such Special Permit uses are satisfied, and in addition establishes: (a) that the use other than a shelter is compatible with the shelter proposed; (b) that the function as a shelter would not be materially impaired by the proposed use; and (c) that the special permit use as to use would have been granted regardless of whether the shelter was involved.

8.12 Driveways.

8.12.1 General Requirements. The following standards shall apply.

- a. Runoff from Driveways. Driveways shall be designed 1) to prevent runoff onto Town property unless the Town has approved such design and 2) to prevent runoff from Town property onto private property. Privately owned and maintained drainage diversion swales, detention areas and/or dry wells shall be utilized to the greatest extent possible. Where private drainage features are utilized, it shall be noted in the land records that maintenance of such features is the responsibility of the lot owner and that, subject to proper notification by the Town, the Town may undertake any necessary maintenance and bill the cost to the property owner.
- b. Construction Standards. Driveways shall be constructed of a durable, non-erodible, load bearing material capable of supporting emergency equipment up to 50,000 pounds. Sub base shall be gravel with minimum depth of 8 inches. Base material shall be processed gravel with minimum depth of 4 inches. Culverts in the Town right-of-way shall be a minimum 15 inches in diameter. Use of ACCMP is prohibited.
- c. Grading Standards. Driveway grades shall not exceed 15%, and driveways with grades exceeding 10% shall be paved. Driveway grade shall not exceed 5% over the first 20 feet from the road. Driveway side slopes shall not exceed a slope of three

- horizontal to one vertical (3:1) unless retaining walls or other stabilizing measures are provided.
- d. Width. Driveway width shall be a minimum of 12 feet. Driveways shall have sufficient radius at curves to accommodate emergency equipment.
 - e. Vertical Clearance. To avoid damage to emergency equipment, a minimum vertical clearance of 14 feet shall be maintained over the entire driveway.
 - f. Sightline. Minimum sightline distances at the intersection of the driveway with the public road shall conform to the requirements of the Connecticut Department of Transportation. This distance may be increased where the Town Engineer determines that the rate of traffic requires a higher standard for safety.
 - g. Angle of Intersection. Driveways shall intersect with the public road at an angle of approximately ninety degrees for at least the first 20 feet adjacent to the public road.
 - h. Work in Town Right of Way. A permit is required for any work in the Town right-of-way, including tree trimming or removal. Any disturbance of the Town right-of-way shall be repaired by the permittee. Any trees damaged by construction shall be removed at the permittee's expense and may be required to be replaced.
 - i. Turnaround. A turnaround area shall be provided on each lot to avoid backing into the street, except that this requirement may be waived where it is determined that lot topography or shape make this requirement impracticable. A turnaround area of sufficient size and load-bearing capacity to accommodate emergency equipment shall be provided where driveway length exceeds 200 feet.
 - j. Passing areas. Pullouts to accommodate two- way traffic, measuring at least 8 feet by 50 feet, may be required. Passing areas shall generally be provided at 500 foot intervals, depending on site conditions.
 - k. Liability. The property owner and the permittee shall be responsible for all claims of damage resulting from the construction or alteration of the driveway.
 - l. Completion of Work. No certificate of zoning compliance shall be issued unless the driveway installation is completed or bonded.

8.12.2 Common and Loop Driveways

- a. Intent. The intent of this section is to: reduce the impact to native habitat, including wetlands and watercourses; to protect natural features including rare flora, large trees, scenic points, ledge outcroppings, and stonewalls; and to allow a mechanism by which the cost of maintenance of long driveways can be reduced.

- The Commission may require that a common driveway be utilized: 1) to minimize curb cuts where traffic conditions are hazardous due to high speeds and heavy volume, or 2) to enhance scenic vistas and rural character and to protect natural and historic features of special interest.
- b. Approval. Common driveways shall be constructed only following site plan approval by the Commission. The final site plan shall be filed in the land records.
 - c. Loop Driveway Design. A loop driveway shall typically be parallel to the road and no structures shall be located between the loop (common) driveway and the road.
 - d. Limit on Number of Users. The Commission may approve the utilization of a loop driveway with two public roadway intersections for up to five dwelling units and common driveways for up to three dwelling units. Additional use is prohibited.
 - e. Fire Department Review. Any common driveway proposal shall be submitted to the Fire Chief for review.
 - f. Driveway Maintenance Agreement. A driveway maintenance agreement shall be approved by the Commission and filed in the Land Records prior to filing of a final site plan. The following statement shall be included in the agreement document:
"The common driveway is to be privately owned and is not to be maintained or constructed or improved as a public highway or road by the Town of Columbia, either now or in the future. All obligations regarding its maintenance, construction and improvement shall rest with the owners of the subject lots."
 - g. Width and Vertical Clearance. The driveway width shall be a minimum of 14 feet, except that the width of the driveway may be adjusted by the Commission depending on environmental conditions such as wetlands and ledge. Vertical clearance shall be 14 feet for the entire width.
 - h. Certification of Construction. Certification that the driveway was built according to the approved plan shall be provided by the installer. The Zoning Officer may require that such certification is provided by a Professional Engineer in order to determine compliance with the approved plan and applicable regulations.
 - i. Passing Areas. Pullouts to accommodate two- way traffic, measuring at least 8 feet by 50 feet, may be required. Passing areas shall generally be provided at 500 foot intervals, depending on site conditions.
 - j. Street Numbers. Street numbers shall be posted at the road and at any intersections in the driveway.

8.13 Standards for Temporary Moratoria on Approvals of Subdivisions

8.13.1 General Requirements: The following standards shall apply:

- a. Moratoria on acceptance of subdivision/re-subdivision applications/site plans/supportive information can be declared after public hearing with proper notice.
- b. The Columbia Planning and Zoning Commission may declare a temporary moratorium on subdivisions of parcels of land over a certain acreage in the parent parcel and to create a specific number of new building lots for a limited and specified time period and for a specified reason in the public hearing record to include, but not be limited to, time to draft, review, seek public input, modify as appropriate, and enact substantial revisions to the Columbia Subdivision or related Zoning Regulations. *(effective October 15, 2003)

8.14 Accessory Structures in Residence Districts: Accessory structures shall not be located on any lot unless the Zoning Enforcement Officer, after receipt and review of an application for Zoning Compliance and any additional documentation or information that he/she shall deem necessary, has determined that the accessory structure will not create a negative impact on the neighborhood character in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. For example, it is preferable that accessory structures be kept in the rear or side yard and screened by landscaping or fencing in a manner which is in harmony with the principal structure and the neighborhood.

8.15 Solar Panels (Effective 7/1/14). The installation of solar panels shall comply with the following:

- a. Roof mounted solar panels on an existing structure may be permitted as an accessory use in all districts with approval from the Zoning Enforcement Officer. The panel shall not extend more than three (3) feet above the ridge line of a pitched roof, or five (5') feet above a flat roof.
- b. Ground-mounted or pole-mounted solar panels in a residential district meeting the following requirements may be permitted as an accessory use with approval from the Zoning Enforcement Officer:
 - Located a minimum of twenty-five (25) feet from side and rear property lines, and not located between a line parallel to the front façade of the principal structure(s) and the front property line. The maximum lot coverage requirement for the applicable district shall be met.
 - Not exceed twenty-five (25) feet in height.
- c. Ground-mounted or pole-mounted solar panels in a non-residential district meeting the following requirements may be permitted as an accessory use with approval from the Zoning Enforcement Officer:

- Meet the lot coverage and setbacks of the applicable district.
 - Not exceed twenty-five (25) feet in height.
 - Not be located between a line parallel to the front façade of the principal structure(s) and the front property line or within one hundred (100) feet of an abutting residential district or a property with a residential use.
- d. Ground-mounted or pole-mounted solar panels as a primary use in any district may be approved by Special Permit in accordance with the provisions of Section 52.

8.16 Small Wind Energy System (Effective 7/1/14). A small wind energy system consists of a wind turbine, a tower, associated controls, a rated capacity of not more than one hundred (100) kW and primarily intended for on-site energy usage. Small wind energy systems may be permitted as an accessory use by Special Permit in accordance with the provisions of Section 52 and subject to the following requirements:

- a. Small wind energy system shall:
- Be limited to one-hundred (100) feet in total height,
 - Be set back from the primary building, all property lines, public right of ways and public utility lines by a distance at least five (5) feet greater than the total height of the system. Guy wires and other support devices shall be setback five (5) feet from all property lines,
 - Provide a minimum ground clearance of fifteen (15) feet for the movement of any blade,
 - Not be lighted,
 - Be so constructed to prevent unauthorized climbing,
 - Not exceed a 45 dBA sound level as measured as the property line, with the exception of during short-term events beyond the owner's control such as utility outages and/or severe wind storms.
- b. The construction and operation of a Small Wind Energy System shall be consistent with all applicable local, State and Federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and Federal Aviation Administration (FAA) requirements.
- c. As part of any application to establish a small wind energy system, the applicant shall submit:
- Wind system specifications, including manufacturer and model, rotor diameter, dbA levels, tower type and total height of system,
 - Foundation and design plans signed by a professional engineer licensed to practice in Connecticut,

- Information showing how the facility shall be designed to prevent unauthorized access,
- A letter indicating that the small wind energy system will be removed if it has reached the end of its useful life, or fails to operate for a one year period, or has been abandoned.

8.17 Outdoor wood-burning furnace (Effective 7/1/14). The installation of an outdoor wood-burning furnace, as defined by CT State Statute 22a.174k, as revised, may be permitted as an accessory use in all districts with approval from the Zoning Enforcement Officer, subject to the following conditions:

- All applicable CT State Statutes and regulations regarding such furnaces shall be met. The applicant shall submit a signed statement affirming compliance with the State's requirements .
- The application shall include a sketch plan indicating the location of the proposed furnace and all residences within 500' along with the height of each roof peak; the Zoning Enforcement Officer may also require a site plan prepared by a licensed surveyor to determine compliance. The furnace shall meet the required yard setbacks for the applicable zone.
- The furnace shall not be operated between May 1 and September 30.
- To maximize the furnace's efficiency and minimize impacts to the environment, the Applicant is strongly encouraged to:
 - Use a right-sized furnace that will operate at maximum efficiency during most of the winter and plan for supplemental heating for unusually cold weather;
 - Reduce heat loss in water transfer lines by placing pipes below frost level and using proper insulation;
 - Burn wood efficiently by only using wood with a moisture level no greater than 20%; and manage your wood supply to keep moisture below 20%.
 - The following items as listed, but not limited to, should not be burned: household garbage, plastic or cardboard, painted, coated or pressure-treated wood, or wet, rotted, diseased or moldy wood.
- Permits for outdoor wood-burning furnaces shall be issued for a period of 3 years and may be renewed upon request from the owner if the Zoning Enforcement Officer, upon inspection, finds that the furnace remains in compliance with applicable Connecticut Statutes and regulations and Columbia zoning regulations regarding such furnaces.
- The CT Statutes and these Regulations shall be enforced by the Commissioner of Environmental Protection and the Town of Columbia, and fined for violations per CT State Statute Sec. 22a-174k.

SECTION 9 - DEFINITIONS

General: The paragraphs which follow define and explain certain words used in these Regulations. Other words used in these Regulations shall have the meaning commonly attributed to them. Where a question arises as to the precise meaning of a word, the Zoning Commission shall by resolution determine the meaning of the word, giving due consideration to the expressed purpose and intent of these Regulations.

Accessory: A use, building, structure, retaining wall, public utility equipment, fence, or outdoor storage container that is subordinate and customarily incidental to the principal use, building, or structure on a lot.

Adult day care center: An adult day care center facility is one which provides daytime only support services for adults in its facility, including one or more of the following:

- 1) Daytime supervision
- 2) Nutrition and health counseling
- 3) Recreational programs (Effective 1/2/97)

Adult Uses: For the purposes of these Regulations, Adult Uses shall be defined as follows:

- a. Adult arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- b. Adult bookstore: An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: (1) books, magazines, periodicals, or pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- c. Adult cabaret: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing

of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

- d. Adult motion picture theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. Those movies which are rated 'R' or lower are not included.
- e. Adult theater: A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.
- f. Massage parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- g. Specified anatomical areas: As used herein, specified anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or (2) human genitals in a discernible turgid state, even if completely and opaquely covered.
- h. Specified sexual activities: As herein specified, sexual activities means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in 1 through 3 of this paragraph.
(Effective 7/1/94)

Agriculture: Agriculture shall include the cultivation and fertilization (organic or inorganic) of the soil, dairying, forestry, raising and harvesting any agriculture or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur bearing animals, wildlife, shellfish or fish,

the operation, management, conservation, improvement and maintenance of a farm and its buildings, tools and equipment, salvaging timber or cleared land of brush; the production or harvesting of maple syrup or maple sugar, the management of tree farms and wood products as an incident to ordinary farming operations; or any agricultural commodity, the harvesting of mushrooms, the hatching of poultry, or the construction operation or maintenance of ditches, canals, reservoirs or waterways used for farming purposes; handling, planting, drying, packing, packaging, as an incident to ordinary farming operations; as well as processing, freezing, grading, storing, truck farming or delivery to storage or market, as an incident to ordinary farming operations; or to a carrier for transportation to market, or for direct sale, any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables for market or direct sale; slaughtering and production of compost as an incident to farming operations. (Effective 5/4/06)

Bed and Breakfast: A use conducted entirely within an owner-occupied single family dwelling which is subordinate to the principle use as a residence and which involves the overnight renting of up to three rooms to paying guests and serving breakfast to no more than six such guests. (Effective 3/1/96)

Boarding House: A family dwelling unit in which the resident owner grants or offers to grant for hire two or more individual sleeping accommodations, with or without meals, for a period of not less than fourteen consecutive days.
Accommodations for periods of less than fourteen consecutive days shall be considered transient accommodations.

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of property, persons, or animals.

Building Envelope: The three-dimensional shape of the exterior of a building encompassing height, width, depth, insets and projections. (Effective 7/1/14)

Dwelling: A "dwelling unit" is a building or part of a building designed for occupancy, and so occupied, by one (1) "family". Accommodations occupied for transient lodging in a hotel or motel shall not be considered to be a "dwelling unit".

Family: A "family" is a person or group of persons, plus guests and domestic servants thereof, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are rented as permitted by these Regulations shall not be considered a member of a "family" for the purpose of this definition.

Farm: The term "farm" includes land, main and accessory buildings used primarily or incidentally for those activities included under the definition of "agriculture" (Effective 5/4/06)

Floor Area: The sum of the areas defined by exterior horizontal dimensions of the several floors of a building or structure. Cellars, basements and attics used only for storage or for heating or cooling equipment and unenclosed porches, decks or patios shall not be included in computing Floor Area. (Effective 8/1/91)

Frontage: "Frontage" is defined as a property line that is also a "street line".

Gasoline Filling Station: A facility intended for the retail sale of motor fuels, lubricants, and other motor vehicle supplies and parts and for the performance of minor repairs and service activities. The sale of motor fuels other than gasoline or diesel shall be a use of premises permitted only upon the grant of a special permit by the Commission subject to compliance with all of the standards set forth in Section 52.

Health, Athletic and Recreational Facilities: A facility which excludes any establishment which provides the services of massage and body manipulation upon a person by anyone of the opposite sex, including exercises, heat and light treatment of the body, and all forms and methods of physiotherapy, unless performed by a medical practitioner, professional physical therapist or massage therapist licensed by the State of Connecticut.

Height: In measuring the height of a building or other structure to determine compliance with maximum height provisions, measurements shall be taken from the average ground level within 10 feet of the building or structure to the level of the highest roof of the building or highest feature of the structure.

Hotel: A building providing lodging for persons, with or without meals, and intended for the accommodation of transients and so designed that normal access and egress are controlled from a central point.

Junkyard: Any place in or on which old material, glass, paper or other waste or discarded material is stored or deposited. It includes also any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, glass, paper, cordage, or other waste or discarded 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. This section shall also include any place of

business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for whatever reason. (Effective 5/1/85)

Living Area, total: The portion of a building which is constructed with finished ceilings, walls and floors. In computing the floor area for living quarters, rooms for heating equipment, garage, outside vestibules and open or closed porches shall not be included. Measurements shall be taken from outside walls.

Lot: A "lot" is defined as a parcel of land which is either 1) owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the Office of the Columbia Town Clerk or 2) is a building lot shown on a subdivision map, approved by the Columbia Planning Commission and filed in the Office of the Columbia Town Clerk.

Lot area and shape: In determining compliance with minimum lot area and shape requirements of these Regulations, land subject to easement for drainage facilities and underground public utilities may be included, but not street or highway, easement of vehicular access, private right-of-way for vehicles or easement for above ground public utility transmission lines. The minimum lot area shall contain at least 30,000 square feet of contiguous area with a minimum width, in any direction, of 100 feet. This contiguous area shall be free of watercourses, lakes, ponds, swamps, marshes, wetlands, exposed ledge, and slopes in excess of 20% over more than 10% of the contiguous area. Land in two or more zoning districts may be used to satisfy a minimum lot area requirement, provided that the requirement of the district requiring the largest lot area is met, but no land in a Residence District shall be used to satisfy a lot area requirement in any other district.

Lot, Corner: A "corner lot" is a "lot" having lot lines formed by the intersection of two streets, whether public or private.

Lot Coverage: The combined area of a site covered by buildings and structures with permanent foundations. (Effective 8/1/91)

Lot, Width along Building Line: The "building line" along which lot width is measured shall be a line which a) is parallel with a street line where the lot has frontage and b) does not extend into the area required for setback from such street line.

Motel: A building or group of buildings providing lodging for persons intended primarily for the accommodation of transients having a private outside entrance for each room or suite of rooms and for each of which rooms or suites of rooms, automobile parking space is provided on the premises.

Non-profit Educational Institution: An educational institution formed exclusively for educational and charitable purpose within the meaning of Section 501 (c) (3) of the Internal Revenue Code of 1954. (Effective 12/1/86)

Outside Storage: "Outside storage" shall mean the outside storage or display of merchandise, supplies, machinery and materials and/or the outside manufacture, processing or as parking of registered motor vehicles in daily use.

Outdoor Storage Container: Any portable container, other than a vehicle, manufactured or constructed with the purpose of outdoor storage of personal property, goods, equipment or inventory.

Property line, Rear: A "rear property line" is any property line which is parallel to a street line, except for a lot line that is itself on a street line, and except that in the case of a "corner lot" only one lot line shall be considered a rear property line.

Public Garage: A business of offering to the public spaces within a building on the premises for the parking or storage of motor vehicles.

Riding Academy: Any place at which horses or ponies are kept for hire either with or without instruction in riding.

Story: A "story" is that portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above. Attics not used for human occupancy shall not be considered a story. When the ceiling of a basement is four (4) feet or more above the average ground level within 10 feet of the building, the basement shall be considered a "story".

Street: A "street" shall mean any Town street or State Highway, except limited access State Highway, or any street shown on a subdivision map approved by the Columbia Planning Commission and filed in the Office of the Columbia Town Clerk.

Street Line: The term "street line" shall mean the right-of-way, easement or taking of any "street" or of any easement of vehicular access or private right-of-way 25 feet or more in width.

Street Width: The "width" of a "street" shall mean the distance between the "street lines".

