

**ZONING REGULATIONS  
OF THE  
TOWN OF COLUMBIA  
CONNECTICUT**

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# ARTICLE I - GENERAL PROVISIONS

## SECTION 1 - PURPOSE

Entire Section Revised effective June 1, 2022

**1.1 Statutory Purpose:** These Regulations are adopted for the purpose set forth in CGS Section 8-2 as amended, including:

1. To promote the health, safety and general welfare of the community, lessening congestion in the streets, prevent the overcrowding of land, avoid undue concentration of population, provide for light and air, and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public improvements;
2. To divide the town into districts with considerations as to the physical characteristics of each district and its suitability for particular uses, so as to conserve the value of property and buildings and promote the most appropriate use of land throughout the town;
3. To protect the state's historic, tribal, cultural and the environmental resources including both public and ground drinking water;
4. To assure that proper provision is made for sedimentation control and the control of erosion caused by wind or water;
5. To affirmatively further the purposes of the Federal Fair Housing Act which prohibits housing discrimination based on race, color, national origin, religion, sex, familial status, or disability;
6. To address significant disparities in housing needs and access to educational, occupational and other opportunities;
7. To expressly allow the development of housing which will meet the housing needs identified in the state housing plan;
8. To consider the impact of permitted land uses on contiguous municipalities and on the planning region;
9. To encourage energy efficient patterns of development; the use of solar and other renewable forms of energy, and energy conservation; and,
10. To promote efficient review of land use applications.

**1.2 Plan of Conservation and Development:** These Regulations are made in accordance with a comprehensive plan, with reasonable consideration as to the physical characteristics 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: (Revised 11/1/19)

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 Manufacturing -1	CM-1
Commercial Manufacturing -2	CM-2
Mixed-use	MU

**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.

6.2.6 The following Cannabis establishments as defined in the June 2021 Connecticut Public Act No. 21-1, Senate Bill No. 1201 are prohibited in all zones: producer, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer and product packager. Retailer, Dispensary Facility, Hybrid Retailer, Delivery Service and Transporter are permitted by Special Permit in the CM1 and CM2 zones and prohibited in all other zones. *Effective 6/1/22*

## SECTION 7 - AREA, SETBACKS AND HEIGHT STANDARDS

- 7.1 General:** The following regulations shall apply to the area, shape and frontage of lots and the location and height of buildings and other structures in each zoning district per Section 7.7: Height, Area and Yard Requirements.
- 7.2 Lot Area, Shape and Frontage:** Each lot shall have at least the minimum area, shape and street frontage as specified for the district, except as provided in Section 7.6: Rear Lots. Frontage shall be contiguous.
- 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.
- 7.4 Setbacks:** No building or other structure shall extend within the minimum Yard Requirements as specified for the zoning district in which the lot is located, 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 **Railroads:** In Commercial and Manufacturing Districts no setback is required by the right-of-way line of a railroad.
- 7.4.4 **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.
- 7.4.5 **Accessory Buildings in Residential-Agricultural Districts:** One unattached accessory building per lot may meet 50% of the side or rear yard 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. All other accessory buildings on the lot shall meet the setback requirements.
- 7.5 *Reserved for future use***

## 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 the Residential-Agriculture District.
- 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.
- 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 Minimum Square Contiguous Area. 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. Unless otherwise required in a district, all yard setback requirements shall be as for rear yards in that district.
- 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."

**7.7 Height, Area and Yard Requirements** (revised 11/1/19)

	RA	CM-1	CM-2	MU
<b>Frontage Lots:</b>				
Minimum Lot Area (sq. ft.)	50,000	50,000	30,000	20,000
Minimum Frontage (ft.)	200	100	100	100
Minimum Front Yard (ft.)	50	30	30	30
Minimum Side Yard (ft.)	25			
Abutting RA district (ft)		75	75	25
Not abutting RA District (ft.)		30	30	25
Minimum Rear Yard (ft.)	50			
Abutting RA district (ft)		75	75	50
Not abutting RA District (ft.)		30	30	50
Maximum Stories	2	3	2	2
Maximum Heights (ft.)	35	40	35	35
Maximum Lot Coverage	10%	25%	25%	15%

**Rear Lots:** (see Section 7.6 for additional requirements)

Minimum Lot Area (sq. ft.)	150,000	Not Permitted
Minimum Yards (ft.)	50	
Minimum Square Contiguous Area	300' by 300'	

**Accessory Buildings:**

One qualifying accessory building as defined in 7.4.4	50% of minimum lot yard	No reduction
All other accessory buildings	No reduction	No reduction

**Minimum Habitable Floor Area (sq. ft.)**

As established by Connecticut General Statutes or the following, whichever is less:

One floor dwelling	1,000
Two floor dwelling	
First floor	750
Total	1,250

## 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** *Reserved for future use.*
- 8.3 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:
- 8.3.1 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;
  - 8.3.2 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;
  - 8.3.3 The accessory living unit shall include a separate kitchen and bathroom;
  - 8.3.4 The sanitary facilities have been approved in writing by the Town Sanitarian as being adequate to serve the increased requirements;
  - 8.3.5 Adequate off-street parking is available on the parcel;
  - 8.3.6 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)
- 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:** (Entire Section Revised 11/16/20) 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 and mixed-use zones through the process described below, while at the same time protecting the integrity of the underlying zone.

**8.5.1 Requirements and Standards for all Home Occupations:** The Home Occupation Application 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 including the number of employees, visitors and estimated maximum number of non-personal vehicles on the site at any one time. The Zoning Permit shall automatically terminate when the applicant no longer resides in the dwelling unit. The following is required for all home occupations.