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. As used in these Regulations,

structures shall include, but are not limited to buildings, swimming pools, towers, docks, balconies, porches, decks, chimneys, handicapped ramps, bay windows, above-ground storage tanks, satellite dishes, ground mounted solar panels, fences or walls greater than six (6) feet in height, and outdoor storage containers.

Retaining walls and public utility equipment (as defined herein) are not considered structures under these regulations.

In the Columbia Lake Protection Area Overlay Zones, new unroofed terraces, patios, and similar hardscape, semi-impervious and impervious surfaces greater than 100 s.f., or, modifications or additions to unroofed terraces, patios, and similar hardscape, semi-impervious and impervious surfaces after the effective date of these regulations that are equal to or greater than 100 s.f., shall be considered structures and shall require a Zoning Compliance Certificate but shall be exempt from the setback and lot coverage requirements.

Structures such as piers, docks, boat ramps, and lifts are permitted structures exempt from the minimum yard requirements and are subject to the securing of the necessary permits from the Columbia Board of Selectmen and the Columbia Inland Wetlands Commission. (Effective 8/1/91)

Structural Alteration: The term “structural alteration” shall mean any change or addition to the structure or supporting members of a building, such as walls, columns, beams or girders.

Transient Accommodations: Overnight lodging for persons, with or without meals.

Wetlands, Inland: The term “inland wetlands” is as defined in Chapter 440 of the Connecticut General Statutes, as revised.

SECTION 10 - NONCONFORMITY

10.1 Applicability

Any nonconforming use or structure lawfully existing as of the effective date of these Regulations or any amendment hereof shall be permitted to continue.

10.2 Nonconforming Uses:

10.2.1 Maintenance, Repair, Alteration:

A building or structure containing a nonconforming use may be altered or improved, but not extended, enlarged or increased in volume, and may be repaired or reconstructed as made necessary by wear and tear or deterioration.

10.2.2 Restoration:

Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area and volume existing immediately prior to such damage or destruction, provided such restoration is commenced within one year of such damage or destruction, and completed within two years.

10.2.3 Change of Use:

Any change from one nonconforming use to another nonconforming use required approval by the Zoning Board of Appeals. In reviewing a request for approval under this Section, the Zoning Board of Appeals shall determine that the proposed change of use will not adversely affect the character or property values of neighboring properties or adversely affect the general health, welfare or safety of the Town.

10.2.4 Expansion or Enlargement:

No nonconforming use shall be expanded throughout a building or structure nor shall such a structure be enlarged or expanded unless the use therein is changed to a conforming use. Structural alterations required by law or ordinance or such as may be required for safety, are permitted.

10.2.5 Discontinuance or Abandonment:

A nonconforming use shall be deemed terminated if:

- a. such use has been discontinued for more than one year, and
- b. upon a finding by the Commission, in accordance with Section 8.2 of the Statutes, that it was the intent of the property owner to abandon such use.

10.3 Buildings or Structures on Conforming or Non-Conforming Lots:

10.3.1 Enlargements or Replacements- Conforming Lots:

Buildings, structures or site improvements that are associated with a conforming use on a conforming lot the date of application may be replaced expanded or altered in dimension provided that all applicable dimensional requirements of these regulations are met for the expanded building, structure or site improvements. *(effective October 15, 2003)

10.3.2 Expansions, Enlargements, or Replacements - Nonconforming Lots:

Buildings or structures that are associated with a conforming use on a non-conforming lot on the date of application may be expanded, altered in dimension, or replaced provided that the expansion, enlargement, or replacement does not expand or enlarge a non-conformity, and conforms to these Regulations in all other respects. Expansions, enlargements, or replacements that create or increase the kind, degree or amount of an otherwise nonconformity may be permitted only after a Special Permit is received from the Zoning Board of Appeals. In this Special Permit procedure buildings or structures that are associated with a conforming use may be expanded or altered in dimension or the building/structure may be replaced under this Special Permit option provided that any expansion or change in dimension does not further diminish or create a front or rear yard setback of less than 30 feet, a side yard setback of less than 15 feet or lot coverage of more than 15 %; provided that building heights are not increased above 25 feet for the portion of the structure that is within the 15 foot side yard setbacks or within the 30 foot front or rear yard setbacks granted. In granting a Special Permit, the Zoning Board of Appeals must find that the proposal complies with the general requirements of Section 52.6. If the total value of the proposed expansion or alteration, plus any expansions or alterations that have occurred during the previous five years, is more than 50% of the assessed value of the building or structure, then the Zoning Board of Appeals will require a review and report from the Town Sanitarian that all on-site sewage systems meet current public health regulations. *(effective October 15, 2003)

10.3.3 Maintenance and Repair:

Maintenance or repair of nonconforming buildings, structures or site improvements is permitted provided the degree of nonconformity is not increased and provided no new nonconformities are created.

10.3.4 Restoration:

Any nonconforming building, structure, or site improvement which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be restored to the same dimensions, floor area, volume and site location existing immediately prior to such damage or destruction provided such restoration is commenced within one year after such damage or destruction, and completed within two years after such damage. Otherwise such building, structure or site

improvement shall be reconstructed within the dimensional requirements of these Regulations at the time of application.

10.3.5 Moving:

No nonconforming structure shall be moved unless the result of such moving is to reduce or eliminate its nonconformity. *(effective October 15, 2003)

ARTICLE II – RESIDENTIAL-AGRICULTURAL DISTRICTS

SECTION 21 – RESIDENTIAL-AGRICULTURAL DISTRICTS

21.1 Approvals: The following uses are permitted in all Residential-Agricultural Districts including the Columbia Lake Watershed Protection Overlay Districts subject to the approval process described in this section. For additional procedures and standards, see Section 3 – Certificate of Zoning Compliance, Section 51 – Site Plans, and Section 52 – Special Permits. Site Plans and Special Permits approved by the Zoning Commission are nonetheless subject to the provisions of Section 3- Certificate of Zoning Compliance. Some Special Permit uses are subject to special standards per Section 52.7.

21.2 Uses of land in the Residential-Agricultural District are permitted as follows:

	Type of approval required		
	Staff Approval Only	Site Plan Approval by PZC	Special Permit Approval by PZC
One single family dwelling per lot	X		
Agriculture and farms (as defined herein) and subject to the provisions of Section 8.10	X		
Trailers subject to the provisions of Section 64	X		
Signs as provided in Section 62	X		
All permitted uses, buildings, and structures subject to requirement of Columbia Lake Watershed Protection Zoning Regulations as described in Section 21.4	X		
Minor Home Occupation, subject to Section 8.5.1	X		
Roadside stands for the sale of agricultural products subject to Section 52.7.1.		X	
Ham radio and television towers and antennae for personal home accessory use not over 65 feet in height on lots over two acres.		X	
Accessory Uses customary and incidental to any aforesaid permitted use. Common and Loop Driveways subject to the provisions of Sec 8.12.2.		X	
Accessory uses and structures customary and incidental to Special Permits granted on Town Owned Land in the Residential District.		X	

	Type of approval required		
	Staff Approval Only	Site Plan Approval by PZC	Special Permit Approval by PZC
Major Home Occupation, subject to Section 8.5.2			X
Summer camps and day camps, subject to Section 52.7.9.			X
Parks, playgrounds, golf courses, churches, community centers, libraries, fire stations, cemeteries; municipally owned schools, buildings and uses of land; post offices operated by the U.S. Postal Service.			X
Public utility stations.			X
Topsoil, sand and gravel operations, subject to Section 63.			X
Clubs, subject to Section 52.7.7, and livestock auctions.			X
Day Care Centers, subject to Section 52.7.2.			X
Wireless telecommunication facilities, subject to Section 52.7.15.			X
Elderly housing, subject to Section 52.7.10.			X
Neighborhood Retirement Housing, Subject to Section 52.7.19			X
Bed and Breakfast establishments, subject to Section 52.7.12.			X
Commercial Horse Operations, subject to Section 52.7.16.			X
Indoor Riding Arenas, subject to Section 52.7.17.			X
Accessory uses customary with and incidental to any aforesaid Special Permit use.			X
All uses, buildings, and structures allowed by Special Permit and subject to requirements of the Columbia Lake Watershed Protection Zoning Regulation described in Section 21.4			X

21.3 Site Development Plan:

Prior to the issuance of a Special Permit for a use permitted under this section, a site development plan shall be submitted and approved in accordance with the provisions of Section 52.

21.4 Columbia Lake Watershed Protection Overlay Zones on the Residential Agricultural District:

Zoning Regulations For Zoning Compliance For New Zoning/Building Permits *(effective 10/15/2003)

21.4.1 Intent and Purpose

It is the intent of this section to promote the health and general welfare of the community by preventing the nutrient enrichment or contamination of Columbia Lake to ensure a present and future high quality lake resource for a variety of valuable functional uses including recreation and habitat. The Lake Protection Areas are designated as overlay zones on the Residential Agricultural or RA District.

The purpose of this section is to facilitate the adequate provision of clean water by prohibiting, within the Lake Protection Areas, land uses which can contaminate water resources and by regulating other land uses which may have the potential to contaminate or down grade existing water resource quality.

The Columbia Lake Ecosystem is a high quality mesotrophic, dimictic lake. The Lake exhibits mean Summer Transparency greater than 4m; Minimum Transparency exceeding 3m between Memorial Day and Labor Day, and greater than 1 mg/L of dissolved oxygen to a depth exceeding 6m at all times. Columbia Lake is capable of supplying habitat to an array of desirable wildlife species, water-based recreational activities, and influences the value of real property and quality of life in the Town of Columbia. Its protection is critical.

Columbia Lake is highly susceptible to increased enrichment with nutrients, particularly phosphorus, because of its mesotrophic productivity state, morphometry, and hydrologic relationships. Preventing eutrophication is critical to maintaining the functional value of Columbia Lake. Columbia Lake is primarily supplied with water from precipitation that runs off from land surfaces within the watershed. The three Lake Protection Sub-Areas indicate immediate areas which drain directly to Columbia Lake, areas which drain through more extensive flow paths to tributary streams, and more remote areas which first drain to a large wooded swamp (providing natural renovation capacity for runoff water quality).

21.4.2 Applicability

These regulations shall be in addition to the requirements for the underlying RA District as designated on the Zoning Map of the Town of Columbia. Both the requirements of the Zoning Regulations as set forth in other sections and the requirements contained herein for the Columbia Lake Protection Areas shall

apply within such zone. In the event of a conflict, the more restrictive requirements shall apply.

21.4.3 Columbia Lake Protection Area Overlay Zone Maps

The Lake Protection Areas are hereby established on those lands serving as the immediate (LAR), intermediate (LBR), and remote (LCR) watershed areas to Columbia Lake. The Lake Protection Areas are delineated on a map entitled: "Columbia Lake Protection Areas" and is overlaid on the Columbia Connecticut Zoning Map dated effective 09/30/2003 or as amended. scale 1" = 3500' prepared for The Town of Columbia by staff and consultants and approved by action of the Columbia Planning and Zoning Commission in the regular meeting of 09/09/2003.

21.4.4 Columbia Lake Protection Area Overlay Zone Requirements

All new activities governed by the Zoning Regulations of the Town of Columbia within the Columbia Lake Watershed Protection Overlay Zones LAR, LBR, and LCR superimposed on top of the Columbia Residential Agricultural or RA District and which require a Planning and Zoning, Inland Wetlands, Zoning Boards of Appeals, or Zoning Compliance Certificate shall meet the following specific requirements for the protection of Columbia Lake water quality or for stabilization of adjacent and town-wide property values.

21.4.4.a Nutrient Allocation Compliance

Prior to approval of zoning compliance on a building permit application, the projected annual export of total phosphorus in pounds per acre per year in estimated stormwater from the subject parcel shall be computed both for the parcel with existing improvements thereon and for the existing parcel based on the completed project for which the building permit is sought. These computations shall be made in accordance with the methods defined in "Columbia Lake Watershed Management Plan" (hereafter called the Management Plan) approved 1998, or as may be amended from time to time based on newer information including but not limited to basic scientific understanding of nutrient dynamics, infiltration rates of various soils or ground covers and proximal monitoring data from Columbia Lake. Data for computing the nutrient export estimate, as defined in the Management Plan shall be provided by the applicant on the site plans, or similar documentation if site plans are not required by underlying zone requirements for a building permit application.

If the computed annual export of total phosphorus for the existing parcel with the completed project for which the building permit is sought is less than the allocation defined in the Management Plan (total phosphorus in pounds per acre per year for the Lake Watershed Overlay Zone in which the residential

agricultural parcel is located, namely LAR, LBR, or LCR) the application shall be deemed “in compliance” with Overlay Zone Requirements and consideration of the application for compliance with any other requirement of the underlying residential agricultural district may proceed.

If the computed annual export of total phosphorus for the existing parcel with the completed project for which the building permit is sought is greater than the allocation defined in the Management Plan, the applicant shall apply adequate best management practices (BMPs) singly or in combination to reduce the total phosphorus export either to comply with the allocation requirements of the overlay zone in which the parcel is located on the Zoning Map or to produce a computed annual export of total phosphorus at least 10% less than the computed annual export of total phosphorus from the subject parcel with existing improvements thereon on the date of the permit application. For these purposes, total phosphorus export shall be recomputed with credits assigned for BMPs where infiltration coefficients are available and as defined in the Management Plan.

A worksheet provided as part of the building permit application materials will include spaces for all required input variables, levels of total phosphorus to be achieved, and suggested infiltration or other coefficients as available for nutrient allocation calculation. The applicant will fill in this worksheet and annotate these input numbers to details of a site plan included in the building permit application package. With the applicant supplied information, the Agent (ZEO) will input this applicant data into a computer spreadsheet analysis to estimate the levels of total phosphorus (lb/acre/year) in surface storm water coming off the specific site or land parcel. The worksheet shall be based on the latest revision of a nutrient allocation model and level of total phosphorus permissible in each of the Columbia Lake Watershed Overlay Zones on the Residential Agricultural District, LAR, LBR, and LCR.

21.4.4 b Best Management Practices for Reduction of Phosphorus

The applicant who is designing or redesigning a project application site plan may use a number of manuals or texts to find examples or diagrams of what are the current Best Management Practices or BMPs. The Connecticut Storm water Quality Manual (draft 2003 or as amended) and the Connecticut Erosion and Sedimentation Guidelines (2002 or as amended) contain some examples, explanations, and diagrams for BMPs that might be available and appropriate to include in the building permit application site plan.

Generally, applicants for building permits can reduce total phosphorus in storm water by increasing the storm water infiltration and the detention of storm water before it reaches Columbia Lake. To the greatest extent possible, BMP's shall be located between the development area (or area of greatest impact) and the lake.

The most valuable and practical BMPs are included but not limited to those in the following list:

- Permeable pavement choices
- Bio-retention structures/residential rain gardens
- Vegetated swales, buffers, filter strips
- Drywells for roof drains/leaching trenches
- Rainwater harvesting
- Dry detention ponds
- Underground detention facilities
- Vegetative filter strips/level spreaders
- Grassed drainage swales, wet or dry
- Proper location and reduction of impervious area on site
- Maintain or restore pre-development vegetation by type
- Encourage sheet flow versus channelization of storm water
- Disconnect flows from multiple impervious surfaces
- Minimize creation of steep slopes/vice versa
- Replanting with trees, underbrush, groundcovers, flowerbeds

Infiltration coefficients to calculate credits for the site plan worksheet may or may not be available for the above list of BMPS. The most current list of infiltration coefficients available in the scientific literature will be available on the worksheet page of the building permit application.

For impervious surfaces greater than 100 s.f., the first 1" flush of storm water shall be treated with a BMP as identified in Sec. 21.4.4.b of these regulations, the nutrient allocation worksheet or other methods not listed but approved by staff.

All BMPs shall be maintained and kept in working condition by the owner. If the BMPs have not been adequately maintained, then no further zoning permits shall be issued until the BMPs have been brought back to working condition.

21.4.4.c Provision and Procedures for Reduction of Lake Watershed Protection Requirements

In a case where a proposed activity governed by Section 21.4.4 is unable to comply with Section 21.4.4a, the Commission may receive and evaluate a written request, site plan, other relevant materials, and verbal testimony to consider reduction of the requirements of Section 21.4.4.a. Reduction may only be granted by the Commission as an action during a regular meeting after a public hearing conducted as if Section 52.4 were applicable and after the finding that the following requirements have been satisfied: 1.) the annual export of total phosphorus for the subject parcel with existing improvements thereon on the date of the application shall not be exceeded after completion of the project

for which a building permit is sought; 2.) a so-called first flush infiltration system either has been employed to the maximum extent possible or is not possible; and 3.) other reasonably available BMPs have been satisfactorily employed.

If a reduction is granted and a letter from the Commission describing the reasons for the action granting the reduction is obtained and attached to the building permit application, the applicant can proceed to demonstrate compliance with all other applicable regulations required in the underlying Residential Agricultural or RA District.

21.4.4.d Possible Waivers Upon Demonstration Parcel Not Within Columbia Lake Watershed

In a case where the proposed activity governed by Section 21.4.4 appears upon site inspection by the Zoning Enforcement Officer to be located on a land parcel whose storm water does not flow in the direction of Columbia Lake, the Commission may consider information such as topography of the parcel and direction of storm water either overland or in road drainage system and may authorize the Chairman and the ZEO to issue a letter to file which would waive this parcel or portion of a parcel from the requirements of Section 21.4.

21.4.5 Additional (Non-Regulatory but Suggested) Columbia Lake Protection Actions Not in the Purview of the Commission.

In addition to the requirement of compliance with the Nutrient Allocation of property within the designated Columbia Lake Protection Overlay Zone, residents are encouraged to take additional voluntary actions to protect the quality of Columbia Lake as described in the Management Plan, including but not limited to:

- Proper maintenance and pump-out frequency of on-site wastewater disposal systems (septic systems),
- Consider installation of septic tank effluent filters when service is performed,
- Use of sand fill materials with a phosphorus attenuation capacity exceeding 0.01 kg P / cubic ft when constructing or repairing septic system leaching fields,
- Design leaching field geometry to maximize down-gradient soil contact volume and avoid intersecting septic groundwater plumes,
- Avoid the use of septic system additives,
- Maximize phosphorus removal from wastewater by approved innovative designs,
- Only use fertilizers that have low, or no phosphorus content made available at local vendors. *(effective October 15, 2003)

ARTICLE III - COMMERCIAL AND MANUFACTURING DISTRICTS

Amendment to Section 31.3 of the Columbia Zoning Regulations: Sales and Service of New and Used Motorcycles or Off-road Recreational Vehicles

Public Hearing: September 23, 2008
Adopted by the PZC: September 23, 2008
Published: September 30, 2008
Filed with the Town Clerk: September 25, 2008
Effective Date: October 16, 2008

SECTION 31 – COMMERCIAL AND MANUFACTURING DISTRICTS

31.1 Approvals: Uses of Land in the Commercial and Manufacturing zones are approved by the Commission unless otherwise stated. See Section 51 – Site plans, and Section 52 – Special Permits for procedures and standards. Note that some Special Permit uses are subject to special standards per Section 52.7.

31.2 Site Development Plan: Prior to the issuance of a permit for a use permitted under this section, a site development plan shall be submitted and approved in accordance with the provision of Section 51.