- 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 both own and 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 for all home occupations permitted on the lot shall not exceed seven-hundred (750) square feet or 49% of the total living area, whichever is less.
- d. There shall be no visible evidence or indication of the home occupation as seen from outside any building or structure used for the home occupation, except for a sign as permitted-in Section 62.5.
- e. Parking on-site shall be provided per Section 61 in an amount sufficient for the approved use.
- f. Screening as required below shall consist of the use of the natural topography, or landscaping, stone walls, fences and/or evergreen trees or shrubs of suitable height to meet this requirement, the screening shall be maintained to ensure its effectiveness for as long as the home occupation exists.
- 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.

**8.5.2 Minor Home Occupation:** The Zoning Agent may issue a Zoning Permit provided the following standards, in addition to the requirements and standards of Section 8.5.1, are met:

a. Level of activity for the home occupation is limited to:

Employees in addition to the home's residents	1
Visits per day by customers/clients in passenger vehicles	5
Shipping or receiving per day	1
Commercial vehicles up to 11,000 GVW see 8.5.2c	2
Outdoor storage	none

b. Minor Home Occupations include, but are not limited to, the production and sale of arts, crafts, home preserves, and knitted, sewn or baked goods; business, professional and personal services, and the offices of plumbers, house painters, electricians, and other persons whose services are not performed at the dwelling.

- c. In addition to homeowner’s personal car, SUV or pickup truck, two (2) commercial vehicles not in excess of 11,000 pounds gross vehicle weight used for the home occupation may be parked on the premises; CT DMV vehicle registration shall be for the Columbia address. The commercial vehicles shall be either garaged on the premises or screened so as not to be visible, when standing at ground level, from the boundary of any adjacent property including those properties separated by public or private rights of way.
- d. Sufficient parking is provided on-site for employee and customers/clients not to exceed four (4) parking spaces.
- e. No portion of the home occupation will be conducted outside of the principal or permitted accessory structures.

**8.5.3 Moderate-impact Home Occupation:** The Commission may approve a Site Plan Application for a moderate-impact home occupation provided the following standards, in addition to the requirements and standards of Section 8.5.1, are met:

- a. Level of activity for the home occupation is limited to:

Employees in addition to the home’s residents	2
Visits per day by customers or clients	10
Commercial vehicles up to 11,000 GVW see 8.5.3c	2
Outdoor storage see 8.5.3d	100 sq ft

- b. Moderate Impact Home Occupations include, but are not limited to, the same as for a Minor Home Occupation with an additional employee and daily visits, or with outdoor storage.
- c. In addition to homeowner’s personal car, SUV and pickup truck two (2) commercial vehicles not in excess of 11,000 pounds gross vehicle weight used for the home occupation may be parked on the premises; CT DMV vehicle registration shall be for the Columbia address. The commercial vehicles shall be either garaged on the premises or screened so as not to be visible, when standing at ground level, from the boundary of any adjacent property including those properties separated by public or private rights of way.
- d. Sufficient parking is provided on-site for employee and customers/clients not to exceed four (4) parking spaces.
- e. One contiguous outdoor area not to exceed 100 square feet for storage if screened from all abutting properties and the street.



**8.5.4 Major-impact Home Occupation:** The Commission may approve a Special Permit Application for a home occupation with activity in excess of a Moderate-impact home occupation in accordance with the provisions of Section 52, provided the following standards, in addition to the requirements and standards of Section 8.5.1, are met:

a. Level of activity for the home occupation is limited to:

Employees in addition to the home’s residents	4
Visits per day by customers, or shipping/receiving trucks	10
Commercial vehicles up to 11,000 GVW	2
Pick-up or walk-in van not in excess of 14,000 GVW	1
Outdoor storage	200 sq ft

- b. To be compatible with the surrounding residential use, the minimum lot area is not less than five (5) acres, the home occupation activity areas, including vehicle parking, shall be separated from all abutting property lines by a minimum of one hundred (100) feet.
- c. One contiguous outdoor area not to exceed 200 square feet for storage if screened from all abutting properties and the street.
- d. The Commission shall require such screening as it may determine, in its sole discretion, to be necessary to preserve the residential character of the lot and neighborhood. Such screening shall always include, but shall not to be limited to, vegetative buffers to fully screen commercial-type vehicles and parking areas serving five or more vehicles from abutting roads and properties; the screening shall be maintained to ensure its effectiveness for as long as the home occupation exists.

**8.5.5 Prohibited Home Occupations:** The following uses are prohibited as home occupations:

- a. Vehicle storage, salvage, or repair.
- b. Dog boarding and/or day-care

**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** *Reserved for future use.*

**8.11** **Underground Shelters:** Individual underground shelters are permitted as 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. *revised 5/1/17*

**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 feet 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 stone walls; 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, Amended 1/23/23). 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 Building Official. 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 or secondary 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:
- a. 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 .
  - b. 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.
  - c. The furnace shall not be operated between May 1 and September 30.
  - d. 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.
  - e. 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.
  - f. 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:

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.

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.

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.

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.

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.

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.

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.

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 I through 3 of this paragraph. (Effective 7/1/94)

#### Agriculture and Related Terms (Effective 5/1/17)

Agriculture - The growing of crops; raising of livestock; and, the storing, processing and sale of agricultural and horticultural products and commodities including those defined in CGS § 1-1q as incidental to agricultural operations.

Agricultural Buildings and Structures - Buildings or structures used in connection with agriculture, including greenhouses, shelter for livestock and storage of animal waste, farm machinery, equipment and supplies.

Farm - A parcel, or contiguous parcels, of land containing not less than five (5) acres under single ownership and/ or leasehold and used for agriculture.

Farm, Small - A parcel of land of less than five (5) acres under single ownership that is primarily a residential use with an accessory use of agriculture.