31.3 Uses of land in the Commercial and Manufacturing Districts are permitted as follows:

Categories	Commercial Zone		Manufacturing Zone	
	Type of approval		Type of approval	
	Site Plan	Special Permit	Site Plan	Special Permit
Services – Financial				
Financial, business and professional services and offices, including banks, real estate, insurance, financial services: where footprint of any proposed building does not exceed 10,000 sf.	X		X	
Financial, business and professional services and offices, including banks, real estate, insurance, financial services: where footprint of any proposed building exceeds 10,000 sf.		X		X
Wholesale operations and warehousing/distribution		X	X	
Services – Personal, repair, construction				
Personal services, including and not limited to: dry cleaning, pickup and delivery only; laundromat; shoe repair; tailor; beauty salon	X		X	
Wireless Telecommunication Facilities	X	X	X	X
Restaurants under 1500 sq ft	X		X	
Restaurants over 1500 sq ft		X		X
Funeral Homes		X		
Medical offices, physical therapy, health service		X	X	
Convalescent homes, residential health care facilities		X		X
Daycare centers and homes, adult & child		X		X
Veterinary Office		X		X
Private schools of business, self defense, music, dance, and art under 1500 sq ft	X		X	
Private schools of business, self defense, music, dance, and art over 1500 sq ft		X		X

Categories	Commercial Zone		Manufacturing Zone	
	Type of approval		Type of approval	
	Site Plan	Special Permit	Site Plan	Special Permit

Services – Personal, repair, construction (cont.)

Repair and cleaning and construction services		X	X	
Automotive repair shops			X	
Indoor Storage facilities		X	X	
Car wash			X	
Pets – boarding, grooming, sales		X	X	
Contractor’s and construction offices and yards		X	X	
Parking garages		X		
Liquor sales in restaurants		X		X
Outdoor Commercial Recreation Activities (See Section 52.7.20)		X		
Recreational activities indoor: health clubs, skating arenas, tennis courts, similar uses		X		X
Adult uses (see Section 52.7.11)		X		X

Retail Sales

Retail sales where footprint of any proposed building does not exceed 10,000 s.f.	X		X	
Retail sales where footprint of any proposed building exceeds 10,000 s.f.		X		X
Package stores		X		X
Gasoline sales, retail		X		X
New car dealerships, with used car sales as accessory only, and sales and service of new and used motorcycles or off-road recreation vehicles		X		X
Home, farm, garden supply sales		X		X
Automobile and truck dealerships and rentals, new and used		X	X	
Marine and recreational vehicle dealers, new and used		X	X	
Heavy equipment, sales and service		X	X	

Government, non-profit establishments

Fire and police stations		X		
Post offices		X		
Governmental offices		X	X	
Houses of worship		X		
Public utility buildings		X		X
Public works garage		X		X

Categories	Commercial Zone		Manufacturing Zone	
	Type of approval		Type of approval	
	Site Plan	Special Permit	Site Plan	Special Permit
Dwelling units				
Dwelling unit above a 1 st floor business use only		X		X
Caretaker dwelling unit under 800 sq ft total located in the same building as principle use, one only	X		X	
Industrial				
Manufacturing, assembly, processing operations under 15,000 sq ft		X	X	
Manufacturing, assembly, processing operations over 15,000 sq ft		X		X
Forest product/agriculture processing, storage and distribution				X
Ice skating, roller skating, indoor tennis facilities or similar uses over 15,000 sq ft		X		X
Open storage yards, including bulk storage of propane				X
Bulk storage of fuel oil over 5000 gallon capacity tanks				X
Warehousing		X		X
Trucking terminals and bus depots		X		X
Miscellaneous				
Signs	X		X	
Art galleries and studios over 2000 sq ft		X		X
Museums over 2000 sq ft		X		X
Clubs	X		X	
Parking garages, public		X		X
Theaters		X		X
Drive-through facilities		X		X
Accessory uses customary with and incidental to any aforesaid use	X		X	
Sand and gravel operations		X		X

ARTICLE IV – RESERVED

ARTICLE V - SITE PLANS, SPECIAL PERMITS AND SPECIAL DISTRICTS

SECTION 51 - SITE PLANS

51.1 General: The following regulations shall apply to the submission of Site Plans for the establishment of certain uses of land, buildings and other structures as specified in these Regulations. All provisions of the section are in addition to other provisions applicable in the district in which the use is to be located.

51.2 Application: The Site Plan, submitted to the Zoning Enforcement Officer with an Application for Certificate of Zoning Compliance, shall include the following:

(a) Statement of Use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations; four (4) copies shall be submitted.

(b) Site Plan: four (4) copies of a site plan, prepared according to the following standard:

Site plans in duplicate shall be an A-2 survey prepared by a registered engineer or drawn to a scale of 1"=50' showing dimensions, radii and angles of lot, size and location of existing and proposed buildings built, the location of well and septic system and any other information as required by the Commission. All site plans or surveys shall bear the seal and signature of the surveyor or engineer.

Any additions to existing residential buildings or the erection of any accessory building on residential lots shall be shown on a site plan submitted by the owner or his agent drawn to a scale of 1"=50' showing the location of existing buildings and proposed new buildings or additions. The owner shall be liable and responsible for all dimensions shown and save harmless the Commission or its agent.

As well as ten (10) reduced scale copies printed on 11'x17' sheets for distribution to members of the Planning and Zoning Commission as well as other boards

(c) Architectural Plans: four (4) copies of architectural plans, prepared according to the following standard:

Architectural plans, required to be submitted in connection with the establishment of certain uses of land, buildings, and other structures as specified in the business and industrial districts, shall include all proposed buildings, structures and signs and all existing buildings, structures, and signs and all existing buildings, structures and signs proposed to be reconstructed, enlarged, extended, moved or structurally altered. Architectural plans may be in preliminary form but shall include exterior elevation drawings, prepared, except for drawings for signs,

by an architect or professional engineer licensed to practice in the State of Connecticut.

As well as ten (10) reduced scale copies printed on 11'x17' sheets for distribution to members of the Planning and Zoning Commission as well as other boards.

- (d) Waiver: The Zoning Commission, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under paragraphs (b) and (c) if the Commission finds that the information is not necessary in order to decide on the application.

- 51.3 A Certificate of Zoning Compliance granted under this Section shall be valid only if execution of the plan is substantially underway within a period of 18 months from the date of approval.
- 51.4 Duties of the Commission: In acting upon an application, the Commission shall consider the following regarding the acceptability of the proposed site plan:
- a. The existing and probable future character of the neighborhood in which the use is located.
 - b. The location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
 - c. Traffic circulation within the site; traffic load or possible circulation problems on existing streets; and the amount, location and access to parking.
 - d. Adequate provisions for water and sewer and possible overloading of water and sewage systems.
 - e. Location and type of display sign and lighting.
 - f. Landscaping and screening suitable for the protection of abutting uses.
 - g. Safeguards to protect adjacent property and the neighborhood in general, from detriment.
- 51.5 Approval: The Commission may approve, disapprove and approve with modification an application to develop land under this Article. Any approved application shall be filed by the applicant with the Town Clerk showing the Commission's modifications, if any, and no development or significant alteration shall be permitted except in conformity with an approved plan.
- 51.6 Performance Bond: Upon approval by the Commission, the applicant may be required to post a cash bond or a surety bond in form and amount satisfactory to the Commission. If the Commission elects to accept a surety bond the bonding company must be one licensed to do business in the State of Connecticut. The bond shall be conditioned on the carrying out of the above conditions and any other safeguards imposed, and providing that in case of default, the surety shall promptly take any and all steps necessary to comply with said conditions. The bond must also contain a provision that the applicant and/or the bonding company will pay all costs incurred by

the Town, including reasonable attorney's fees, in any action commenced to call said bond.

51.7 Minor Modification of Approved Site Plan Features:

Modifications to approved site plans for building permits, permitted uses, and Special Permit uses may be reviewed, approved, and documented in the project records by letter endorsed by both the Zoning Enforcement Officer and the Chairman of the Planning and Zoning Commission. In every such case, the Planning and Zoning Commission shall have had first the opportunity, in a regularly scheduled meeting to hear the details about the proposed changes or additions to previously approved site plan. Planning and Zoning Commission shall judge whether such proposed modification to approved site plans shall be considered minor and to be included in the administrative authority of the Agent (ZEO) and Chairman to resolve by letter.

*(effective 10/15/03)

SECTION 52 - SPECIAL PERMITS

- 52.1 General: In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve a Special Permit in a district where such uses are listed. All requirements of this Section are in addition to other requirements of this section and are in addition to other requirements applicable in the district in which the Special Permit use is to be located.
- 52.2 Purpose: Uses permitted as Special Permit uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this Section. Special Permit uses that may be permitted in a district are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.
- 52.3 Application: Application for a Special Permit shall be submitted in writing to the Commission, shall be accompanied by an Application for Certificate of Zoning Compliance and shall also be accompanied by the following:
- a. Statement of Use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations; four (4) copies shall be submitted.
 - b. Site Plan: four (4) copies of a site plan, in accordance with the provisions of Section 8.
 - c. Architectural Plans: four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
 - d. Waiver: The Commission, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Paragraphs (b) and (c) if the Commission finds that information is not necessary in order to decide on the Application.
- 52.4 Procedure: The Commission shall hold a public hearing on the application and shall decide thereon and give notice of its decision as required by State Statute. The applicant may consent in writing to an extension of the time for public hearing and action on the Application.
- a. The applicant shall notify by certified mail, on a form provided by the Commission, all adjacent owners of property within 500 feet (500') of the boundaries of the applicant's parcel, as set forth in the records of the Assessor's Office. A copy of the applicant's notice to neighboring property owners, a list of the property owners so notified, and receipts from the certified mailing shall be filed with the Zoning Agent at least five (5) days prior to the Public Hearing.
 - b. In addition, the applicant shall post a sign, to be furnished by the Commission, on the property for which a Public Hearing is to be held. Such sign shall be posted at least

ten (10) days prior to the scheduled Public Hearing and shall give the date, time and location of the Public Hearing. The sign is to be posted on the site in a location that will offer maximum visual access to the public. The applicant shall remove the sign within three (3) days of the close of the Public Hearing.

- c. The Commission shall hold a Public Hearing on the application and shall decide thereon and give notice of its decision as required by State Statute. The applicant may consent in writing to an extension of the time for Public Hearing and action on the application.

52.5 Approval: After the public hearing the Commission may approve a Special Permit if it shall find that the proposed use and the proposed buildings and structures will conform to the General Standards, in addition to any Special Standards for particular uses, hereinafter specified. Approval of an application under this Section shall constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after the date of approval of the Application for Certificate of Zoning Compliance. One extension of such period for an additional period not to exceed one (1) year may be granted by the Commission for good cause. All Special Permits may be approved to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

52.6 General Standards: The proposed use and the proposed buildings and structures shall conform to the following General Standards:

52.6.1 Character: The location, type, character and extent of the use of any building or other structure 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.

52.6.2 Fire Protection: The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes.

52.6.3 Access: Provision shall be made for vehicular access to the lot in such a manner as to avoid undue hazards to traffic or pedestrians and undue traffic congestion on any street. Provision shall be made for appropriate continuation and improvement of streets terminating at the lot where the use is to be located.

52.6.4 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 manner that will not be detrimental to the neighborhood or adjacent property.

52.6.5 Neighborhood: The site plan and architectural plans shall be of a character as to harmonize with 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.

52.7 **Special Standards:** The proposed use and the proposed buildings and structures shall also conform to the following special standards:

52.7.1 **Roadside Stands:** Roadside stands shall be established only for the display and sale of farm products substantially all of which have been grown on the premises where the stand is located, shall not exceed a maximum ground coverage of 400 square feet, shall observe all setbacks required for buildings and other structures and shall be provided with at least one (1) off-street parking space for each 50 square feet of ground coverage. Temporary, moveable roadside stands, for which no zoning permit is required, may be located within ten (10) feet of the street line.

52.7.2 **Day Care Centers:** Day care centers shall conform to the following Special Standards:

- a. The use shall be limited to daytime group care programs for children.
- b. The application shall be accompanied by a report from the Director of Health of the Town, the Building Inspector and the Fire Marshal, attesting that the proposed location, site plan, buildings and facilities comply in all respects to applicable Town and State health laws and regulations and will be adequate, safe and suitable for the intended use.
- c. The Special Permit shall be granted for a limited period of time not to exceed five (5) years.

52.7.3 **Convalescent Homes:** Convalescent homes shall be licensed by the State of Connecticut and shall conform to the following Special Standards:

- a. In addition to the requirements for lot size listed in Section 7, the lot size for a convalescent home shall not be less than 1500 square feet for each patient and employee housed in the convalescent home.
- b. The drainage system shall be designed such that runoff from parking lots, roofs, and driveways does not cross sidewalks. Drywells shall be used at frequent intervals where possible to remove runoff accumulation.
- c. All front yards shall be landscaped.
- d. Level graded or paved outdoor areas suitable for walking shall be provided with a minimum area of 100 square feet per bed for facilities with 60 beds or less and an additional 50 square feet for every bed in excess of 60.
- e. There shall be a minimum of one visitor parking space for every three beds and an additional three parking spaces for every four employees scheduled for the largest work shift. All parking areas shall have wheel stops or bumper guards and, where sidewalks are adjacent to the parking area, a curbed, landscaped island at least four feet in width shall be provided to prevent vehicles from riding over the sidewalk area. The driveways and parking areas shall be designed such that vehicles are not

forced to back into the street. Entrances and exits to the facility shall be designed to minimize traffic hazards, and a traffic flow pattern shall be established and marked with arrows on the pavement. The curb cut width and curb radii at entrances and exits must be reviewed by the local and/or State Highway Department, as appropriate. All driveways, loading and unloading areas and parking areas shall be made to avoid large open expanses of paving, and shade trees should be provided where possible. As a minimum, all parking lots of 30 car spaces or more shall be shaded by not less than one tree for every ten parking spaces or fraction thereof. If existing trees at least two inches in diameter do not meet this requirement, additional trees of a hardy, fast-growing variety shall be planted. These trees shall be at least two inches in diameter at the time of planting. All trees shall be located or protected so as to avoid damage by automobiles. If the facility is located adjacent to a residential zone, an effective buffer shall be provided for screening headlight glare. This buffer may be an earthen berm, evergreen screening, or wooden fencing, depending on the characteristics of the adjacent property. If evergreen buffers are used, they shall be sufficiently close and sufficiently large when planted to provide effective screening.

- f. Lighting shall be provided in the parking areas with an intensity at ground level between 2 and 4 foot candles. The lighting stanchions shall have a height no greater than 15 feet. Flood lights are allowed only on the rear of the building for safety purposes and are not approved for general parking-area lighting. All lights shall be shielded to prevent glare on adjacent property.
- g. Screening consisting of wooden fencing, stone or brick walls, or evergreen trees or shrubs at least six feet high shall be provided around all outdoor refuse and material storage areas. Additional screening shall be provided as deemed appropriate by the Commission.
- h. No signs shall be permitted except for one sign announcing the name of the convalescent home at each entrance from a public street. These signs shall not have an area greater than five square feet each and may be lighted by steady illumination from shielded light sources. Flashing lights are not permitted.
- i. All convalescent homes shall comply with State and local codes applying to convalescent homes and, at the time of application to the Commission for a special permit to establish or enlarge a convalescent home, the applicant shall submit to the Commission certification that the proposed facility complies with the applicable regulations and codes, and said certification shall bear the signatures of the official in charge of enforcing the applicable regulations and codes.
- j. All requirements of this section and all conditions and improvements shown on the approved site plan shall remain with the property as long as the use indicated on the site plan continues, regardless of any change in ownership of the property.

52.7.4 **Gasoline Filling Stations, Public Garages and Car Lots:**

Gasoline filling stations, public garages and car lots shall conform to the following special standards:

- a. Location Restrictions: No gasoline filling station, public garage, or car lot shall be located closer than 1500 feet to any other gasoline filling station, public garage or car lot; the location of a gasoline filling station being defined as the position of the nearest fuel pump, the location of a public garage being defined as the nearest edge of the garage structure, and the location of a car lot being defined as the nearest edge of the area on the lot that is either suitable or intended for vehicle storage.
- b. Frontage Requirements: The site of a gasoline filling station shall have a frontage of at least 200 feet on a public street and shall have a depth of at least 150 feet.
- c. Setback and Screening Requirements: Fuel pumps shall be set back from the street lot line at least twenty-five feet. All other buildings and structures except underground storage tanks shall be located in compliance with the requirements of these regulations except that no structure shall be located closer than 200 feet from the lot line of a residential district. In the event that a residential district is adjacent to a gasoline filling station, public garage, or car lot, a suitably landscaped area at least 10 feet wide or a stockade fence with a finished side facing the residential district shall be maintained between the gasoline filling station, public garage, or car lot and the adjacent residential district.
- d. Lighting Restrictions: All exterior lighting shall be of such design and location that the light source cannot be seen beyond the boundaries of the site on which the gasoline filling station, public garage, or car lot is located. Further, no lighting or other illumination shall produce any glare observable within a residential zone.
- e. Motor Vehicle and Equipment Storage: Motor vehicles stored outside shall be arranged in an orderly manner with all vehicles located not less than twenty-five feet from the edge of any street pavement. There shall be no outdoor storage of dismantled or discarded motor vehicles. Equipment may be stored outside if said equipment is arranged in a rear or side yard that has been screened from streets and adjacent occupied properties.

52.7.5 **Construction Tool and Storage Sheds:** Construction tool and storage sheds shall conform to the following Special Standards:

- a. Special Permit Requirement: Temporary construction tool and storage sheds occupying an area not greater than 300 square feet and not on a permanent foundation may be installed when authorized by the issuance of a special permit by the Commission. Permits shall be issued for a period not to exceed five years.
- b. Location Restrictions: Temporary construction tool and storage sheds shall not be located closer than 10 feet to the side or rear lot line. In no case shall temporary construction tool and storage sheds be allowed in the required front yard.

52.7.6 **Sale of Alcoholic Beverages**: The sale of alcoholic beverages shall conform to the following Special Standards:

- a. No building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used for the sale or exchange of alcoholic liquors either at wholesale or retail, or whether for consumption upon the premises or otherwise, for the storage of alcoholic liquors for purposes of sale or exchange if any part of such building or premises is situated within 1000 feet in a direct line from any entrance to a church, public school, public facility, playground or library provided, however, that this restriction shall not apply to the sale or exchange of beer, ale or lager for consumption off the premises when part of a bona fide grocery business or to any club which shall have obtained a permit as hereinafter provided in Section 52.7.7.
- b. No building or premises which prior to the effective date of these Regulations is not the site or location of a business where alcoholic liquor may be sold at retail for consumption off the premises under a zoning permit shall thereafter be used either in whole or in part for the sale of alcoholic liquor, wine, beer or ale if any entrance to such building or premises shall be within 2,500 feet radius from any entrance to any other building or premises which shall be used for the sale of alcoholic liquor, wine, beer or ale under a zoning permit provided, however, that none of the foregoing restrictions shall apply to wholesale businesses, restaurant, grocery stores selling canned or bottled beer or ale, or to drug stores dispensing alcoholic beverages on prescription only.
- c. No building or premises which prior to the effective date of these regulations is not the site or location of a business where alcoholic liquor may be sold for consumption on the premises under a zoning permit shall thereafter be used either in whole or in part for the sale of alcoholic liquor, if any entrance to such building or premises shall be within 500 feet radius from any entrance to any other buildings or premises which is used for the sale of alcoholic liquor under a zoning permit.

52.7.7 **Clubs**: Clubs shall conform to the following Special Standards:

- a. When in its judgment the public convenience and welfare will not be substantially or permanently injured, the Commission may grant a special permit for the use of a structure for the sale of alcoholic liquors upon the premises used by a club for club purposes under such restrictions as may by law be provided for a group of persons associated together and recognized by the State Liquor Authority as a club; provided that applicants for such permits shall be able to show that the sale of liquor under such permit will not result in noise or disturbance on the premises so as to injure the health or comfort of others, that adequate screening is provided to protect neighboring residents, and that the aggregate annual membership fees or dues and other income of such club, exclusive of any proceeds of the sale of alcoholic liquor, shall be sufficient to defray the annual rental of its leased premises, or if such

premises are owned by the club, shall be sufficient to meet the taxes, insurance and repairs and the interest paid on any mortgage thereof; and provided further that such applicants shall agree to furnish the Commission prior to such hearing the name and address of each club member in good standing and of each of its officers, and a statement of assets and liabilities of such club and to furnish like information to the Commission upon request, but not more than once in any six month period.

- b. In the event that at any time it shall appear to the Commission that a club has ceased to comply with any or all of the requirements above set forth it shall so notify the club; if thereafter, after public notice and hearing, the Commission shall find as a fact that such club no longer complies with the requirements of these regulations, the Commission shall revoke the permit of such club and the sale of alcoholic liquors upon the premises of such club shall thereupon become a prohibited use; the Commission shall forthwith certify to the State Liquor Commission that the further sale of alcoholic liquor upon said premises is prohibited by the Zoning Regulations of the Town of Columbia and may take such further action as it may deem appropriate in order to abate such use.
- c. No permit for a liquor sales place or club shall be granted which in the opinion of the Commission shall adversely affect any residential area or be detrimental to the public health, safety, convenience and property values of the Town.
- d. The Commission, upon receipt of a properly executed application for a special permit signed by the owner for the use, erection, enlargement, or alteration of any premises for uses specified in Section 52.7.6 and 52.7.7 shall hold a public hearing in compliance with Chapter 124, Section 8-3 of the General Statutes of the State of Connecticut, 1958 Revision, as amended.
- e. At the public hearing the petitioner shall demonstrate that the granting of a special permit will not create adverse traffic conditions nor have any adverse effect on adjoining residential uses or public institutions.
- f. The provisions of this section shall not apply to wholesale businesses, grocery stores selling canned or bottled beer or ale; or to drugstores dispensing alcoholic beverages on prescription only. No building or premise which prior to the effective date of these Regulations is not the site or location of a business where alcoholic liquor may be sold at retail for consumption off the premises under a zoning permit shall thereafter be used either in whole or in part for the sale of alcoholic liquor, wine, beer or ale is any entrance to such building or premises which shall be used for the sale of alcoholic liquor, wine, beer or ale under a zoning permit.
- g. No building or premise which prior to the effective date of these Regulations is not the site or location of a business where alcoholic liquor may be sold for consumption on the premises under a zoning permit shall thereafter be used either in whole or part for the sale of alcoholic liquor, if any entrance or premises shall be within 2,500 feet radius from any entrance to any other building or premises which shall be used for the sale of alcoholic liquor under a zoning permit.

52.7.8 **Motels**: Motels shall conform to the following Special Standards:

- a. Each motel may contain an apartment of adequate living space for a resident manager.
- b. The size of the lot on which a motel is to be erected shall be in compliance with the standards specified in Section 7. The number of units permitted on a lot shall be as follows: 2,500 square feet of a lot area per unit if units are on one floor; 1,500 square feet of lot area per unit if units are on two floors. The minimum livable floor area per unit shall be 275 square feet, or alternately, 225 square feet for 50% of the units provided the remaining 50% contain a minimum of 325 square feet per unit.
- c. Motel Location and Site Plan Approval: A permit for a motel (or for a motel addition) shall be issued only after approval in writing by the Commission, with or without any special conditions, of the motel location and site plan specified in such approval.

The Commission will study each motel location and site plan relative to the prospective motel operator and occupants, of neighboring owners and other users of the adjoining street, and of the town generally. Among other things the Commission will consider:

1. Traffic safety and ease of access at street or highway entrances and exits of motel driveways, taking account of grades, sight distance between such driveway entrances or exits and the nearest street or highway intersections.
2. Safety and adequacy on site of motel driveway layout, of parking and loading areas for motel patrons and for routine emergency service vehicles such as electricity, telephone, laundry, rubbish removal, fire and police cars or trucks.
3. Safe and adequate means of sewage, garbage and rubbish disposal; water supply and firefighting equipment while awaiting the Fire Department; heating and ventilating.
4. Assurance of positive storm water drainage from all driveways, parking, loading areas, building layout to protect motel bedroom windows from constant night invasion by automobile headlight beams or glare from illuminated signs or driveway light.
5. Landscaping.

52.7.9 **Summer Camps and Day Camps**: Summer camps and day camps shall conform to the following Special Standards:

- a. No camp shall be operated on a site less than 10 acres in area and there shall be no more than one person for every 2,000 square feet of site area, with a maximum of 400 persons permitted at any camp.

- b. Improved areas, such as camping or picnic areas and playgrounds or sports areas shall be located at least 125 feet from all property lines. The Commission shall require suitable fencing and landscaping around all improved areas.
- c. There shall be provided on the site one off-street parking space for each member of the camp staff and one space for every five campers. Parking areas shall be at least 5 feet from side and rear lot lines and 50 feet from the street line, and shall be suitably screened and permanently improved.
- d. There shall be no more than one permanent dwelling in any camp and it shall not be occupied by more than one family.
- e. In any camp, each structure which is intended for residence, cooking or community recreation purposes shall be equipped with toilets and wash basins which drain into a community sanitary sewer or an approved septic tank. There shall be at least one toilet and wash basin for each 15 campers, with separate facilities for male and female.
- f. No building or structure shall be located closer than 150 feet to any property line. Temporary structures may be permitted, but shall not cover more than 5% of the site and shall not be more than one story in height. Overnight accommodations for campers or staff members shall be limited to one bed for every 10,000 square feet of site area. Every building which is to be used for sleeping purposes shall have at least 100 square feet of floor area for each bed, including bedroom or dormitory, closets and bathrooms but excluding all other space.
- g. There shall be at least $\frac{1}{4}$ of an acre of suitable improved playground or sports area for every 100 persons or major portion thereof. There shall be a minimum of three acres for every 100 persons.
- h. No more than 15 persons shall be permitted in any building not of fireproof or semi-fireproof construction.
- i. Permits shall be issued conditionally for 5 year periods.

52.7.10 **Senior Housing:** Senior Housing shall conform to the following special standards:

- a. Senior housing shall mean the development of dwelling units designed exclusively to be occupied and to meet specific requirements and designed standards suitable for occupancy for one or more handicapped or elderly persons at least one of whom is at least 62 years of age or over.
- b. Occupancy Restrictions:
 - 1. The occupancy of any dwelling unit shall be limited to not more than three (3) persons, one of whom shall be 62 years of age or older.

2. The spouse/partner who survives his or her qualified spouse/partner may continue to reside in one such unit, notwithstanding that there may no longer be an occupant who is 62 years or older.
 3. No persons under the age of eighteen (18) years shall be allowed to reside in any one unit.
- c. Density – The proposed development shall have a maximum density of 4 units per acre, exclusive of any areas with watercourses, water bodies or inland wetland soils as depicted on the Town of Columbia Inland Wetlands and Watercourses map and as may be modified by onsite inspection and testing. Buildings may be clustered on the parcel. To determine the maximum density of a site, the acreage defined as wetland and watercourse areas shall be subtracted from the total site area and the resultant areas in acres shall be multiplied by four (4). It should be noted that other approval criteria may decrease by permitted density of a proposed development.
 - d. Site Area/Coverage – The proposed site shall be a minimum of five acres in size and the ground floor area of all buildings shall not exceed 25% of the site area.
 - e. Building and Site Design/Architectural Plans – Wherever possible, buildings and site improvements shall be designed to fit the existing topography, thereby preventing unnecessary disturbances of existing grades and vegetation. Wherever possible, dwellings shall utilize a solar orientation and all improvements shall be designed to preserve and enhance neighborhood property values. Safe and suitable access shall be provided to all dwelling units and parking areas.

All applications for a multi-family development under this section shall include detailed architectural plans for all proposed buildings and structures, including recreational facilities and signs. Said plans shall include exterior elevations, floor plans and information on the nature and color of all building materials.
 - f. Units Per Buildings – All proposed buildings shall contain a maximum number of six (6) dwelling units, or ten bedrooms. The Commission may consider a greater number of units if the proposed design is appropriate given the topography of the site and if the design is in keeping with the surrounding residential neighborhood.
 - g. Height of Buildings – No building shall exceed 2 stories or a height of 25 feet.
 - h. Distance Between Structures – The distance between any two structures shall be no less than the average height of both, but in no case not less than 20 feet. The Commission may vary this spacing requirement when it determines that such variations will enhance the design of the project without detrimentally affecting emergency access.
 - i. Floor Area - Each dwelling unit shall have not less than six hundred (600) square feet of floor area and not more than eleven hundred (1,100) square feet of floor area.
 - j. Parking – Two parking spaces shall be provided for each dwelling unit and an appropriate number of visitor parking spaces as determined by the Commission.

- k. Utilities – All on-site utilities shall be underground.
- l. Required Setbacks – Front, rear and side yard building setbacks shall be no less than seventy-five (75) feet unless a waiver is granted by the Commission.
- m. Sanitary and water Supply - On site sanitary utilities and water supply facilities must meet the requirements of the State Health Code.
- n. Open Space/Recreation – All senior housing developments shall provide suitable open space and recreational facilities. Open space shall be provided by the developer in a ratio of one acre for each ten acres in the project.

Detailed plans and specifications for any recreational improvements shall be submitted with the application for the proposed development. Wherever possible and appropriate, active recreational facilities shall be screened from residences, streets and parking areas.

- o. Road, Drainage and Infrastructure Improvements – All roadways, drainage and infrastructure improvements shall be designed and constructed in accordance with the standards and specifications of the Town of Columbia Public Works Department. As noted exception to this requirement, the Commission may approve alternate widths for private internal roadways that are not major circulation roads.
- p. Private/Common Interest Ownership Facilities – In all projects where open space or recreation facilities and/or infrastructure improvements such as roadways, water supply, waste disposal and drainage facilities are to remain in private and/or “Common Interest Ownership” status, the special permit application for the subject development shall include a comprehensive report detailing provisions that will be established for community governance and the maintenance and upkeep of said areas and facilities.
- q. Special Reports – All applicants for senior multi-family projects shall be prepared to submit detailed information regarding the impacts associated with the proposed development with their special permit application. Professionally prepared traffic studies, watershed and drainage analyses and comprehensive environmental assessments are examples of the types of specialized information that the Commission may require.
- r. Signage – One sign identifying the senior housing project may be placed on each senior housing parcel. The sign shall be subject to approval by the Planning and Zoning Commission so that it will fit the character of the residential zone. The sign shall not exceed twelve (12) square feet in area. The location and height of the sign shall conform to the requirements of Section 64.4.2. (Effective 2/1/87)
- s. Landscaping and Lighting – The plans shall contain detailed landscaping plans for the site. The site shall be appropriately landscaped and lighted. In addition, the site plan shall contain adequate landscaping to screen and buffer the development from adjoining neighbors.

52.7.11 **Adult uses:** In the development and execution of these Regulations, it is recognized that there are some uses, as defined in Section 9 as adult uses, which due to their characteristics in Residential or Commercial areas, particularly when they are in the immediate proximity to other adult uses, as the concentration of these uses, or their proximity to other uses of public assembly under certain circumstances could have a deleterious effect on adjacent areas. Special regulation of these adult uses is therefore necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The regulations are to protect retail trade, prevent crime, maintain property values, preserve the quality of neighborhood districts and life, address related concerns with littering, parking, traffic, and public indecency, to maintain the interest of persons in their property in a state of good repair, and to spend, patronize and trade in their community. Thus, a linear separation shall be required for each adult use as follows:

- a. An adult use shall be separated from another adult use, public library or museum facility by a distance of not less than 1000 feet.
- b. An adult use shall be separated from the boundary of a residential district, or residential use by not less than 1000 feet.
- c. An adult use shall be separated from the premises of a school or educational facility, church or other recognized place of worship, public park, playground, or day care center by a distance of 1000 feet.
- d. The method of measurement shall be determined by measuring in a direct line between the adult use boundary and the applicable property or district boundary.
(Effective 7/1/94)

52.7.12 **Bed and Breakfast:** Bed and Breakfast establishments shall conform to the following standards and conditions:

- a. The use shall be subordinate and incidental to the main residential use of the dwelling and shall be the primary legal resident of the owners of the establishment. Said owners shall reside at the subject property.
- b. The use shall be conducted entirely within the owner-occupied single family dwelling. No accessory buildings on the parcel shall be used for lodging purposes.
- c. No more than three rooms shall be rented to paying guests.
- d. Breakfast shall be the only meal provided to guests and shall be served to no more than six such guests. There shall be no provisions for cooking in the individual guest rooms.
- e. Access and egress to the guest rooms shall be only from within the principle dwelling.
- f. The maximum length of stay per guest shall be seven days in any calendar year.

- g. In addition to two parking spaces required for the single family dwelling, there shall be one additional space for each of the guest rooms. The parking areas shall be paved or surfaced with at least four inches of crushed stone with sufficient space for a turnaround as part of the parking area and within the property.
- h. Rooms used for sleeping shall be within the primary dwelling and shall not have been specifically constructed or remodeled for rental purposes.
- i. No Bed and Breakfast establishment shall be located on a lot closer than 1000 feet from any other lot containing such an establishment.
- j. No Bed and Breakfast establishment shall be permitted on a cul-de-sac or dead end street.
- k. A sign identifying rather than advertising the establishment shall be permitted. Such sign shall be unlighted and shall not exceed three square feet in size and three and one half feet in height.
- l. The Bed and Breakfast establishment shall be virtually indistinguishable from other homes in the neighborhood and no exterior changes shall be made to the dwelling which detracts from its residential character.
- m. All applicable state and local health and safety regulations shall be complied with and any required permits obtained before the Bed and Breakfast establishment begins operation. (Effective 3/1/96)

52.7.13 **Adult day care centers:** Day care centers shall conform to the following special standards.

- a. The use shall be limited to daytime group programs for adults as defined in section 9.
- b. The applicant shall accommodate all pedestrian and vehicular traffic to and on the site, and shall provide an acceptable area for dropping off and picking up adults using the facility. Such area shall be located as to preclude pedestrian crossing of interior drives.
- c. All state and/or local licensing and permit requirements/standards shall be met. (Effective 1/2/97.)

52.7.14 **Automobile pickup truck and/or van rental not to exceed 10,000 lb. gross vehicle weight.** Auto/truck rental shall conform to the following special standards:

- a. All vehicles stored on site must possess valid registration.
- b. All state and/or local licensing and permit requirements/standards shall be met.
- c. There shall be no repairs, refueling or maintenance of vehicles on site. (effective 1/2/97).

52.7.15 Wireless Telecommunication Facilities-

52.7.15.1 Purpose -It is the purpose of this section to provide guidelines for the selection of sites for wireless telecommunications facilities while at the same time providing for the continued health, safety, and welfare of the residents of the Town of Columbia. These regulations are intended to minimize impact to residential and commercial zoned property and to developed residential and commercial neighborhoods, and to protect community assets including natural features, historic and cultural resources, recreational sites, and views and vistas.

52.7.15.2 Definitions - For the purpose of this section, the definitions provided below shall apply:

Antenna: A device used to receive or transmit electromagnetic waves. Examples include whip, panel and dish antenna.

Co-location: The location of wireless communication facilities on an existing tower, building or other structure.

Fall Zone: The area or location within which a tower or mounted antenna would fall, slide or settle in the event the tower or antenna is blown from its support structure, collapses, or is otherwise dislodged from its foundation or mounting.

Telecommunication: The science and technology of communication by electronic transmission of impulses, as by telegraphy, cable, telephone, radio or television.

Tower: A structure designed to support equipment used to receive and/or transmit electromagnetic waves. Design types include lattice (guyed or self-supporting) and monopole.

Tower, height: The overall height above the ground elevation at the base of the tower. This height shall include the tower plus any antenna or other appurtenances. The ground elevation shall mean the actual or approved elevations of the property at the time of application.

Wireless telecommunication: Equipment and structures involved in receiving or transmitting electromagnetic waves through space for the purposes of communications. Wireless telecommunication services include television, radio, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized, mobile radio (ESMR), paging and similar services marketed to the general public.

Wireless telecommunication facility: The equipment, structures and associated land area involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.

52.7.15.3 Applications for Telecommunication Facilities

1. Approvals. A special permit is required, except a site plan approval only is required for a telecommunication facility provided the following standards are met:
 - a. In the Manufacturing Zone:
 - 1) There will be no new tower or other supporting structure;

2) There will be no increase in height of the existing supporting structure.

b. In the Commercial Zone:

1) There will be no new tower or other supporting structure;

2) There will be no increase in height of the existing supporting structure;

3) The proposed antenna and associated equipment will not exceed the height of the existing structure by more than ten feet;

4) There will be no more than one building which shall not exceed 400 square feet in area and 14 feet in height. Such building shall house all support equipment.

2. Information Required -Applications shall include a site plan with supplemental drawings and documents to locate and detail the following features, in addition to the requirements of Section 51 and any other applicable regulations.

- a. subject parcel(s) boundaries and topography shown at 2 foot intervals.
- b. setback requirements.
- c. property ownership of subject and all abutting and across-the-street parcels, including across Town boundaries.
- d. lease area dimensions and location (where applicable).
- e. access, including location, construction details.
- f. structures within 500 feet of installation area and within 200 feet of access drive.
- g. utilities installation, including power backup equipment.
- h. equipment cabinets or buildings, including siding materials elevations.
- i. tower specifications, including dimensions, elevations and cross sections materials and color, typical detail of tower anchorage including soils information, grounding for lightning protection.
- j. tower fall zone analysis prepared by a Professional Engineer licensed in the State of Connecticut.
- k. lighting, of tower and equipment area on ground.
- l. antenna specifications, including dimensions, color, materials, mounting equipment, mounting location on support structure.
- m. landscape/screening plan, location and specifications.
- n. location map, using USGS quadrangle as a base map.
- o. map showing provider's planned coverage in Columbia and nearby towns, including existing, proposed and approved wireless telecommunication towers and sites, cells and search rings.
- p. electromagnetic emissions information, prepared by a Professional Engineer licensed in the State of Connecticut.
- q. fencing and gates, location and construction details.