Farm Cart – A temporary, movable structure, not more than 100 square feet in size, located on a farm for the display and sale of agricultural products grown or produced on such farm. Sales of such products shall be limited to not more than six (6) months in any calendar year.

Farm Stand – A structure located on a farm for the sale of agricultural products. Products sold shall have been grown on such farm or purchased from other Connecticut farms or farmers markets.

Farm Store, Retail – An accessory use located in a building or a portion of a building located on the farm where agriculture products and by-products are produced, and other products are offered for sale.

Farm Winery – A place or premises in which wine is manufactured, stored and/or sold and which is located on a farm parcel consisting of a minimum of 10 acres with a minimum of 2 acres, or 5%, whichever is greater, of the land dedicated as a vineyard for the growing of fruits used to produce the wine. For the purposes of these regulations, wine shall include any alcoholic beverage, including brandy, eau-de-vie, cider and hard cider, obtained by the fermentation of the natural sugar content of fruits, such as grapes, apples and peaches. The commercial making of winery by-products on a designated farm winery and vineyard is also permitted. The making of beer and ale as an accessory use on an approved Farm Winery is also permitted. A Farm Winery may only sell these



alcoholic beverages produced in accordance with the requirements of the State of Connecticut for a Designated Connecticut Grown Farm Winery and Farm Brewery. (revised 5/17/21)

Farm Winery Private Events – An accessory use to a winery for private gathering events such as private parties, receptions, weddings, reunions and similar events not open to the general public.

Farm Winery Tasting Area – An accessory use to a winery located in a building, or portion of a building on the farm vineyard; the area may also include an adjacent outdoor area.

Farmers Market – A seasonal public market use, the primary purpose of which is for farmers to offer for sale produce, vegetables, flowers, orchard products, breads and similar agricultural products directly to consumers. Additional vendors, demonstrations and presentations are permitted as being accessory to such market.

Livestock - Animals kept either in open fields or structures including cattle, horses, sheep, goats, llamas, alpacas, swine and poultry.

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".

Event / Wedding Venue Facilities: A facility or facilities open to the public where weddings or events shall take place. (Effective 9/13/21)

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.

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 pre-construction 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. The following is excluded from the height measurement when not for human occupancy: spires, ornamental cupolas, towers, chimneys, flagpoles and silos as well as features such as tanks and heating, ventilation, air conditioning, railings, and elevator equipment, that are located on the roof of a building and do not occupy more than 25 percent of the area of the roof.

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, Frontage: A lot that meets the minimum continuous frontage required for that district and is capable of accommodating a driveway for access to the building on the lot. (Effective 5/1/17)

Lot, Rear: A lot that meets the required minimum frontage for a rear lot, and the buildable area is located generally to the rear of other lots having frontage on the same street as said lot. (Effective 5/1/17)

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.

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.

Parking Garage: A commercial building used to park or store multiple motor vehicles.

Recreational Facilities: A facility for recreation opportunity or service such as, but not limited to tennis, racquet ball, swimming, bowling, game arcade, exercise and health center, miniature golf, driving range and similar uses, and appropriate accessory uses and facilities. (Effective 11/1/19)

Restaurant: An establishment used principally for the preparation and service of foods and beverages, where the service of alcohol is incidental to the business. (Effective 11/1/19)

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.

Vehicular Business: A business that sells, leases, repairs, fuels, cars, trucks, motorcycles, off-road vehicles, boats and boat trailers, recreational vehicles, and sales of parts as an accessory use. (Revised 11/1/19)

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

## SECTION 10 – NONCONFORMITY

(entire section revised effective 9/24/18)

### 10.1 Applicability.

Within the districts established, and amended, by Columbia Zoning Regulations there exist:

- **Lots** that do not conform to the lot area and/or lot dimension standards for the district in which they are located,
- **Uses** of structures that do not conform to the permitted uses of the district in which they are located, and
- **Structures** that do not conform to the height, setbacks or lot coverage for the district in which they are located.

Any nonconforming lot, structure or use that lawfully existed as of the effective date of Columbia's Zoning Regulations, as amended, is permitted to continue.

Changes to nonconforming lots, structures or uses, that lawfully existed as of the effective date of Columbia's Zoning Regulations, as amended, may be permitted subject to the following regulations.

### 10.2 Development of a Vacant or Unimproved Nonconforming Lot.

Definition: A vacant or unimproved nonconforming lot is a lot that has been identified in a deed filed on the Columbia Land Records on or before the effective date of the specific zoning requirements which made the lot nonconforming for lot area, lot shape and/or frontage for the district in which it is located, and for which no foundation has been completed in accordance with a building permit but shall not be deemed a vacant or unimproved lot if any structures on such lot are subsequently demolished.

A vacant or unimproved lot created by a subdivision or resubdivision is permitted to conform to the setbacks and lot coverage that were required under regulations in effect when the lot was created, per Connecticut State Statutes Section 8-26a.

Any other vacant or unimproved nonconforming lot may be developed with a structure for a use that is permitted in the district in which it is located if approved for subsurface sewage disposal and private water supplies and the development meets all other requirements of these Regulations. An application for a variance of yard requirements or lot coverage may be submitted to the Zoning Board of Appeals.

### 10.3 Nonconforming Uses. A nonconforming use of structures or land lawfully existing at the time of adoption of these regulations (as amended) may be continued as a nonconforming use subject to the following:

#### 10.3.1 Change of Use.

- a. A nonconforming use may be changed to a conforming use subject to the approval process of the Columbia Zoning Regulations.
- b. Any change from one nonconforming use to another nonconforming use requires approval by the Zoning Board of Appeals. The reduction of a nonconforming use to a less offensive prohibited use that is a more conforming use and more compatible with the character of the neighboring properties may be granted by the Zoning Board of Appeals after a determination 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 per section 52.6 of these Regulations.