- r. map of search radius for proposed facility, with supporting explanation of selection process/elimination of alternative sites
- s. impact on views, not limited to Columbia only.
- t. compliance with FAA requirements.
- u. lightning protection equipment.

52.7.15.4 Standards The proposed wireless telecommunication facility shall be designed to meet the following standards:

1. Locational Preferences, by Zoning District and Co-location/ Proximity to Other Tower Locations (most preferred to least preferred):
 - a. Co-location on existing/approved structures such as towers, buildings, utility poles, etc., with preference first to manufacturing zones, then commercial zones, then residential zones.
 - b. New towers in manufacturing zones, with preference to sites adjacent to or within proximity of existing tower locations.
 - c. New towers in commercial zones, with preference to sites adjacent to or within proximity of existing tower locations.
 - d. New towers in residential zones.

Where the proposed location is on a new tower in a residential zone, the applicant shall describe the efforts and measures taken to pursue locations in a higher preference location and why such location was not technologically, legally, or economically feasible. The Commission may require the independent review of such efforts and measures to pursue alternative locations by a mutually agreed upon independent consultant, with cost of such review to be borne by the applicant.

2. Setbacks from property lines. The minimum setbacks shall be:
 - a. Telecommunications Towers
 - Residential zones: 250 feet from all property lines.
 - Commercial zones: 100 feet from all property lines.
 - Manufacturing zones: requirements of the zone per Section 7.4.
 - b. Equipment cabinets, buildings, and related structures
 - Residential zones: 50 feet from all lot lines.
 - Business zones: requirements of the zone per Section 7.4.
3. Height
 - a. Maximum height. All wireless telecommunication towers or rooftop-mounted equipment or structures shall not exceed the minimum height necessary to provide the proposed service and address the co-location provisions of these Regulations. Maximum total height is 180 feet in the Residential Zone. Maximum total height in the Commercial and Manufacturing Zones is 250 feet.

- b. Height near historic district. No tower exceeding 60 feet in height shall be located within 1000 feet of the boundary of an historic district.
4. Electromagnetic emissions. The proposal shall comply with FCC standards for non-ionizing electromagnetic emissions. The Commission may require the periodic submittal of reports in order to assure ongoing compliance with FCC emissions standards.
5. Interference. The proposed facility shall not cause interference with existing or proposed public safety communications.
6. Signage and lighting. Towers shall exhibit no signage, advertising or lighting except as may be required by the FAA. On site warning signs not affixed to the tower may be authorized and required by the Commission.
7. Visual impact. Preferred sites shall be those with least visual impact on the surrounding area. Impact shall be evaluated by:
 - a. the extent of the area over which a tower and antenna can be seen
 - b. the size of the proposed tower and antenna
 - c. visibility in visually sensitive areas, including views and vistas of: ridge lines; Columbia Lake; Mono Pond; and historic districts, either state or federally designated. Where the proposed location is visible in a sensitive area, the applicant shall describe the efforts and measures taken to pursue alternative locations and why such location was not technologically, legally, or economically feasible.
8. Property Values. The applicant shall demonstrate that the proposed facility will not significantly depreciate neighborhood property values. The Commission may require that a mutually agreed upon independent consultant review the impact on property values, with cost of such review to be borne by the applicant.
9. Utilities. Utilities shall be installed underground unless it can be demonstrated that such installation is not feasible due to site conditions such as ledge or steep topography.
10. Generators. Electrical generators, both temporary and permanent, shall be contained within structures and shall comply with all State and local noise regulations.
11. Fall zone. The design shall provide for tower collapse without encroachment on existing structures or adjacent property, unless the Commission makes a finding that such requirement is not necessary to protect the public safety or property values on the adjacent property.
12. Style and Color to Blend. Towers and antenna shall be of such style and color as to blend with their surroundings, except as otherwise required by the FAA.
13. Screening. A plan for screening of the installation, including landscaping and fencing, shall mitigate the impact of the installation on surrounding land uses,

unless such requirement is waived by the Commission due to a finding that there will be no negative impact on surrounding properties.

14. Fencing. The Commission may require the installation of a gate or special fencing where it determines that such features are necessary to reduce the risk of injury to the general public.
15. Location on municipal property. No tower shall be located on municipally owned and designated open space or recreation land unless such use is approved by the Conservation Commission.
16. Proximity to school, playground. No commercial wireless telecommunication site shall be located within 1000 feet of a playground or school attended primarily by persons under 18 years of age.
17. Historic District. No tower shall be located within a federally or state designated historic district.
18. Co-location. Any proposed tower shall be designed in all respects to accommodate 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 between 50 and 100 feet in height. The Commission may require the tower to be of such design as to accommodate antennas mounted at varying heights. The applicant shall demonstrate that there is sufficient area available on the ground to accept the placement of equipment cabinets and buildings for such co-location.
19. Access.
 - a. Design. The access from a public road shall be designed so as to have the least possible disturbance of the ground, with minimized grading and impervious surfaces and provision for long term erosion control.
 - b. Location. In a residential zone, access shall be from an arterial street. This requirement may be waived by a majority vote if the Commission makes a finding that there is no possible access from an arterial street and the proposed location meets all other standards more nearly than any other location.

52.7.15.5 Abandonment and Removal

1. Period of Nonuse. A wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner.
2. Period for Removal. Removal shall occur within 90 days of the end of the 12 month period.
3. Restoration. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated to blend with the surrounding area.
4. Bond. The Commission may require that a bond be submitted to assure compliance with this section.

52.7.16 Commercial Horse Operations

1. Intent. The intent of this section is to provide for commercial horse-related activities and uses while at the same time ensuring that such activities and uses shall be 1) in harmony with the surrounding properties with respect to scale and density of development, and 2) shall neither endanger the general public nor in any way create a nuisance, a health hazard, depreciate surrounding property, or adversely affect the environment, and 3) shall blend with the historical character of surrounding buildings and landscape.
2. Applicability. Permitted operations include but are not limited to: riding schools, breeding services, training services, stabling services, horse shows and other special events. Indoor riding arenas require compliance with Section 52.7.17.

Exemptions: The following uses are exempt from the requirements of this section:

1. Stabling only of up to two horses on a lot. A zoning permit only is required.
 2. Riding lessons limited to two private lessons per day on a lot. A home business permit only is required.
3. Required Approvals. A Special Permit with site plan is required, except as otherwise stated.
 4. Application Requirements. A complete application shall include: application form and fee; a written statement describing the scope of operation, detailing hours and days of operation, number of clients served, number of employees, supporting facilities and structures, etc; a written statement of approval by the Town Sanitarian, a site plan, including proposed buildings, paddocks, riding rings, food and watering troughs, exterior lighting, fences, parking and loading areas including provision for horse trailers, water and waste disposal systems, pastures, a plan for disposal of waste materials and any other proposed supporting structures and uses of land, in addition to existing site features; and any other information deemed necessary to describe the operation and determine compliance with these regulations
 5. Standards. An application made under this section is subject to the requirements of Section 51, Site Plan, and Section 52, Special Permit, in addition to the following:
 - a. Lot Area.

Five acres minimum is required. Where there is a dwelling unit on site, the minimum lot area required in the zone shall be deducted from the area counted toward the minimum area requirement. The Commission may increase the area requirement for very large or intensive operations in order to achieve compliance with these Regulations.
 - b. Lot Coverage.

Coverage by nonresidential primary and nonresidential accessory buildings on the lot is 5% maximum. Total lot coverage is per Section 7.2

c. Setback from boundaries and offsite dwellings.

No stable, barn, feed or watering trough, paddock, ring, or other area of animal confinement shall be constructed, established or moved within 75 feet of any property line or within 100 feet of any dwelling on an adjacent lot.

d. Trailers.

The use of trailers for stabling horses is prohibited.

e. Parking and Loading.

The area required for parking and loading will be based on the scope of the operation and shall be approved by the Commission. Parking and loading areas shall be a minimum of 50 feet from any property lines. Parking areas shall be screened from adjacent properties and roads except where existing features screen such areas. Parking area and driveway surfaces shall be maintained in a dust free condition and shall not be paved, except where durable, dust free surfaces cannot be maintained due to traffic conditions and site conditions, in which case paved surfaces shall be provided.

f. Waste Materials.

Horse manure, bedding material, and any other waste products associated with the operation shall not be allowed to create a health hazard or nuisance. Such waste products shall not be stored or accumulated within 200 feet of any property line.

g. Lighting.

Exterior lighting shall be the minimum needed to provide safe conditions. All exterior lighting shall have full cutoff fixtures which prevent any horizontal or upward lighting and any off-site glare.

h. Vegetative cover.

Continuous vegetative cover shall be maintained in all pasture areas.

i. Storm water runoff.

Storm water runoff leaving the property shall not increase in volume from pre-development rates and water quality shall not be degraded.

6. Horse Shows, Competitions, and Other Special Events.

a. Applicability.

For gatherings of more than 15 persons on the lot for the purpose of attending a horse show, competition or other special event, the requirements of this section shall apply.

b. Permits Required.

In addition to any other requirements and permits, a zoning permit issued by the Zoning Enforcement Officer is required for up to 2 events in a year. For additional events in a year, Special Permit approval by the Commission is required.

c. Setback Requirements.

For more than 2 events on a lot in a year, the requirement for the third and all subsequent events is a minimum setback of 100 feet from all property lines for all event-related activities, including parking and drives.

d. Traffic.

For events with more than 75 attendees, review by the Resident State Trooper shall be required. Traffic control personnel may be required depending on lines of sight and level of traffic.

e. Health and Safety.

Approvals by the Sanitarian and Fire Marshal are required.

f. Overnight camping.

In no case shall overnight camping be authorized as a part of any approval made under this section.

52.7.17 **Indoor Riding Arenas**

1. Intent.

The intent of this section is to protect adjacent properties from negative impacts associated with the placement of such structures, with specific consideration for impact to views, odor, noise, sanitation, and drainage.

2. Required Approvals.

A Special Permit with site plan is required.

3. Standards.

An application made under this section is subject to the requirements of Section 51, Site Plan, and Section 52, Special Permit, in addition to the following:

- a. Area: 10 acres minimum is required.
- b. Setback from property line: 00 feet minimum is required.
- c. Screening: Evergreen planting up to 25 feet wide may be required to screen the building and associated parking from adjacent properties where the Commission determines that screening is needed to protect adjacent properties from visual impact. Native vegetation may be used to supplement or replace this requirement where available and functional.

- d. Drainage: A Professional Engineer shall certify that there shall be no significant increase in peak runoff from this site.
- e. Parking: Adequate parking shall be provided based on demonstrated need. Parking areas shall be a minimum of 50 feet from property lines and a dust-free, non-paved lot surface is preferred.
- f. Sanitarian: The Sanitarian shall certify that the proposed use meets applicable State Health Codes, with special consideration to pest control.

52.7.18 Post Offices operated by the U.S. Postal Service

1. Post office facilities in the residential zones shall conform to the following special standards:

- a. Community Character, Architecture and Site Plans

Architecture shall be in harmony with surrounding structures with regard to: scale and mass of buildings, including height, width, and general proportions of the structure; placement of doors and windows; roof line; architectural details including trim and siding. A licensed architect shall prepare the building plans. The site plan shall be in keeping with the character of the surrounding neighborhood with regard to both the location and the materials used for landscaped areas, walks and driveways, buildings and other structures. The building, including its landscaping and pedestrian access, shall be the prominent feature as seen from the street. The Commission may approve reduced setbacks where it can be demonstrated that such setbacks conform to the neighborhood standard. The site plan shall be certified by a landscape architect licensed in the State of Connecticut.

- b. Location

The preferred location is within an 1800 foot distance of the intersection of the intersection of Routes 87 and 66. The intent of this regulation is to situate the Town post office in a centralized location and to reinforce the area as a focus for civic activity in the community, in compliance with the Plan of Development.

- c. Buffer

The site shall be designed to minimize disturbance to adjacent properties. A 35 foot buffer strip between the subject parcel and adjacent property shall be provided. Such buffer shall be free of buildings, driveways and parking and shall be landscaped to provide screening. The Commission may reduce the buffer width by a majority vote where the adjacent property will be adequately protected from intrusive noise, traffic and visual disturbance by a reduced buffer due to existing site conditions.

- d. Access

Safe pedestrian access shall be provided, with consideration for circulation both within the site and from offsite. Driveways may be required to connect with adjacent nonresidential facilities.

e. Parking and Loading

Location. Location of parking lots with more than a single row of spaces shall be on the side and rear of the building. Loading docks shall be separated from adjacent residential properties by a minimum of 50 feet.

Landscape Plan: Parking lots shall be landscaped with shade trees along the perimeter at no more than 50 foot intervals. For lots with 20 or more parking spaces, there shall be at least 10 square feet of landscaping within the paved portion of the parking lot for each parking space. Each separate interior landscaped area shall contain a minimum of 140 square feet with a minimum dimension of 8 feet and shall include at least one deciduous tree of at least 2 inch caliper.

f. Lighting

Lighting fixtures shall have cutoffs which eliminate any direct illumination of adjacent properties and minimize illumination of off site properties. Fixtures shall be compatible in scale and design with surrounding land uses and structures.

*(effective November 16, 1998)

52.7.19 Neighborhood Retirement Housing (Entire Section revised 6/01/15)

52.7.19.1 Intent: To provide for housing suited to the unique needs of persons over age 55 in a development pattern that preserves the essentially rural, low-density residential character of the Town of Columbia by permitting an increase in density within the development and allowing alternative housing types with a site design that is in harmony with and preserves natural, scenic and historic site design features; and to provide incentives and opportunities for the creation of affordable housing while also preserving open space lands.

52.7.19.2 Required Approvals: A Special Permit shall be required for any proposed Neighborhood Retirement Housing. The Special Permit may be issued only by the Columbia Planning and Zoning Commission after a public hearing and shall be issued only in conformity to the provisions of Section 52.7.19 of these Regulations. A pre-application review with the Commission is strongly encouraged.

52.7.19.3 Definitions: For purposes of this Section, the following definitions shall apply:

Neighborhood Retirement Housing: A building, or group of buildings located on a single parcel of land or multiple contiguous parcels, sharing common management and ownership, and consisting of single dwelling units occupied by:

1. A person 55 years of age or older as primary occupant

2. A cohabitant of the primary occupant, including after the primary occupant has entered into a long-term care facility or after the primary occupant's death.
3. Either a cohabitants who remarry, or their new spouse, must be 55 years of age or older.
4. One child 21 years of age or older may reside with his or her parent(s).
5. A paid caregiver of any person described above may also reside in each dwelling unit. The paid caregiver shall provide proof of such employment upon request by the Town or the owner of the Neighborhood Retirement Housing Complex
6. In no event may a dwelling unit be occupied by more than three residents.

Dwelling Unit: A single unit providing complete, independent living facilities for qualified occupants including permanent provisions for living, sleeping, eating, cooking and sanitation.

Neighborhood Retirement Housing Complex: All buildings, structures and land associated with the development site. Ownership of the Complex shall be by one entity, either a Common Interest Ownership as defined by CT General Statutes or Private Ownership.

Unbuildable area: The area, expressed in square feet, within the site that is comprised of wetlands soils, watercourses, lakes, ponds, swamps, marshes, flood zone A per FEMA maps, slopes greater than 20%, and easements prohibiting building development.

Dedicated open space: Land whose future use is legally restricted to conservation, recreation, or agriculture in perpetuity.

52.7.19.4 Application for Neighborhood Retirement Housing:

- A. Approvals: A Special Permit is required under the provisions of Section 52.3.
- B. Information Required to be submitted:
 1. Application signed by the owner and agent, if any, stating the ownership of the property to be developed and summarizing the development proposal.
 2. An approval of the septic system design by the appropriate authorizing agency.
 3. An approval of the water supply system from the appropriate authorizing agency.
 4. Key map of the neighborhood on a scale of 1" = 400' showing the relation of the proposed development to abutting properties and to existing and proposed streets.
 5. Certified A-2 base map, on a scale of 1" = 40', showing the following:
 - a. Location of benchmarks.
 - b. Size of the Complex in total acreage.
 - c. Location of any ponds, brooks, or inland wetland areas, as certified by a soil scientist.

- d. Two foot contours extending fifty (50) feet beyond site boundaries.
Contour information shall be collected by an actual field survey or by means of photogrammetry (aerial topography).
 - e. Location of unbuildable area. Notes should reflect total area (in square feet) of buildable and unbuildable areas on the site.
 - f. Location of subsurface sewage disposal area and site testing locations for the same.
 - g. Location of water supply.
 - h. Location, dimension and basement floor elevation of all buildings; as well as foundation and footing drains.
 - i. Location of internal private roads, individual driveways, parking areas, and parking spaces.
 - j. Location of accessory buildings, structures and facilities.
 - k. Location of proposed dedicated open space.
6. Architectural plans showing accurate elevations, height, bulk, construction materials and other massing, architectural, and design features of the proposed development.
7. Stormwater Plan per Section 6.3 of Columbia Subdivision Regulations.
8. An erosion and sedimentation control plan prepared in accordance with Article VIII of the Zoning Regulations of the Town of Columbia.
9. Landscaping plan (may be incorporated as a part of the Site Plan referenced in Section 51) showing:
- a. Planting schedules - type, number, minimum size of trees and/or shrubs and other plants.
 - b. Treatment of seeding and sodding.
 - c. Pavement types for vehicular and pedestrian movement.
 - d. Type, height and density of any proposed screening or fencing.
10. Open Space Plan.
- a. Description of the proposed use of the areas of open space
 - b. Proposed ownership and maintenance responsibility. All conveyances of rights, title, interest and easements shall be in a form approved by the Town Attorney, shall be accompanied by a Certificate of Title and releases or subordinations of liens and encumbrances where appropriate, and shall be executed and recorded on the Columbia Land Records prior to or concurrent with the filing of the final Subdivision Plan, unless an alternative schedule is approved by the Commission.

52.7.19.5 Standards: Any application for a Special Permit under the provisions of Section 52.7.19 shall meet the following requirements:

- A. Complex Size and Location: The minimum size of Neighborhood Retirement Housing Complex is ten (10) acres, shall be located in a Residential District (RA) and shall have a minimum frontage of fifty (50) feet at the street line of a public street.
- B. Dwelling units per acre: The maximum number of dwelling units in the Neighborhood Retirement Housing Complex shall not exceed two (2) dwelling units per 40,000 square feet excluding "Unbuildable Area" as defined in Section 52.7.19.3.
- C. Each dwelling unit shall contain a minimum of 600 square feet of living area. No dwelling unit shall contain more than three (3) bedrooms and no more than one-third of the total number of dwelling units in the Complex shall contain three (3) bedrooms.
- D. Community buildings, recreational facilities and open spaces designed for, and used principally by, the residents are permitted as accessory uses.
- E. Building Height: Maximum height of 28 feet if one-story and 35 feet if two-story.
- F. Separating distance for buildings with dwelling units within the Complex: Minimum separating distances shall be not less than thirty-five (35) feet for one-story buildings, and fifty (50) feet for two-story buildings.
- G. Setbacks: All buildings shall be setback 75 feet from property lines of residential properties that abut the perimeter of the Complex parcel(s) and 50 feet from existing town or state right of ways.
- H. Sewage Disposal: Each dwelling unit shall be connected to an approved sewage disposal system.
- I. Water Supply: Water Supply facilities must meet the requirements of the State Health Code.
- J. Parking, driveways and roads: The following standards shall apply to parking, driveway and roads:
 - 1. Internal roads in a Neighborhood Retirement Housing Complex shall be 24 feet in width if two-way and 22 feet in width if one-way. All internal roads shall be constructed in accordance with the Standards for a Local Street specified in the Town of Columbia Subdivision Regulations.
 - 2. Driveways shall be constructed in conformance with Section 8.12 of the Zoning Regulations of the Town of Columbia and shall be bituminous concrete.
 - 3. There shall be at least two parking spaces provided for each single-family dwelling unit. One of these parking spaces may be provided within an attached garage.

4. Guest parking shall be provided throughout the complex in small lots or pull-off area in close proximity to dwelling units and other areas such as near a community building or passive/active recreation areas.
- K. The entire Neighborhood Retirement Housing Complex shall be owned by one entity. Driveways, parking areas, utilities, water, sewage, streets, landscaped areas, accessory buildings, structures and facilities, and open spaces so designated on the site plan shall be owned and maintained by the owner of the Complex. If the owner is a common interest ownership association pursuant to the Connecticut Common Interest Ownership Act of the Connecticut General Statutes, the Association By-Laws and Association Rules shall be reviewed and approved by the Town Attorney.
 - L. All utility transmission and service lines shall be underground, except when waived by the Commission due to site limitations.
 - M. Architectural considerations: All buildings shall share a common exterior architectural theme and be compatible with other dwellings in Columbia. Each dwelling unit shall contain a basement or attic for storage.
 - N. Home office uses shall be allowed in conformance with Section 8.5.1 of the Zoning Regulations of the Town of Columbia with the exception that no additional commercial vehicle is permitted.
 - O. Adequate street lighting for internal roads shall be provided.
 - P. Appropriate signage shall identify the entrance to the complex, intersections, directions and patterns of vehicular movement. The placement, size and height of the signs shall conform to the requirements of Section 62.
 - Q. A minimum of 15% of the lot shall be preserved in perpetuity as dedicated open space for conservation, recreational or agricultural use where appropriate. Such open space shall be located so that it is an integral part of the residential area, readily accessible to residents of the parcel and to necessary maintenance equipment except where such accessibility would interfere with a stated conservation purpose or agricultural use.
 - R. The Neighborhood Retirement Housing Complex may be developed in stages. The initial site plan shall show the full development with the first stage depicted in detail, future stages may be shown in concept. Future stages shall require Special Permit approval by the Commission.
- 52.7.19.6 Evaluation Criteria: In considering the proposed application, the Planning and Zoning Commission shall be guided by the following:
- A. The existing and future character of the neighborhood in which the use is to be located.
 - B. The location of principal and accessory buildings in relation to one another.
 - C. The height, bulk, and density of buildings in relation to one another.

- D. Traffic circulation within the site; amount, location, and access to parking; traffic load or possible circulation problems on existing streets; pedestrian safety throughout the site and in the immediate neighborhood.
- E. Availability of water to the site and adequate disposal of sewage and storm water.
- F. Safeguards to prevent detrimental impact to adjacent property and the neighborhood in general.
- G. Provisions for open space, common areas and amenities, including size, configuration, purpose, connectivity to other open space, public and environmental benefit, ownership, maintenance and control. Proposed purpose, use and management of dedicated open space shall be reviewed on the basis of the criteria listed in the open space section of the Columbia Plan of Conservation and Development.

52.7.19.7 The Commission may provide for bonding of all required common improvements and for soil and erosion control.

52.7.19.8 The owner of the Complex is responsible for the maintenance of all common improvements and for maintaining the provisions of the approved Special Permit and Site Plan and the verification of occupancy qualifications.

52.7.19 **Outdoor Commercial Recreation Activities** (effective December 27, 2013)

Definition: An outdoor facility or activity area used for commercial recreation such as sport fields or courts, golf courses and driving ranges, miniature golf, baseball batting cages, waterslides, sports camps or training centers and athletic courses, Outdoor Commercial Recreation Activities shall conform to the following Special Standards.

- a. A statement of use shall be submitted describing in detail the nature and scope of the recreational activities and the maximum number of attendees proposed for the site. The recreational or commercial use of motorized vehicles, other than for maintenance, shall not be permitted. The use of firearms shall not be permitted.
- b. The site plan shall show the location of all recreational activities and all proposed improvements associated with the use including buildings and structures, roads, driveways, parking, loading areas, recreation fields and other outdoor facilities or activity areas.
- c. The parcel of land shall be at least 15 acres in area. All setbacks shall be 30 feet except if the abutting property is zoned residential or contains a residential use the setback shall be 100 feet. In addition to applying to all buildings, structures or other improvements, the setbacks apply to the recreational use itself and associated accessory uses including parking.
- d. There shall be an adequate vegetative or fenced buffer along property lines that abut a residential zone or residential use that effectively screens any on-site activity, including parking, from the residential use and as otherwise specified by

the Commission. The screening buffer must be suitably landscaped and maintained.

- e. Public address systems shall not be permitted. There shall be no amplified music.
- f. Parking shall be provided on-site based on a parking demand study for the proposed use prepared by a traffic engineer, shall not be located within the setbacks and designed and constructed according to Section 61 of these Regulations. Driveways, loading areas and required parking spaces shall be arranged so as not to create glare, noise, or traffic problems.
- g. There shall be no outdoor lighting which causes any glare onto any adjoining property; all outdoor lighting shall be off between the hours of 10:00pm and 7:00am with the exception of minimal security lighting. A lighting plan shall be submitted.
- h. The sale, rental or repair of recreation equipment may be authorized as an accessory use.
- i. The serving of food and beverages to patrons may be permitted as an accessory use to the principal commercial recreation use. Possession or consuming of alcoholic beverages is prohibited.
- j. The complex shall be landscaped with trees, shrubs, and other vegetation to the satisfaction of the Commission. The Commission may require roads and drives to be treated to reduce dust, and may impose such other conditions necessary to protect adjoining and nearby properties.

SECTION 53 - FLOOD HAZARD DISTRICT REGULATIONS

53.1 Flood Hazard District: The Flood Hazard District is defined as and includes all special flood hazard areas designated as Zone A, A1-30 on the Town of Columbia, Connecticut Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway maps, dated September 16, 1982 or any revision thereto and on file with the Zoning Officer. These maps as well as the accompanying Town of Columbia Flood Insurance Study are incorporated herein by reference.

53.2 Development and Use Regulations: The following regulations apply within the Flood Hazard District:

53.2.1 Residential Construction: New construction and substantial improvement of any residential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation.

53.2.2 Non-Residential Construction: New construction and substantial improvement of non-residential structures shall be constructed in accordance with residential construction standards above, or may be flood-proofed in lieu of being elevated provided that together will all attendant utilities and sanitary facilities the areas of the structure below the base flood elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered 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 provision of this subsection.

53.2.3 Elevated Buildings: New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(A) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding:

- (2) The bottom of all openings shall be no higher than one foot above grade, and,
- (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

53.2.4 Base Flood Elevations: In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) is permitted which will increase base flood elevations more than one (1) foot any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

53.2.5 Encroachments Prohibited: Within the floodway designated on the Flood Boundary and Floodway map or as may be determined in Section 53.2.6 all encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency the following standard applies: Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the water of the base flood without increasing the water surface elevation of that flood more than one foot at any one point.

53.2.6 Elevation Date Required: When base flood elevation data or floodway data have not been provided, then the Zoning Officer shall obtain from the applicant, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the requirements of this district.

53.3 General Standards: Within the Flood Hazard District, the following standards must be met prior to issuing permits for any proposed construction/development.

53.3.1 Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

53.3.2 Construction Materials and Methods: (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; (b) All new construction and substantial improvement shall be constructed using methods and practices that minimize flood damage.

53.3.3 Utilities: (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems; (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; And (d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

53.3.4 Alteration of Watercourse: (a) The Zoning Officer shall notify adjacent communities and the Connecticut Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. (b) Maintenance is required within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

53.4 Administration:

53.4.1 A Zoning Permit and a Special Permit shall be obtained before construction or development begins within the Flood Hazard District. Special Permit applications shall be in conformance with the Special Permit Section of the Zoning Regulations. The Plot Plan required of applications for a Zoning Permit shall contain all information necessary to comply with the Flood Hazard District, including but not limited to:

(a) Proposed fill and grading;

(b) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

(c) Elevation in relation to mean sea level to which any structure has been flood-proofed;

(d) Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 53.2.2

(e) Certificates required in Section 53.2.3.

53.4.2 Granting Permits: Special Permit and Zoning Permits may be granted only if applicants are in compliance with (1) requirements of the Flood Hazard District; (2) other sections of the Zoning Regulations; and if (3) all necessary local, state and federal permits or approvals have been obtained

53.4.3 Information to be Obtained and Maintained: The Zoning Officer shall: (1) Obtain and record the actual elevation (in relation to Mean Sea Level) of the Lowest Floor (including basement) of all new or substantially improved structures and the level to which all new or substantially improved structures have been flood-proofed; (2) Maintain the flood-proofing certifications required in Section 53.2.2; (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding; and (4) Maintain for public inspection all records pertaining to the provisions of this ordinance.

53.5 Definitions:

1. Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.
2. Flood Hazard District is defined as and includes all special flood hazard areas designated as Zone A, A1-30 in the Town of Columbia, Connecticut Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway maps, dated Sept. 16, 1982 and on file with the Zoning Officer. These maps as well as the accompanying Town of Columbia Flood Insurance Study are incorporated herein by Reference.
3. Floodway means 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.
4. Lowest Floor means the lowest floor of the lowest enclosed area (including basement.) An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.
5. Mean Sea Level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
6. Start of Construction includes substantial improvement, 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 the piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, 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.

7. Substantial Improvements means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure shall be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purpose 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 any project for improvement of the structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
8. Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*effective 6/1/89

SECTION 54 - CLUSTER DESIGN

- 54.1 Purpose: The purpose of this section is to provide a method for development of land; to permit a variety of lot sizes for one-family detached residences in the residential district without an increase in the density of population of development; to provide for the protection of surrounding properties, persons, and neighborhood values; to provide for future park and recreation areas; to ensure proper surface preservation and protection of existing trees, ground cover, topsoil, rock outcroppings, and scenic historical sites; and to prevent damage caused by excessive and poorly planned grading for streets and building sites.
- 54.2 Requirements: Upon application of the owner of the land or his duly authorized agent, the Commission may, in appropriate cases and subject to appropriate conditions and safeguards prescribed by it, grant a special permit for cluster development of single-family detached residences in RA-1 and RA-2 districts subject to the following conditions.
- 54.2.1 The tract shall be at least 25 acres.
- 54.2.2 The tract shall be in a single ownership or consolidated into a single tract by a number of different owners by means of a binding agreement which will ensure the uniform treatment and implementation of an overall cluster zone plan for the entire tract from the time of application and continuing thereafter.
- 54.2.3 The area, location and bulk standards specified in Section 7 shall not be reduced by more than twenty (20%) percent.
- 54.2.4 The total number of proposed residences shall not exceed the number which would be developed using a minimum lot size of 60,000 square feet.
- 54.2.5 A plan shall be presented for the entire tract in compliance with the Standards for Subdivision Development and any and all other applicable ordinances, regulations, and requirements of the Town of Columbia including, but not limited to the showing of the location of all existing and proposed buildings, the slopes, grades, and contours of the tract, the natural features intended to be preserved, areas to be set aside for conservation, park, or other recreation areas, and improvements thereto, and a landscaping plan for the entire development of all of the aforementioned including the elevation of buildings.
- 54.2.6 The proposed layout shall be in accordance with the Plan of Development for the Town.

- 54.2.7 The area proposed to be developed under the cluster zoning regulations shall be served by community water supply and sewage systems. However, individual septic tanks and water supply systems may be used if evidence is submitted to the satisfaction of Health Officer of the Town of Columbia and the Commission that individual septic tank and water supply systems can function satisfactorily.
- 54.2.8 All utilities shall be placed underground unless this requirement is waived by the Commission.
- 54.2.9 The balance of the land not contained in the building lots shall be of such condition, location, size and shape as to be readily usable for conservation, park or recreational purposes. Further, this land shall be strategically located with respect to the lots to be served and accessible to pedestrian and vehicular traffic from a public right-of-way at least twenty feet wide. This land shall consist of not less than twenty percent of the total net acreage; net acreage being defined as the area of the tract excluding the land area required to be set aside for new public streets.
- 54.2.10 The balance of the land not contained in the building lots shall, at the discretion of the Commission, be:
- (a) held in such type of legal entity as the Commission may deem appropriate. The developer shall submit a suitable legal instrument which, to the satisfaction of the Commission will assure that such land will continue to be used for the conservation, park, or recreational purposes in perpetuity. Such developer shall also provide for the adequate maintenance of such area set aside for conservation, park or recreation. The developer shall also make provision for saving the Town of Columbia harmless from any legal liability of any nature whatsoever including, but not limited to accident or occurrence. Such developer shall also provide for the insertion in all deeds, in a form approved by the Commission, any and all safeguards and conditions in these Regulations. Such legal instruments shall also provide that the Town of Columbia, its agents, servants, and employees may, without liability, enter upon such land held for conservation, park, or recreation and remove or cause to be removed any thing or object which may be deemed to be a nuisance or in the nature of a nuisance. Such legal instrument shall also contain a provision that no structure may be erected on said conservation, park, or recreation land except that which is approved by the Commission. The legal instrument shall also contain a provision that such area set aside for conservation, park, or recreation shall always remain and be under the supervision of the Commission and no change shall be made in the use thereof without first having obtained approval from the Commission. Owners of land contiguous to the cluster

development may be included and become part of such legal entity owning the conservation, park, and recreation area, provided that approval from the Commission and approval by the owners of the legal entity owning the conservation, park, and recreation area, provided that approval from the Commission and approval by the owners of the legal entity owning such land has been obtained; or

- (b) Deeded to the Town.
- (c) Assurance shall be given to the Town of Columbia in a manner satisfactory to the Commission that the developer of the proposed cluster development shall begin operations within twelve months and continue thereafter until finally completed and approved.
- (d) A bond shall be posed to cover the costs of development and to insure compliance with such terms and conditions as the Commission may prescribe under the terms of these regulations and as provided in the Subdivision Regulations of the Town, as amended.

ARTICLE VI - TOWNWIDE REQUIREMENTS

SECTION 61 - PARKING AND LOADING

61.1 General: Parking spaces and loading spaces shall be provided off the street for any use of land, buildings or other structures in accordance with the standards hereinafter specified. Off-street parking and loading spaces required by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. All off-street parking and loading spaces hereafter established, whether required by the Section or not, shall conform to the standards of the paragraph headed "Standards" below.

61.1.1 Existing Uses: Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of this Section. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards herein unless off-street parking and loading spaces are provided for such new use as required by this Section.

61.2 Dimensions: For the purpose of the Section, one (1) parking space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate one(1) automobile having an overall length of 20 feet and shall contain an area of 180 square feet; one (1) loading space shall constitute an area of 12 feet in width and 50 feet in length with a vertical clearance of 15 feet with such shape, access and slope as to accommodate one (1) truck having an overall length of 30 feet.

61.3 Parking Spaces: Off-street parking spaces shall be provided in such number and location specified as follows:

61.3.1 Dwellings (and rented rooms): Two (2) spaces for each family or dwelling until plus one (1) space for each bed in the rented room for the tourists or roomers, and located on the same lot with the dwelling.

61.3.2 Professional Office (in a dwelling unit): Four (4) spaces, and located on the same lot with the dwelling.

61.3.3 Auditorium (churches, places of worship, theaters, assembly halls or stadium): One (1) space for each five (5) seats, and located on a lot not more than 300 feet in a direct line from the building; if the building is located in a Residence District, such parking spaces shall be located on the same lot with the building.

61.3.4 Undertaker: Comply with the provisions of Section 61.3.5.

- 61.3.5 Stores and Offices (retail stores, business and professional offices, post office, financial institutions and medical and dental clinics); one (1) space for each 150 square feet of ground floor area of the building and each 300 square feet of upper floor area, and located on a lot not more than 300 feet in a direct line with the building.
- 61.3.6 Restaurants (and other establishments serving food or beverages): One (1) space for each 50 square feet of patron floor area, and located on the same lot with the building.
- 61.3.7 Reserved
- 61.3.8 Motels, Hotels and Convalescent Homes: One (1) space for each bed for patients or guests plus one (1) space for each three (3) employees, and located on the same lot with the building.
- 61.3.9 Service Stations (and automobile repair garages): Ten (10) spaces and located on the same lot with the building.
- 61.3.10 Commercial and Manufacturing (including warehouses, wholesale businesses, research laboratories and establishments for the manufacture, processing or assembling of goods); one (1) space for each 1.5 employees during the largest daily work shift period, and located on a lot not more than 500 feet in a direct line from the building.
- 61.3.11 Other Uses: Sufficient off-street parking spaces, as approved by resolution of the Zoning Commission shall be provided in connection with any use not specified in Paragraphs 1 through 10 to accommodate the vehicles of all persons occupying the premises so that the purpose and intent of this Section is maintained.
- 61.4 Multiple Uses: Where separate parts of a building are used for purposes for which there are different numbers of parking spaces required in the preceding paragraph entitled "Parking Spaces", the number of spaces required shall be determined by adding the number of spaces required for each separate use. When two or more classifications provided in said paragraph are applicable to a use of land, building and other structures, the classification requiring the larger number of spaces shall apply.
- 61.5 Joint Use of Parking Space: The owners of two or more separate adjoining premises may establish a joint parking area to provide the total number of required parking spaces.

61.6 Loading Space: Each building or structure other than a dwelling, having a gross floor area in excess of 4,000 square feet, shall be provided with one (1) off-street loading space on the same lot with the building for each 40,000 square feet of gross floor area or fraction thereof, excluding basements.

61.7 Standards: All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

61.7.1 Design: Except for parking spaces provided in connection with a dwelling, each parking space shall be provided with adequate area for approach, turning and exit of an automobile having an overall length of 20 feet without need to use any part of public street right-of-way. Points of entrances and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. No off-street loading space and no truck loading bay, ramp or dock shall be designed or arranged in a manner that trucks must use any part of public street right-of-way for maneuvering, or for loading and unloading.

61.7.2 Construction: All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street. Except for necessary driveway entrances, and except for parking spaces provided in connection with a dwelling, all off-street parking and loading spaces located within 10 feet of any public street right-of-way shall be separated from such right-of-way by a curb, a fence or wall or an embankment in such a manner that cars will not overhang the right-of-way.

61.7.3 Landscaping: Any parking area accommodating 30 or more cars in connection with a use of land, buildings or other structures for which approval of a SITE PLAN or SPECIAL PERMIT is required under these Regulations shall be provided with not less than one (1) tree, for each 30 cars in the parking area, and suitably located in landscaped islands within or border strips adjacent to the parking area so as to enhance the appearance of the premises. Trees shall be of a species approved by the Zoning Commission, shall be suitably planted and maintained and shall be not less than two (2) inches caliper and 10 feet in height.