- c. Once a nonconforming use is changed to a more conforming use, the use cannot be changed to a less conforming use.

**10.3.2 Alterations to a building or structure containing a nonconforming use.**

- a. May be repaired or reconstructed as made necessary by wear and tear, or altered as required by law or ordinance or such as may be required for safety.
- b. May be restored if damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy. Such restoration and repair shall not enlarge, extend or increase the volume of the structure. Repair shall be initiated within twelve (12) months of the date of such damage, and completed within twenty-four (24) months, of the date of such damage. The Planning & Zoning Commission may, upon written application made by the owner of the lot, extend the time period for initiation and/or completion for one or more additional one-year period.
- c. The Zoning Board of Appeals may approve a Special Permit Application for alteration or expansion of the structure if the Board determines that the proposed alteration of the structure or the expanded nonconforming 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 per Section 52.6 of these Regulations.

**10.3.3 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 Planning & Zoning Commission, in accordance with Section 8.2 of the Connecticut General Statutes, that it was the intent of the property owner to abandon such use.

**10.4 Nonconforming Structures on Conforming or Nonconforming Lots.** Any structure lawfully existing at the time of adoption of these regulations (as amended) that does not meet requirements of the current regulations is permitted to continue.

**10.4.1 Nonconforming Structure.** A nonconforming structure may be repaired, restored, rebuilt or replaced provided such repair, restoration, rebuilding or replacement:

- a. Does not extend or expand the previously existing nonconformity except as may be specifically provided elsewhere in these regulations;
- b. If due to destruction or damage, shall be initiated within twelve (12) months of the date of such destruction or damage; and shall be completed within twenty-four (24) months of the date of such destruction or damage. The Planning & Zoning Commission may, upon written application made by the owner of the lot to the Planning & Zoning Commission, extend the time period for initiation and/or completion for one or more additional one-year periods.

**10.4.2 Residential Structures on Nonconforming Lots in a Residential District.**

**a. On a non-conforming lot that does not contain** at least 30,000 sq. ft. of contiguous area with a minimum width of 100’ in any direction that is free of water bodies, wetlands, and slopes in excess of 20% over more than 10% of the contiguous area, the following applies:

Enlargement, expansion, or replacement of an existing primary or accessory structure, or the addition of an accessory structure, in each case with no addition or relocation of a well, and no addition, relocation or enlargement of a septic system, are permitted by zoning permit per the following table:

Frontage Lot (area in sq.ft):	Minimum Front/Rear Setback	Minimum Side Setback	Maximum Height	Maximum Lot Coverage
Lot of record less than 18,500	30’	15’	35’ except the portion of the structure closer than 25’ from side property lines or closer than 50’ from front or rear property lines, shall be 25’ in height	15%
Lot of record between 18,501 to 25,000	30’	15’		The greater of 2,775 sq.ft. or 13.5%
Lot of record between 25,001 to 37,500	40’	20’		The greater of 3,375 sq.ft. or 12.0%
Lot of record between 37,501 to 49,999	40’	20’		The greater of 4,500 sq.ft. or 10.0%
Rear Lot of record	30’	30’	Same as above	10.0%

Alternatively, for lots less than the Minimum Lot Area required by Zoning Regulations for that district, a Special Permit Application may be submitted to the Zoning Board of Appeals to request:

- i. An increase of the maximum lot coverage not to exceed fifteen (15) percent, and
- ii. A reduction of front and/or rear setbacks to no less than thirty (30) feet, and
- iii. A reduction of side setbacks for frontage lots to no less than fifteen (15) feet.

Maximum Height requirements per the table in 10.4.2a shall be met. In granting a Special Permit, The Zoning Board of Appeals shall determine that the proposal will not adversely affect the character or property values of neighboring properties or adversely affect the general health, welfare or safety of the Town per Section 52.4 of these Regulations.

**b. On a non-conforming lot greater than the Minimum Lot Area** required by Zoning Regulations for that district, that contains at least 30,000 sq. ft. of contiguous area with a minimum width of 100' in any direction that is free of water bodies, wetlands, and slopes in excess of 20% over more than 10% of the contiguous area, the following table applies.

	Minimum Front/ Rear Setback	Minimum Side Setback	Maximum Height	Maximum Lot Coverage
Frontage Lot	50	25	35'	10%
Rear Lot	50	50	35'	10%

An application for a variance of yard requirements may be submitted to the Zoning Board of Appeals.

**10.5 Structures on Nonconforming Lots in a Non-residential District.**

Structures on nonconforming lots in a non-residential district may be enlarged provided such enlargement complies with all applicable area, dimension, and use requirements of these regulations for the district in which the lot is located. An application for a variance of yard requirements may be submitted to the Zoning Board of Appeals.

**10.6 Moving a nonconforming structure.**

No nonconforming structure shall be moved without Planning & Zoning Commission approval, except if the result of such moving is to reduce or eliminate its nonconformity such approval may be granted by the ZEO.



**ARTICLE II – RESIDENTIAL -AGRICULTURAL DISTRICTS**  
**SECTION 21 – RESIDENTIAL-AGRICULTURAL DISTRICT**

**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:

**NOTE:** Properties within the Columbia Lake Watershed Protection Overlay Zone have additional requirements, see Section 21.4

**21.2.1 Permitted Uses with Staff Approval per Section 3**

1. One single family dwelling per lot
2. Agriculture and farms, see Section 21.5 for uses and type of approval required
3. Trailers subject to the provisions of Section 64
4. Signs as provided in Section 62
5. Minor Home Occupation, subject to Section 8.5.1
6. Family Day Care Home, or Group Child Care Home, as defined in and in compliance with Connecticut General Statutes, Chapter 368a (as may be amended), in an existing single-family residence. A copy of the State License to operate the facility must be submitted to the Zoning Enforcement Officer. *(Effective 2/1/24)*

**21.2.2 Permitted Uses with Site Plan Approval by the Commission per Section 51**

1. Agriculture and farms, see Section 21.5 for uses and type of approval required
2. Ham radio and television towers and antennae for personal home accessory use not over 65 feet in height on lots over two acres
3. Accessory Uses customary and incidental to any aforesaid permitted use. Common and Loop Driveways subject to the provisions of Sec 8.12.2
4. Accessory uses and structures customary and incidental to Special Permits granted on Town Owned Land in the Residential District

**21.2.3 Permitted Uses with Special Permit Approval by the Commission per Section 52**

1. Major Home Occupation, subject to Section 8.5.2
2. Agriculture and farms, see Section 21.5 for uses and type of approval required
3. Summer camps and day camps, subject to Section 52.7.9
4. 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 Serv.
5. Public Utility Stations
6. Topsoil, sand and gravel operations, subject to Section 63
7. Clubs, subject to Section 52.7.7, and livestock auctions
8. Day Care Centers, subject to Section 52.7.2
9. Wireless telecommunication facilities, subject to Section 52.7.15
10. Elderly housing, subject to Section 52.7.10
11. Neighborhood Retirement Housing, subject to Section 52.7.19
12. Bed and Breakfast establishments, subject to Section 52.7.12
13. Commercial Horse Operations, subject to Section 52.7.16

14. Indoor Riding Arenas, subject to Section 52.7.17
15. Accessory uses customary with and incidental to any aforesaid Special Permit Use
16. Event / Wedding Venue Facilities, subject to section 52.7.5 (Effective 9/13/21)

**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; revised effective 5/17/21)

**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 continued high-quality lake resource for a variety of values and functions that a wetland naturally provides including recreation and habitat, and to protect adjacent and town-wide property values.

The Columbia Lake Watershed Protection Area is the land surrounding Columbia Lake that, based on topography, rainfall and snow melt naturally drains into Columbia Lake. As this stormwater runoff flows across the ground and hard surfaces, it picks up phosphorus from atmospheric, organic and inorganic materials, fertilizers and soil particles. This phosphorus goes directly into the Lake unless the stormwater slows enough to seep into the soil where phosphorus and other surface contaminants are naturally removed. Increased levels of phosphorus can cause eutrophication resulting in algae blooms and increased weed growth.

The purpose of this regulation is to implement the recommendations of the 2002 Columbia Lake Management Plan which was based on the 1998 scientific study that determined the maximum amount of phosphorus Columbia Lake could support in order to maintain Columbia’s water quality for the future. Each parcel within the Overlay Zone has a maximum annual amount of phosphorus runoff level, called “Maximum Parcel Allocation”, to sustain the Columbia Lake water quality as described and determined in the Columbia Lake Management Plan.

Based on scientific analysis of Columbia Lake water since 2003, this is a proven measure to protect and ensure the future viability of Columbia Lake.

**21.4.2 Columbia Lake Watershed Protection Area Overlay Zone Maps**

The Columbia Lake Watershed Protection Area is divided into three subzones based on proximity to the Lake: Immediate (A) which drains directly to Columbia Lake; Intermediate (B) which drains through more extensive flow paths to tributary streams; and Remote (C) which primarily first drains to a large, wooded swamp that provides natural renovation of stormwater. These Overlay Zones are shown on the Zoning Map of the Town of Columbia.

**21.4.3 Applicability**

Within the Columbia Lake Watershed Protection Area, these regulations shall apply to all new structures, additions to existing structures, additions to or expansion of non-permeable ground surfaces or any activity that requires a Planning and Zoning, Zoning Boards of Appeals, or Zoning Compliance Certificate. These requirements shall be in addition to the zoning requirements for

the underlying Residential-Agricultural District; in the event of a conflict, the more restrictive requirements shall apply.

#### **21.4.4 Columbia Lake Watershed Protection Area Overlay Zone Requirements**

For all applicable land use activities within the Columbia Lake Watershed Protection Overlay Zone, a Nutrient Allocation Worksheet shall be used to calculate the Maximum Parcel Allocation of phosphorus runoff for the subject parcel, and to estimate the phosphorous runoff both before, and after, the proposed changes.

If the proposed changes result in phosphorous runoff that exceeds the Maximum Parcel Allocation, the parcel's runoff must be mitigated.

The proposed mitigation (See Best Management Practices in Section 21.4.7) shall be shown on the site plan submitted for the building or zoning permit.

Once implemented, all Best Management Practices (BMPs) mitigations as shown on the approved site plan shall be maintained and kept in working condition by the property owner.

If the BMPs as shown on the approved site plan have not been adequately maintained, no further zoning permits shall be issued until the BMPs on the site have been brought back to working condition.

#### **21.4.5 Nutrient Allocation Worksheet to Determine Compliance with Phosphorus Runoff**

*Surface Runoff Factors: Surface types over which rainwater drains on a parcel have different phosphorus runoff factors based on the potential of stormwater infiltration. Hard surfaces such as roofs and driveways have a high factor because stormwater cannot be absorbed into the ground resulting in surface runoff; woodlands have a low factor as stormwater is absorbed into the ground with little surface runoff.*

The Nutrient Allocation Worksheet first calculates the Maximum Parcel Allocation for phosphorus leaving that specific parcel, in pounds per acre, based on the square footage of the parcel. The Nutrient Allocation Worksheet is also used to estimate the amount of phosphorus runoff from the parcel both as it currently exists, and after the proposed changes ("Proposed Changes") based on the area of each surface type (for example - roofs, driveways, lawns, and gardens).