SECTION 62 - SIGNS

62.1 GENERAL - The purpose of this section is to promote the public safety and welfare by providing standards to control the location, size, height, and number of signs. One aspect of town character is signage. Signs are highly visible and attract attention. They produce an indication of the commercial health of a business district and a lasting impression of a community.

These specific requirements have been formulated to prevent undue distraction to motorists and pedestrians, to insure compatibility of signs with permitted land use, and regulate size, height, location and number of signs in order to:

- Protect the residential, commercial, industrial, and recreational nature of each district.
- Encourage economic growth.
- Mitigate negative impact on adjoining properties.
- Assist in achieving a more desirable environment in order to maintain property values.

Unless otherwise provided in this section, no sign shall be established, constructed, enlarged, extended, moved or structurally altered until a zoning permit has been approved by the Commission. All signs shall conform to the provisions herein, and to any additional conditions that may be imposed in connection with the approval of a Site Plan or Special Permit.

62.2 DEFINITIONS

Sign - The term "sign" shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag, or other device, however made, displayed, painted, supported, or attached, intended for the purpose of advertisement, identification, publicity, or notice, when visible from any street, or from any lot other than the lot on which the sign is located. The term sign, however, shall not include any flag, pennant, or insignia of any government unit or non-profit organization, any traffic or direction sign location within the right-of-way of a street when authorized by the Town of Columbia or the State of Connecticut.

Sign Area - Any sign may be double faced, and with a free-standing two faced sign, only the larger face shall be counted when determining sign area limitations. All measurements shall be to the outside edge of the sign. The perimeter area shall be the polygon formed by connecting all the outermost edges of the sign.

62.3 STANDARDS - ALL DISTRICTS

Signs in all Districts shall conform to the following standards:

62.3.1 Purpose- All signs, except as hereinafter provided, shall advertise, identify or give publicity or notice only with respect to use of land, buildings or other structures actually in existence on the lot where the sign is located. When such use shall have been discontinued for a continuous period of 60 days, all signs pertaining thereto shall be removed or otherwise eliminated. Upon failure to comply within the time specified, the Planning and Zoning Administrator is hereby authorized to order removal of such sign within 30 days of written notification, and expenses incurred shall be paid by the owner of the building, structure, or lot on which such sign is placed.

62.3.2 Directional Signs - Notwithstanding the provisions of Paragraph 62.3.1, an existing commercial enterprise may establish two (2) directional signs on another lot or lots, provided that such directional signs are not longer than 48 inches nor wider than eight (8) inches, are painted in black or green and white, are located in a Commercial or Manufacturing District, and are not located within the right-of-way of any street.

62.3.3 Placement Standards -

1. No sign shall be placed in such position as to endanger traffic on a street or public way by obscuring a clear view or by creating confusion with official street signs or signals.
2. No sign shall be located or maintained so as to be a hazard to traffic or pedestrians, obstruct any door, window, ventilation system, fire escape, fire exit, or to cause any other hazard to public health or safety.
3. No sign shall be attached to any tree or utility pole nor painted directly on the wall of any building.
4. Except where specifically noted in these regulations, all signs shall be fixed to the ground or building.
5. When the sidewall construction or design is impractical to install, a sign attached to either a flat or pitched roof but sized according to the area of the sidewall under 12 feet in height may be installed.

62.3.4 Safety Standards -

1. No person shall erect a sign which is structurally unsafe, as determined by the Building Official.

2. Signs which constitute a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment shall not be permitted.
3. Signs which obstruct light or air or interfere with the functioning of a building shall not be permitted.

62.3.5 Illumination Standards - No sign shall be erected which flashes, rotates or has moving parts. Signs shall be lit with steady, stationary, shielded white light sources directed solely onto the sign from above, below or internally with minimum glare. Internally illuminated signs are permissible only in the Commercial and Manufacturing Districts.

62.3.6 Compliance - Prior to approval of any change of use, site plan or Special Permit, the applicant shall demonstrate that all signs on the subject lot are legal, nonconforming or are in compliance with the Columbia Zoning Regulations. Any other signs shall be removed from the premises prior to issuance of a Certificate of Zoning Compliance.

62.4 STANDARDS - RESIDENCE DISTRICTS

No free-standing sign shall exceed a height of six (6) feet. The following signs are permitted and no others:

1. Identification. On any lot, one (1) identification sign not exceeding three (3) square feet in area, giving only the name of the premises and/or of the occupant, or announcing a occupation or professional office on the premises. These signs may extend to the property line or street line. No permit is required.
2. Real Estate. On a lot where the premises are for sale or for rent, three (3) real estate signs not exceeding twelve (12) square feet in total area and not referring to any other premises. These signs may extend to the property line or street line. No permit is required.
3. Development. On a tract of land for which a subdivision map has been approved by the Commission, one (1) real estate sign not exceeding thirty two (32) square feet in area for a period of one (1) year, subject to renewal annually and only during the development of the tract. Minimum setback from the property line is ten (10) feet.

4. Contractor. Building Contractor and designer signs pertaining to buildings under construction shall not exceed a total area of thirty two (32) square feet, and such signs shall be removed within 30 days after completion of the project. Minimum setback from the property line is ten (10) feet.
 5. Warning/Traffic. Private warning and traffic signs, with no advertising thereon, shall not exceed two (2) square feet in area. Height shall be the least necessary to obtain visibility. These signs may extend to the property line. No permit is required.
 6. Municipal Service/Warning Signs for Town Owned Lands in a Residential Zone Permanent municipal freestanding signs, not to exceed six feet in height and 40 square feet in surface area, for each side, may be permitted to provide municipal information for the town. These signs may bear postings on two sides or two signs posted at 90 degrees. Signs must be located at least 10 feet from any roadway so as not to impede traffic safety or line of sight. Drawings of any proposed sign must be submitted to and approved by the Planning and Zoning Enforcement Agent. (Effective August 26, 2002)
7. Advertising Signs for Public Purposes on Town Owned Lands in a Residential District

Advertising signs that would generate funding for public purposes are allowed as long as these signs are no longer than 32 square feet in a single sign and cover in their aggregate no more than 30% of the side of a building from ground level to ten feet or the aggregate surface area of the fence.

62.5 STANDARDS - COMMERCIAL AND MANUFACTURING DISTRICTS

General Standards - It is the purpose and intent of this section to accommodate and encourage the establishment of signs necessary for increasing commercial activity while avoiding those that would be detrimental to public safety, property values, and the appearance of the Community.

Signs permitted in the Residence District are permitted in the Commercial and Manufacturing Districts.

Minimum setback from the property line is ten (10) feet. Signs may project a maximum of 15 inches from building face into the setback area provided that the sign does not impede vehicular or pedestrian traffic.

(a) Sign Quality

Signs of good quality create the image of a stable business, one ready and able to promote the sale and long term support of its products and service. Sign materials which will withstand the ravages of weather and impact without deteriorating are recommended.

Signs with rigid backgrounds made of wood and wood-like materials with painted, impressed, carved or raised letters are recommended. Dark background colors with gold or light colored letters are suggested, but other colors are acceptable.

Signs painted on buildings are not recommended. Banner signs are not acceptable for permanent signs, however, banner signs may be used for temporary signs in accordance with Section 62.5.1(c).

(b) Sign Content

Permanent signs are recommended convey the name and nature of the business. Temporary signs convey short term information regarding promotions, special situations, and special sales.

(c) Temporary Signs

One temporary sign may be displayed by a business owner for sales, special promotions, or new business announcements. It shall not exceed 12 square feet in area and be authorized by a permit from the Planning & Zoning Administrator. The time period for temporary signs shall not exceed two weeks. A business may utilize a temporary sign not more than six times a year. Temporary signs must not jeopardize the health or safety of the public, whether the public is inside or outside the business area. Temporary signs must be affixed to the ground and must be removed entirely

when the display period has expired. Banners are a form of temporary sign and may be authorized only under this section.

(d) Inflatable Signs

Inflatable signs such as cold-air balloons are permitted at a height not to exceed 50 feet and an area not to exceed 200 square feet. Each business is permitted two such advertising uses per calendar year for a total period not to exceed 60 days.

62.5.2 Commercial Districts

(a) Free Standing Signs

On any lot, one free-standing sign is permitted per street frontage. A second free standing sign will be permitted on any one lot where per street frontage exceeds 200 feet. A maximum height of 15 feet is permitted. The distance from the base of the sign to any property line shall be greater than its height. Maximum area is 50 square feet, except such area may be increased by 20 square feet for each 100 feet over 200 feet of frontage on a State highway. However, in no case shall the total area of such sign exceed 150 square feet. (effective 06/03/03)

(b) Wall Signs

On any lot, one wall sign attached to a building is permitted per business with building frontage. A second wall sign will be permitted per business with building frontage that exceeds 200 feet. Maximum area shall equal 20% of the wall area below 12 feet, or 40 square feet, whichever is less. Wall signs shall not project more than 15 inches from the building face. (effective 06/03/03)

(c) Projecting Signs

On any lot, one projecting sign attached to a building is permitted per business with building frontage. Signs up to 12 square feet may project up to 4 feet from the wall, provided there be a clearance of greater than 10 feet from ground level to the sign.

(d) Municipal Service/Warning Signs for Town-Owned Lands in a Commercial Zone-

Permanent municipal freestanding signs, not to exceed eight feet in height and 40 square feet in surface area, for each side, may be permitted to provide municipal public service warnings for the Town. These signs may bear postings on two sides or two signs posted at 90 degrees. Signs must be located at least

15 feet from any roadway so as not to impede traffic safety or line of site. These signs must be submitted to be approved by the Planning and Zoning Commission's Zoning Enforcement Officer. (Effective 08/26/02)

62.5.3 - Manufacturing Districts

(a) Free-Standing Signs

On any lot, one free-standing sign is permitted per street frontage. A second free standing sign will be permitted on any one lot where per street frontage exceeds 200 feet. A maximum height of 15 feet is permitted. The distance from the base of the sign to any property line shall be greater than its height. (Effective 06/03/03)

(b) Wall Signs

On any lot, one wall sign, attached to only one wall is permitted Per business with building frontage. A second wall sign will be permitted on any one lot where per street frontage exceeds 200 feet. Maximum area shall equal 10% of the area of the wall area below 12 feet. Wall signs shall not project more than 15 inches from the building face.

(c) Projecting Signs

Signs up to 12 square feet may project up to 4 feet from the wall, provided there be a clearance of greater than 10 feet from ground level to the sign.

EXEMPTIONS - These regulations shall not apply to signs uses in conjunction with farm-related activity, provided such signs shall not exceed 32 square feet in area. These regulations shall not apply to signs erected in conjunction with events conducted or sponsored by any non-profit organization, tag sale or garage sale. All such signs shall not exceed 32 square feet in area and shall be removed within 48 hours after said event. *(effective June 3, 2003)

SECTION 63 - EXCAVATION AND GRADING

- 63.1 **General:** No earth, including loam, sand, gravel, clay, peat or quarry stone, shall be excavated and removed from any lot, or graded or dumped on any lot, except as authorized under Paragraph 63.2 or as authorized under an Application for a permit granted by the Commission under the provisions of this Section.
- 63.2 **Exemptions:** The provisions of the Section and the requirements to obtain a permit shall not apply to the following cases:
- 63.2.1 Excavation, removal and/or dumping of less than 100 cubic yards in any 12 month period.
- 63.2.2 Necessary excavation, grading, and earth removal in direct connection with the construction on the premises of buildings, foundations, roads, driveways, storm sewers, utility services, fences or walls, swimming pools, or any bona fide construction project, and for which any required application for Certificate of Zoning Compliance has been approved;
- 63.2.3 Necessary excavation, grading, earth removal in connection with improvements on the premises solely for farming or landscaping purposes, such as the construction of ponds, draining of wetlands, improvement of water courses, burying of stones or refuse, re-grading of difficult contours, and the excavation of gravel by and landowner on his own property for his own use and not for sale, and when written notice in advance of commencement of the operation has been given to the Zoning Enforcement Officer;
- 63.2.4 Necessary excavation, grading, and earth removal shall be deemed to permit the removal of only the quantity of material which shall be necessary to make the premises more suitable for the proposed use.
- 63.3 **Application:** Application for Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer and shall be accompanied by the following:
- 63.3.1 **Maps and Plans:** A map, certified by the applicant to be correct, of the area for which permission to excavate is sought, drawn to a scale of not more than one hundred (100) feet to the inch showing:
- a. Existing and proposed land contours at a vertical contour interval of not greater than five (5) feet (or a statement of existing contours, interpolations of the ten foot contours of The United States Geological Survey may be used);
 - b. Existing and proposed drainage, water courses and water boundaries;
 - c. Existing ground cover and proposed landscaping;
 - d. A reasonably accurate sketch of the tract within which excavation is to be conducted showing the location of the property;

- e. The boundaries of the property within which the excavation is to be conducted;
- f. Abutting property owners' names;
- g. Streets, highways, access ways, or rights-of-way giving access to or through the property;
- h. The location of all buildings on the property within 200 feet of its boundaries;
- i. Proposed access to the excavation and proposed location of all structures (including machinery) to be erected on the premises.

63.3.2 Statement: An explanation of the manner in which the operation will be conducted and a statement, signed by the applicants, that they have read the requirements of this regulation and that they will conform to the provisions of this regulation and to such conditions as may be imposed by the Commission under the provisions of Section 63.5, in order to insure the safe and sanitary conduct of the operation.

63.4 Procedure: Upon receipt, the Zoning Enforcement Officer shall transmit the application and accompanying maps, plans and documents to the Commission. Within sixty-five (65) days after receipt of a completed application meeting the requirements of Paragraph 63.3, the Commission shall hold a public hearing on the application. Notice of the public hearing shall be published in a newspaper having a substantial circulation in the town at least twice, at intervals not less than two (2) days, the first not more than 15, nor less than 10 days, and the last not less than two (2) days before the public hearing. After the public hearing, the Commission shall approve, modify and approve or disapprove the application. The grounds for disapproval of an application shall be stated in the records of the Commission. Failure to submit additional information requested by the Commission under Paragraph 63.3, within the period for action of the application, shall be grounds for disapproval of the application.

63.5 Approval: After the public hearing the Commission may grant the application to permit the excavation and removal, or grading or dumping if it shall find that the following standards and conditions will be met:

63.5.1 The premises shall be excavated and graded in conformity with the approved plan;

63.5.2 The proposed excavation or grading shall be conducted as required by this ordinance and approved by the Commission;

63.5.3 No permanently erected processing machinery shall be erected or maintained on land owned or occupied by the applicant within 200 feet of any property or street line and such machinery shall be removed from the premises upon the completion of the excavation;

- 63.5.4 Each applicant shall obtain and maintain liability insurance with a limit of not less than \$100,000.00 as to personal injury and \$10,000.00 as to the property damage and shall furnish a certificate of insurance to the Commission. In the event of the cancellation of such insurance, any permit issued hereunder shall terminate;
- 63.5.5 At all stages of the work proper drainage shall be provided to avoid stagnant water, erosion, excessive run-off, silting of streams, and damage to public property and public streams;
- 63.5.6 Truck access to the site of work shall be so arranged as to minimize danger of traffic on adjacent public streets and nuisance to nearby residents. No excavation which is below the grade of any abutting highway or property shall occur within (50) feet of the boundary line of such highway or property without the written approval of the abutting owner of private property deposited with the Commission.
- 63.5.7 Proper measure shall be taken to minimize nuisance of noise, dust, vibration and flying debris;
- 63.5.8 The Commission, or its agents, shall at all times have reasonable access to the premises to be excavated for the purpose of inspection and determination of compliance with this regulation and the plans and conditions of approval.
- 63.5.9 Upon completion of the work authorized, the area of excavation or disturbed ground shall be restored as follows:
- a. The area shall be evenly re-graded to slopes not in excess of 1 to 2 (vertical to horizontal) and yet with sufficient pitch to insure adequate drainage of the area, so that the dangers of erosion, flash floods, and stagnant pools of water will be avoided. Such slopes may begin at the property line;
 - b. Adequate drain ways of gradual contour shall be provided as needed;
 - c. All debris and loose boulders of one (1) cubic yard or less in size shall be buried or removed from the site;
 - d. A layer of arable soil, which shall be free from large stones, shall be spread over the entire area;
 - e. The area shall be then seeded with a perennial grass or other suitable vegetation cover and maintained until the ground shall be completely stabilized and there exists no danger of erosion, as determined by the Commission;
 - f. The foregoing provisions concerning grading, covering, and seeding shall not apply to areas of ledge, existing prior to excavation or exposed during excavation, nor to boulders larger than one (1) cubic yard.
- 63.5.10 The applicant shall file with the Commission a cash, saving account or surety bond, in an amount and in a form acceptable to the Commission, to insure the

faithful performance of the work in accordance with the provisions of this section;

- 63.6 Time Limits: Each permit issued under the provisions of this regulation shall be valid for a period of five (5) years or for shorter period of time as may be requested by the applicant; and each such permit, upon application made at least fourteen days before the expiration of the initial term, provided that no violation of the terms of such permit exists at the time of expiration of the initial term or any annual renewal thereof. Upon the death of the owner or in the event of the sale of the property of the owner, the permit shall continue in effect as long as the successor permittee indicates his willingness to be bound by the terms of the application and provides a prescribed bond.
- 63.7 Existing Operations: Excavations in active operation prior to the effective date of these regulations may be renewed in accordance with the provisions of Section 63.6.
- 63.8 Return of Bond: Upon completion of any operation for which a permit is issued upon application, as herein provided, in conformity with the terms set forth in such application, any applicant may request the Commission for the return of the bond filed as herein provided, and upon said Commission being satisfied that the operation has been completed in compliance with the provisions of such application, said bond shall be returned to the principal named therein, but otherwise said bond shall remain in full force and effect.
- 63.9 Amendment: If during the conduct of the work or restoration of the site, special circumstances unforeseen at the time of the application approval are encountered, the applicant may file an application with the Commission seeking to amend the conditions under which the permit was granted. In processing any application for amendment, the Commission shall follow the procedures set forth in Section 63.4. The Commission may request the submission of any data which it deems necessary in order for it to decide upon the application for amendment.

SECTION 64 - TRAILERS

64.1 General: The use, occupancy, parking and storage of trailers constituting camping and recreational equipment, utility trailers, commercial trailers and mobile homes on any lot shall conform to the provisions hereinafter specified. (see section 6.1.1)

64.2 Definitions: Certain words used in this Section are defined as follows:

"Vehicle" includes any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, a cushion of air or by any other means. The term does not include devices propelled or drawn by human power or devices used exclusively on tracks;

"Trailer" means any rubber-tired vehicle without motive power drawn or propelled by a motor vehicle.

64.2.1 "Trailers constituting camping and recreational equipment" are defined as follows:

- (a) A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and vacation uses, and when equipped for the road shall have a body width not exceeding eight (8) feet and which shall be eligible to be licensed/registered and insured for highway use.
- (b) A "pick-up coach" or "pick-up camper" is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, camping, recreational and vacation uses only, and which shall be eligible to be licensed/registered and insured for highway use.
- (c) A "motorized camper" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary dwelling for travel, camping, recreation and vacation uses, and which shall be eligible to be licensed/registered and insured for highway use.
- (d) A "tent trailer" is a canvas, folding structure, mounted on wheels to be used as a temporary dwelling for travel, camping, recreational and vacation uses, and which is eligible to be licensed/registered and insured for highway use.