- a. If the Nutrient Allocation Worksheet estimates the amount of phosphorous runoff after the Proposed Changes does not exceed the Maximum Parcel Allocation for that parcel, no mitigation is required.
- b. If the Nutrient Allocation Worksheet estimates the amount of phosphorous runoff after the Proposed Changes to be greater than the Maximum Parcel Allocation for the parcel, mitigation to reduce the phosphorus runoff is required. The maximum estimated phosphorus leaving the parcel after the Proposed Changes cannot exceed the greater of the Maximum Parcel Allocation or 90% of the estimated phosphorus runoff of the parcel before the proposed changes.

Factors and co-efficient not listed on the Nutrient Allocation Worksheet may be used if based on relevant scientific analysis and if approved by the Zoning Agent.

If the changes in surface types on the approved site plan results in a greater reduction in phosphorous runoff than is required, the excess reduction will be documented and carried forward to a future Nutrient Allocation Worksheet.

#### **21.4.6 Exception for Mitigating Parcel Surface Changes totaling 120 sq. ft. or Less**

The Zoning Agent may approve a change of surface type from pervious to non-pervious (such as erecting a shed or adding or increasing a patio area) that is less than 120 square feet in surface area without requiring a Nutrient Allocation Worksheet if the change in surface type is mitigated to capture 2" of stormwater. The Zoning Agent may approve more than one change of surface type providing the total mitigated surface change approved under this Section does not exceed 120 square feet. Thereafter, all future surface changes will require a Nutrient Allocation Worksheet and compliance with Section 21.4.4 and Section 21.4.5.

#### **21.4.7 Best Management Practices (BMPs) for Reduction of Phosphorus Runoff**

The most important step in protecting Columbia Lake is thoughtful land stewardship that acknowledges the relationship between activities on land and the resulting lake water quality.

Phosphorus runoff can be reduced by two methods:

- 1) by changing the type of existing surfaces to ones that increase the stormwater infiltration into the ground; and/or
- 2) by detaining stormwater in swales, ponds or underground chambers to allow infiltration into the ground before it reaches Columbia Lake.

A number of manuals and websites have examples or diagrams of BMPs. The University of Connecticut's NEMO Center's website ([nemo.uconn.edu/tools/index.htm](http://nemo.uconn.edu/tools/index.htm)) stormwater section contains some examples, explanations, and diagrams for BMPs that might be appropriate for a site.

The most valuable and practical BMPs include:

Site layout:

- Maintain pre-development vegetation
- Locate non-pervious areas so as to direct stormwater to desired locations
- Reduce non-pervious areas
- Minimize creation of steep slopes
- Encourage sheet flow of stormwater versus channelization
- Use vegetated swales to interrupt sheet flow of stormwater
- Use permeable pavement that will be maintained

Additional methods:

- Create a native woodland with appropriate trees, underbrush and groundcovers
- Direct roof runoff to an underground detention (drywells, designed above the maximum high groundwater table)
- Direct driveway runoff to an underground detention or aboveground swale or pond
- Direct lawn sheet flow to a rain garden or lawn swale
- Maintain mulched areas especially on the down slopes of lawns and hard surfaces

Usually, a combination of several of these methods are used. The Nutrient Allocation Worksheet has factors to calculate how changing surface types would impact the phosphorous leaving the site.

#### **21.4.8 Provision and Procedures for Reduction of Lake Watershed Protection Requirements**

In a case where the applicant of a proposed activity governed by this Section is unable to comply with the requirements of this Section, the Commission may receive and evaluate a written request, site plan, other relevant materials, and verbal testimony to consider reduction of the requirements of this Section. Reduction may only be granted by the Commission as an action during a regular meeting after conducting a public hearing 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 applied for;
2. a so-called first flush infiltration system either has been employed to the maximum extent possible or is not possible;
3. other reasonably available BMPs have been satisfactorily employed; and
4. if a wetland permit is required for the proposed activity, it has been issued “as the Most Feasible and Prudent Alternative to the proposed activity.”

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/zoning permit application, the applicant can proceed to demonstrate compliance with all other applicable regulations required in the underlying Residential Agricultural District.

#### **21.4.9 Demonstration that the Proposed Activity is Not Within Columbia Lake Watershed**

In a case where, upon site inspection and review of topography, the proposed activity governed by this Section deemed to not be within the Columbia Lake Watershed, a document may be placed in the file indicating that the proposed activity is exempt from Section 21.4. The document shall include a description of the determining factors of the decision and a map indicating the parcel, or the area of the parcel, that is exempt and shall be signed by the Inland Wetlands Agent and the Zoning Agent.

#### **21.4.10 Non-Regulatory but Suggested Actions Beneficial to Columbia Lake Watershed Protection Area.**

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:

Septic System and Leach Fields:

- 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,

Landscape and Lawn Area:

- Only use fertilizers that have low, or preferably, no phosphorus content,
- Maintain mulched areas especially on the down slope of lawns and hard surfaces.