64.2.2 A "utility trailer" is a small box, boat, horse or flat trailer designed to be towed by a vehicle using a ball and socket connection.

- 64.2.3 A “commercial trailer” is of a larger and heavier type trailer using a ring and pin, fifth wheel, or similar connection, and shall include mobile home office trailers.
- 64.2.4 A “mobile home” is a movable or portable dwelling built on a chassis, and which is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy and exceeding 30 feet in length.
- 64.2.5 A “manufactured home” for purposes of the Flood Hazard district, is a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.
- 64.3 Use, Parking and Storage: Any owner of a trailer constituting camping and recreational equipment or a utility trailer as defined in these regulations, which trailer is 30 feet or less in length may park or store such trailer on private residential property subject to the following conditions:
- 64.3.1 At no time shall such parked or stored trailers be occupied or used for living, sleeping or housekeeping purposes. There shall be no connections to any utility service, including electrical, heat, water and sewage disposal service.
- 64.3.2 If such trailer is parked or stored outside of a garage, it shall be parked or stored to the rear of the principal building or other major building in a neat and orderly manner, and, if possible, placed in a location in which it is not visible from any street; it shall conform to the setback from side and rear property lines as required for building and other structures.
- 64.3.3 In Residence Districts parking or storage of any such trailer on any lot shall be limited to two (2) such trailers per dwelling unit on the lot, except that one (1) additional utility trailer may be parked or stored for each 40,000 square feet of lot area. Said trailers shall be registered in the name of and be the legal property of an occupant of the principal building on the lot.
- 64.3.4 Notwithstanding the provisions of these regulations, any such trailers may be parked anywhere on the lot for servicing, cleaning, loading or unloading purposes for a period not to exceed two (2) days.
- 64.4 Mobile Homes: No mobile home shall be used for any purpose on any lot, or stand unoccupied except with the approval of the Zoning Commission and such approval shall be limited to a period of 364 days. Such approval may be granted only in cases of extenuating circumstances, such as request to live in the mobile home while the residence is being repaired or rebuilt after fire or other casualty. Where said mobile

home is to be occupied, its sanitary facilities must have written approval of the Director of Health of the Town of Columbia at the time of approval by the Zoning Commission, and it may be occupied by only one (1) family, at least one (1) member of which shall be either the owner of the lot or related by blood, marriage or legal adoption, to the owner of the lot. Additional restrictions may be made a part to the conditions of approval by the Zoning Commission.

64.5 Sales and Rentals: Where authorized as a permitted use in a District, the parking or storage of trailers constituting camping and recreational equipment for sale or rental shall conform to the requirements for outside storage areas specified in Section 51.

64.6 Commercial Trailers: Commercial trailers shall conform to the following provisions:

64.6.1 Subject to the securing of a CERTIFICATE OF ZONING COMPLIANCE, commercial trailers used as storage or offices may be parked on any lot in connection with a bona-fide construction project on the lot. Such CERTIFICATE shall have a duration of no more than six (6) months unless extended at the discretion of the Zoning Enforcement Officer to coincide with an additional period when the construction project is in process.

64.6.2 Commercial trailers are otherwise permitted on a lot only as an accessory to permitted commercial and industrial uses, such as trucking terminals, building contractors' business and storage yards, warehousing and wholesale businesses, manufacturing, processing and assembling of goods, construction projects and marine transportation, provided that such trailers shall conform to all of the setback requirements for buildings and other structures.

64.7 Manufactured Homes: In a flood Hazard District, all manufactured homes are to be elevated so that the lowest floor is above the base flood elevation and shall be placed on a permanent foundation which itself is securely anchored so that it will resist floatation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. (Effective 6/1/89)

SECTION 65 - PERFORMANCE STANDARDS

- 65.1 Applicable to all Non-Residential Uses. No land or building shall be used or occupied for non-residential use in any manner as to create any dangerous, injurious, noxious or otherwise objectionable, fire, explosive, radioactive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; excessive heat, cold, dampness movement of air; electrical or other disturbances; excessive glare; liquid or solid refuse or wastes or condition conducive to the breeding of rodents or insects; or other substance, condition, or elements (all referred to herein as "Dangerous or Objectionable Elements"), in a manner or amount as to adversely affect the surrounding area, provided that any non-residential use may be undertaken and maintained if it conforms to the district regulations and the performance standards set forth herein.
- 65.2 Measurement at the Point of Emission. The existence of the following Dangerous and Objectionable Elements shall be determined at the location of the use creating same or at any point beyond, and these shall be limited as follows:
- 65.2.1 Fire and Explosion Hazards: All activities and all storage of inflammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire prevention equipment and devices. The use shall conform to the Fire Safety Code of the State of Connecticut, the regulations of the Town's Fire Marshal, and other applicable regulations.
- 65.2.2 Radioactivity: No activities which emit dangerous radioactivity at any point are permitted. The use shall conform to the regulations of the Sanitary Code of the State of Connecticut, the regulations of the Town's Fire Marshal, and other applicable regulations.
- 65.2.3 Smoke: No emission at any point, from any chimney or otherwise of visible gray smoke of a shade darker than No. 1 of the Ringelman Smoke Chart as published by the U.S. Bureau of Mines is permitted.
- 65.2.4 Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause excessive soiling at any point is permitted.
- 65.2.5 Liquid or Solid Wastes: No discharge at any point into any private sewage disposal system or stream, or into the ground of materials in such a way or to such nature or temperature as can contaminate any water supply, or otherwise cause the emission of Dangerous or Objectionable Elements, except in accord with standards approved by the State Department of Health or State

Water Resources Commission or both. An accumulation of solid wastes conducive to the breeding of rodents or insects shall not be permitted.

65.3 Measurement at the Lot Line: The existence of the following Dangerous and Objectionable Elements shall be determined at the lot line of the use creating the same or at any point beyond said line and the following standards shall apply:

65.3.1 Vibration: The safe standards developed by the U.S. Bureau of Mines recommended in Table 7, U.S. Bureau of Mines Bulletin No. 442 or any revision thereof shall be used.

65.4 Odors: The standards established as a guide by Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual", Copyright 1951 by the Manufacturing Chemist's Association, Inc., Washington, D.C. or any revision thereof shall be used.

65.5 Noise Standards: The sound pressure levels of any operation (other than the operation of construction or demolition of structures, or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound pressure levels shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published in the American Standards Association, (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3 - 1944, American Standard Specification Association for an Octave - Band Filter Set for Analysis of Noise and Other Sounds, Z24- - 1953, American Standards Associate, Inc., New York, New York shall be used).

TABLE (a) NOISE LEVELS

Frequency Band (Cycles/second)	Sound Pressure (Decibels re 0.0002 dyne/cm ² within any Residence District at its boundary)
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If the noise level is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections in Table (b) below shall be subtracted from each of the decibel levels given above in Table (a).

TABLE (b) NOISE LEVEL CORRECTION

Type of Operation of Character of Noise	Correction in Decibels
Noise occurs between the hours of 10 p.m. and 7 a.m.	-3

SECTION 66 - OUTDOOR STORAGE CONTAINERS

- 66.1 Intent. The intent of this section is to recognize the need for outdoor storage for residential and business purposes by allowing outdoor storage containers as limited below in order to reduce the impact on neighborhood character and property values.
- 66.2 All outdoor storage containers, if located for more than thirty (30) days, require a Certificate of Zoning Compliance.
- 66.3 Temporary outdoor storage containers may be permitted in any district in accordance with the requirements of Section 8.14 and shall be of a temporary nature for a period of one year, but which can be renewed once for a total period of not more than two years. The storage container or containers shall not exceed an aggregate total volume of 84 cubic yards.
- 66.4 Permanent outdoor storage containers may be permitted as an accessory to permitted commercial and industrial uses on the lot provided that such containers shall conform to all of the setback requirements for buildings and other structures. Permanent outdoor storage containers shall not be located on any lot unless the Zoning Enforcement Officer, after receipt and review of an application for Zoning Compliance and any additional documentation or information that he/she shall deem necessary, has determined that the permanent outdoor storage containers will not create a negative impact on the neighborhood character in such a way as to present an unsightly appearance when viewed from adjacent roads or properties. For example, it is preferable that storage containers be kept in the rear or side yard and screened by landscaping or fencing in a manner which is in harmony with the principal structure and the neighborhood. The number of outdoor storage containers shall not be limited but individual storage containers cannot exceed a total volume of 84 cubic yards each.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

SECTION 71 - BOARD OF APPEALS

- 71.1 The Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut and may adopt rules and procedures necessary to exercise its authority.
- 71.2 The powers and duties of the Board of Appeals include the following:
- 71.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer;
 - 71.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut; and
 - 71.2.3 To determine and vary the application of these Regulations in Harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.
- 71.3 Whenever the Zoning Board of Appeals grants or denies any Special Permit or variance in the Zoning Regulations applicable to any property or sustains or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the Zoning By-Law, ordinance or Regulation which is varied in its application or to which an special permit is granted and, when a variance is granted, described specifically the exceptional difficulty or unusual hardship on which its decision is based.
- 71.4 To insure that the public is informed of possible actions involving property in the Town of Columbia, the following notice requirements, in addition to those required in the Connecticut General Statutes, are required by any applicant;
- 71.4.1 The applicant shall notify, by certified mail, on a form provided by the Zoning Board of Appeals, all adjacent owners of property within 500 feet (500') of the boundaries of the applicant's parcel, as set forth in the records of the Assessor's Office. A copy of the applicant's notice, a list of the property owners so notified, and receipts from the certified mailing shall be filed with the Zoning Agent as least five (5) days prior to the Public Hearing.

71.4.2 In addition, the applicant shall post a sign, to be furnished by the Zoning Board of Appeals, on the property for which a Public Hearing is to be held. Each sign will be provided by Town Staff in 24x36 inch light paper format. The applicant shall either laminate or otherwise protect from the weather these signs, mount substantially ten feet from edge of pavement in two-sided format so that a face can be seen approaching from each direction. Every 500 foot of road frontage should have such a mounted, two-sided public hearing sign. Such sign shall be posted at least ten (10) days prior to the scheduled Public Hearing and shall give the date, time and location of the Public Hearing. The sign is to be posted on the site in a location that will offer maximum visual access to the public. The applicant shall remove the sign within three (3) days of the close of the Public Hearing.

SECTION 72 - ADMINISTRATION

- 72.1 Zoning Enforcement Officer: The Commission shall appoint a Zoning Enforcement Officer who shall have the responsibility and authority to enforce the provisions of these Regulations. The Commission may appoint Deputy Zoning Enforcement Officers to assist and act for him.
- 72.2 Applications: All applications for Certificate of Zoning Compliance shall be submitted to the Zoning Enforcement Officer and shall be accompanied by three (3) copies of a plan drawing or drawings, drawn to scale, and showing the following:
- 72.2.1 Area of the lot, and the dimensions and angles or bearing of all lot lines;
 - 72.2.2 The height, dimensions, use, floor area, ground coverage and location of all buildings and other structures, whether existing or proposed;
 - 72.2.3 The location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to such spaces;
 - 72.2.4 The location of any existing or proposed wells and private sewage disposal systems;
 - 72.2.5 The location, area and dimensions of any signs, outside storage areas, site development and landscaping that are subject to the provisions of these Regulations; and
 - 72.2.6 Such additional items as may be necessary to determine compliance with the provisions of these Regulations.
- 72.3 Supporting Applications: When required by the provisions of ARTICLE V and Section 65, the Application for Certificate of Zoning Compliance shall be accompanied by specific additional applications and related site plans, architectural plans and other plans and drawings. Such plans and drawings, if incorporating all of the information required for a plan drawing under the “Applications” paragraph above, may be substituted for such plan drawing.
- 72.4 Staking: No Application for Certificate of Zoning Compliance shall be approved by the Zoning Enforcement Office for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of lot lines. The Zoning Enforcement Officer may

require the placement of stakes or markers to be made and certified by either land surveyor or engineer, licensed to practice in the State of Connecticut.

72.5 Approval and Issuance: the Zoning Enforcement Officer shall approve an Application for Certificate of Zoning Compliance and shall issue a Certificate of Zoning Compliance when he determines that all of the requirements of these Regulations have been met. No Application shall be considered issued unless signed by the Zoning Officer or his Deputy. If deemed necessary to determine compliance with these Regulations and before issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer may require the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which measurements shall be prepared and certified by and Land Surveyor licensed to practice in the State of Connecticut. Within 10 days after notification by the applicant that the premises are ready for occupancy, or within 10 days after receipt of the certified measurements if required, the Zoning Enforcement Officer shall issue or deny a Certificate. One (1) copy of the plan drawing or drawings shall be returned by the Zoning Enforcement Officer to the applicant. The following additional requirements shall apply to the approval of Applications and issuance of Certificates:

72.5.1 Sanitation: Where a proposed use or a proposed building or other structure involves the installation, extension, relocation or reconstruction of a private sewage disposal or water supply system, no Application for Certificate of Zoning Compliance shall be approved until plans for such system have been approved by the Director of Health or his authorized agent; no Certificate of Zoning Compliance shall be issued until such system has been completed and approved by the Director of Health or his authorized agent or until the use or building or structure has been provided with connections to a public sanitary sewer and/or public water supply system.

72.5.2 Conditions: Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission in connection with any action of such commission and any conditions of approval attached by the Commission shall be conditions for approval of an Application for Certificate of Zoning Compliance by the Zoning Enforcement Officer and issuance by him of a Certificate.

72.5.3 Temporary Certificate: Upon certification by the applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a Temporary Certificate of Zoning Compliance having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary use of land, buildings and other structures in the process of improvement and completion in accordance with an approved Application.

- 72.5.4 Other Permits: Approval of an Application or issuance of a Certificate shall not be construed to constitute compliance with any regulation, ordinance or law not to relieve the applicant from responsibility to obtain any permit thereunder. The Zoning Enforcement Officer may at his discretion withhold approval of an Application or issuance of a Certificate until any such permit has been approved and obtained by the applicant.
- 72.6 Inspections: The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land, building or other structure to determine compliance with these Regulations. No Certificate of Zoning Compliance shall be issued until the Zoning Enforcement Officer has inspected the land, building or other structure involved to determine that the use and/or buildings or other structures conform to these Regulations.
- 72.7 Orders: The Zoning Enforcement Officer is authorized to issue a Stop Work Order if in his judgment the use of land, buildings and other structures or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure are not being carried out in compliance with these Regulations; he shall withdraw such Order when he determines that there is compliance with these regulations. The Zoning Enforcement Officer is authorized to order in writing the remedying of any condition found to be in violation of these regulations.
- 72.8 Records: The Zoning Enforcement Officer shall keep records of all fees; all Applications and Certificates, all identifiable complaints of any violations of these Regulations, all inspections made under these Regulations and all notices of violation served by him and the action taken thereon.
- 72.9 Procedures: The Commission may from time to time by resolution adopt administrative rules and procedures for the enforcement of these Regulations.
- 72.10 Fees: Each application for Certificate of Zoning Compliance shall be accompanied by such fees as are authorized under the General Statutes or by an ordinance enacted pursuant to the provisions of Public Act No. 82-282 and as said ordinance may be amended from time to time.

SECTION 73 - PENALTIES AND REMEDIES

- 73.1 Penalties: Any person, firm or corporation who shall violate any provision of these Regulations shall be subject to penalties in accordance with the General Statutes of the State of Connecticut pertaining to zoning.
- 73.2 Remedies: The proper authorities of the Town of Columbia, or any person, firm or corporation, may institute any appropriate action or proceeding to enforce the provisions of these Regulations or to prevent, restrain, enjoin, correct or abate any violation of these Regulations, as may be authorized by law.

SECTION 74 - AMENDMENTS

- 74.1 These Regulations, including the Zoning Map which is a part hereof, may be amended by the Commission on its own initiative or when initiated by a written petition. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be prepared and submitted in accordance with any rules for submission of petitions adopted by resolution of the Commission.

SECTION 75 - VALIDITY

- 75.1 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.
- 75.2 If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

SECTION 76 - EFFECTIVE DATE AND REPEAL

- 76.1 These Regulations, and any amendment or change hereto, shall be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.
- 76.2 The Zoning Regulations of the Town of Columbia, Connecticut, previously adopted, and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations, and all amendments thereto, shall not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time such repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been affected.

ARTICLE VIII - SOIL EROSION AND SEDIMENT CONTROL REGULATIONS

(Effective 10/31/95)

SECTION 81 - DEFINITIONS

- 81.1 "Certification" means a signed, written approval by the Commission (its designated agent or the County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- 81.2 "Commission" means the Planning and Zoning Commission of the Town of Columbia.
- 81.3 "County Soil and Water Conservation District" means the Tolland County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.
- 81.4 "Development" means any construction or grading activities to improved or unimproved real estate.
- 81.5 "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 81.6 "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 81.7 "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 81.8 "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- 81.9 "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 81.10 "Soil" means any unconsolidated mineral or organic material of any origin.
- 81.11 "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SECTION 82 - ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

SECTION 83 - EXEMPTIONS

A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

SECTION 84 - EROSION AND SEDIMENT CONTROL PLAN

84.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or as amended) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. *(effective 10/15/03)

84.2 Said plan shall contain, but not be limited to:

A. A narrative describing the:

1. development;
2. schedule for grading and construction activities including:
 - a. start and completion dates;
 - b. sequence of grading and construction activities;
 - c. sequence for installation and/or application of soil erosion and sediment control measures;
 - c. sequence for final stabilization of the project site.
3. design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. construction details for proposed soil erosion and sediment control measures and storm water management facilities.
5. installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
6. operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show the:

1. location of the proposed development and adjacent properties;
2. existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3. existing structures on the project site, if any;
4. proposed area alterations including clear, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;

5. location of and design for all proposed soil erosion and sediment control measures and storm water management facilities;
 6. sequence of grading and construction activities;
 7. sequence for installation and/or application of soil erosion and sediment control measures;
 8. sequence for final stabilization of the development site.
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

SECTION 85 - MINIMUM ACCEPTABLE STANDARDS

- 85.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3,4,5 and 6 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or as amended). Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- 85.2 The minimum standard for individual measures are those in the Connecticut Guidelines for Soil and Erosion and Sediment Control (2002 or as amended). The Commission (or the county Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 85.3 The appropriate method from the Connecticut Guidelines for Soil Erosion and Sediment Control (2002 or as amended), shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.
- *(effective 10/15/03)

SECTION 86 - ISSUANCE OR DENIAL OF CERTIFICATION

- 86.1 The Commission (or the County Soil and Water Conservation District) shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- 86.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
- 86.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

86.4 The Commission may forward a copy of the development proposal to the conservation or other review agency or consultant for review and comment.

SECTION 87 - CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

*87.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission.

OR

**87.1 The estimated costs of measurements required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission.

87.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

87.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

87.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

*87.1 *This first 87.1 is adapted for use in subdivision or planned unit development regulations.*

**87.1 *This second 87.1 is adapted for use in zoning's site plan review regulations.*

SECTION 88 - INSPECTION

88.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.