**21.5 Agriculture.** (Section adopted 4/17/17)

**21.5.1** The following accessory uses are permitted in the RA zone:

- 1) One farm cart, or one farm stand on temporary foundation up to 40 sq.ft., located at least 10 feet from any property line.
- 2) Storage of vehicles and equipment necessary for, used for, and accessory to agriculture and farming operations on a farm, provided such vehicles and equipment shall not be used elsewhere for non-farming purposes except for snow plowing.
- 3) Livestock. If on a Small Farm a zoning permit is required to keep large animals, and small animals in excess of 20; no zoning permit required to keep less than a total of 20 small animals.
  - a. Livestock shall be kept in a Minimum Dedicated Area that is:
    - Appropriately fenced and maintained to contain the livestock,
    - Located to avoid steep slopes unless improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for the livestock. Areas of steep slopes can be used for certain agricultural production activities, such as grazing, if properly maintained so that soils are not exposed and buffers are used to filter and trap nutrients before they enter surface waters,
    - Located to not negatively impact an on-site sewage disposal system or water supplies,
    - Excludes the area occupied by residential dwellings and outbuildings, and the front yard,
    - Wetlands cannot be included in calculating the minimum livestock area.
  - b. The minimum area dedicated per each animal depends on the type and number of livestock:

	Minimum Lot	Minimum Dedicated Area for each	Other Requirements
<b>Large Animals:</b>			
Equine, bovine, donkey or mule	3 acres	1 <sup>st</sup> animal: 2 acre Each additional: +1 acre	Livestock Area shall be 50' from offsite residential dwelling
Sheep, goats, llamas, donkey, or alpaca	3 acres	1 <sup>st</sup> animal: 1 acre Each additional: +.5 acres	Livestock Area shall be 50' from offsite residential dwelling
Swine	5 acres	1 <sup>st</sup> animal: 1 acre Each additional: +.25 acres Limited to 5 sows	Livestock Area shall be 50' from offsite residential dwelling
<b>Small Animals:</b>			
Rabbits and similarly sized animals	1 acre	1- 6 animals: 200 sq.ft. Each additional: + 20 sq. ft.	Livestock Area shall be 25' from offsite residential dwelling
Poultry	1 acre	Small Farm limited to 1-12 fowl: 200 sq.ft; Roosters not permitted on a Small Farm	Livestock Area shall be setback 25' from property line

- c. Buildings used for sheltering animals and storing supplies shall be of suitable construction materials. Buildings housing livestock and/or animal waste and refuse on any parcel shall be located at least 75 feet from any adjoining property line and 100 feet from any offsite residential dwelling; other structures shall meet setback regulations for that district.
  - d. The use of trailers or similar temporary structures the housing of animals for periods in excess of ninety days are prohibited; supplies shall not be stored outside.
  - e. Maintenance Requirements - The keeping of livestock shall follow the CT Department of Agriculture generally accepted agriculture practices, and CT Department of Energy and Environmental Protection Manual of Best Management Practices for Agriculture.
  - f. There shall be no outdoor lighting which causes any glare onto any adjoining property.
  - g. The property owner is responsible for the livestock.
- 4) Agricultural activities for the storage, packaging, processing, or bottling of farm products grown on such Farm or Small Farm; subject to current State and local health department regulations.

**The following uses require a zoning permit:**

- 5) Accessory agricultural buildings and structures on a Farm; staff may approve accessory agriculture buildings and structures on a Small Farm up to a maximum square footage of all agricultural buildings and structures of 2,000 sq.ft.
- 6) Other accessory uses. The extent and type of agricultural uses, products to be sold, any activities to be conducted shall be clearly stated in the application or shall be considered to be prohibited. Signage permitted per Section 62: Signs.
  - a. Farm stand up to 200 square feet in area for the sale of agricultural products provided:
    - The farm shall contain a minimum of one (1) acre of land devoted to growing edible crops and agricultural produce that is available for sale on the farm,
    - Public access meets Columbia’s driveway sight line regulations, and sufficient on-site parking is provided (permeable parking surface is preferred); parking is not permitted in the public right-of-way of the road,
    - Sales shall be limited to agricultural grown or produced substantially from the owner’s farm,
    - Such farm stand shall meet the setbacks for that district.
  - b. Activities as an accessory use that are clearly subordinate to the farm operation and encourage the public to enjoy the farm and its products, free or for a fee; activities such as carriage, wagon, and sleigh rides, a corn maze and seasonal “Pick Your Own” fruit and vegetables, provided that:
    - Public access is from a town or State road meeting Columbia’s driveway sight line regulations,
    - Sufficient on-site parking is provided in a clearly defined area, (permeable parking surface is preferred); parking is not permitted in the public right-of-way of the road.



**21.5.2 The following uses are permitted in the RA zone with Commission approval.**

- 1) Farm Stand. Farm stand in excess of 200 sq. ft. in area for the sale of agricultural products provided:
  - a. The farm shall contain a minimum of three (3) acres of land devoted to growing edible crops and agricultural products that will be available for sale;
  - b. Public access shall be from a town or State road and shall meet Columbia's driveway sight line regulations. On-site parking for a minimum of 5 cars shall be provided in a clearly defined area, (permeable parking surface is preferred); parking is not permitted in the public right-of-way);
  - c. The stand shall be located to meet setback requirements; signage permitted per Section 62: Signs.
  - d. Sales shall be limited to agricultural grown or produced substantially from the owner's farm.
- 2) Recurring accessory use(s) on a Farm not requiring a special permit and that require the parking of 20 or more cars.

**21.5.3 The following uses are permitted in the RA zone with a Special Permit per Section 52.**

- 1) Small Farm Accessory Structures. Accessory agricultural buildings and structures totaling more than 2,000 sq.ft. on a Small Farm parcel.
- 2) Farmer's Market. As an agricultural accessory use on a parcel that is not less than five (5) acres, with a minimum of 50 feet of frontage on a State road with public access that meets Columbia's driveway sight line regulations, or is a town-owned parcel, a farmer's market may be permitted with the following requirements:
  - a. The market shall take place no more than one day per week for up to 5 hours per market.
  - b. Adequate parking shall be provided on-site (permeable parking surface is preferred); parking is not permitted in the public right-of-way of the road.
  - c. The market area and associated parking shall be a minimum of 200 feet from an off-premises dwelling.
  - d. The market property shall be maintained in a litter-free condition with provisions made for trash and sanitation.
  - e. Each farmer's gross sales shall be 70% from agricultural goods grown or produced on the owner's farm; 30% may be from other farms.
  - f. Additional vendors, demonstrations and presentations are permitted as being accessory to such market, however such vendors, or booths, in aggregate shall not account for more than 30% of the number of market vendors.

- 3) Farm Retail Store. (revised effective 5/17/21) As an agricultural accessory use on a parcel that is not less than seven and one-half acres (7.5) acres, with a minimum of 500 feet frontage on a State road with public access that meets Columbia's driveway sight line regulations, a farm retail store may be permitted with the following requirements:
- a. The following items may be offered for sale:
    - At least 70% of the sales area shall be for products from the farm store owner's farm and other regional farms, and may include produce, flowers, honey, herbs, nuts, jams, baked goods, dairy and poultry products, meats, Christmas trees and wreaths, locally produced arts and craft items and clothing bearing the logo of the farm.
    - No more than 30% of the sales area may be for agriculture-related items including livestock feed and grain, tools and goods used for farming.

The extent and type of any products to be sold, any activities to be conducted, and any classes to be offered on the premises shall be clearly stated in the application or shall be considered to be prohibited.
  - b. The maximum square footage of the farm retail store building is 7,500.
  - c. The Farm Retail Store shall meet applicable setback for a building located in that district.
  - d. Outside displays and sales shall be limited to agricultural goods and products, seasonal agricultural products such as flowers, Christmas trees and wreaths; window sales of ice cream and baked goods with related outdoor tables and seating. The outside display, sales and seating area is limited to 30% of the square footage of the farm retail store building.
  - e. Classes in agriculture and related subjects may be permitted.
  - f. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
  - g. The design, architecture and aesthetics of any proposed farm store structure shall reflect and be compatible with rural farm structures in Columbia and the surrounding area; the special permit application shall include architecture floor plans and elevation plans.
  - h. Parking is provided per Section 30: Parking and Loading for a retail use.
  - i. Signage permitted per Section 62: Signs.
  - j. The hours of operations shall not to exceed 7:00am to 6:00pm; the Commission may further limit the hours of operation.

**21.5.4 The following Farm Winery uses are permitted in the RA zone with a Special Permit per Section 52.**

- 1) Farm Winery. This accessory agricultural use includes the commercial making and selling of wine and winery by-products produced by a State of Connecticut Designated Connecticut Grown Farm Winery, on a farm parcel consisting of at least 10 acres, with 2 acres of vineyards.
- 2) Farm Winery Public Tasting Area may be permitted if such use is approved by the appropriate State of Connecticut agencies, subject to the following:
  - a. The public access to the property is from a State road or town through-road with at least a pavement width of 18 feet; public access shall meet Columbia's driveway sight line regulations.

- b. Outdoor patio or porch area may be designated as part of the tasting area, not to exceed the floor area of the indoor tasting room, if such use is approved by the appropriate State agencies.
  - c. Total seating is limited to 20.
  - d. On-site permanent surface parking provided for a minimum of one space per two seats plus staff parking, (permeable parking surface is preferred); parking is not permitted in the public right-of-way of the road.
  - e. Setbacks for tasting room, patio, porch and parking shall be 150 feet from offsite residential dwellings.
  - f. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
  - g. Amplified sound is not permitted.
  - h. The serving of food is limited to pre-packaged finger food.
  - i. The tasting hours are limited to noon to 9:00pm, the Commission may further limit the hours of operation.
  - j. In addition to the sale of wine and winery by-products, the sale of clothing bearing the logo of the farm, wine related products such as coasters, wine bottle openers, and wine glasses may be sold.
- 3) Farm Winery Private Events may be permitted up to six (6) times in a calendar year subject to the following:
- a. Public access is from a State road, or a town through road with a least a 22 feet pavement width, access shall meet Columbia's driveway sight line regulations.
  - b. Such events shall not occupy more than 1,000 sq. ft. of gross floor area, including tents or other temporary shelters, with a maximum attendance of 50.
  - c. No temporary structures, tents, parking or other facilities necessary to conduct the event shall be located within 200 feet of any offsite residential dwellings.
  - d. On-site parking area is provided for a minimum of one space per two attendees plus staff parking, permanent surface not required; parking is not permitted in the public right-of-way of the road.
  - e. All temporary outdoor lighting necessary to conduct the event shall comply with Section 65.6 Lighting Standards.
  - f. Event hours are limited to between 9:00am to 10:00pm on Thursday, Friday and Saturday, and between 9:00am to 9:00pm on other days, the Commission may further limit the hours of operation.
  - g. All events shall comply with the State of Connecticut DEEP noise standards. The Planning and Zoning Commission, as part of the application, or the ZEO, at any time, may require the installation of a noise monitoring system that shuts down or attenuates the amplified sound when decibel levels exceed State standards. The Commission may require noise monitoring of any event.
  - h. Amplified sound more than once in any calendar year is prohibited unless it can be reasonably demonstrated to the ZEO that the use of such system will not create a nuisance to abutting properties, or residence letters of consent from abutting lot owners are submitted to the ZEO.
  - i. One month in advance of an event, the ZEO shall receive written notification providing the date, hours, number of attendees, parking that will be provided, if any amplified

sound will be used, and if food or entertainment will be included; any food service for the event must be approved by the Health Department prior to the event.

- j. The special permit approval is for a maximum of two years. The applicant shall submit a request for extension renewal of the permit from the Commission every two (2) years to insure compliance with the conditions of the original special permit and the Zoning Regulations. If there are unresolved zoning violations, the Commission shall require the applicant submit a new Special Permit application. If the Commission determines the permit to be in violation of the previous conditions of approval, such permit shall be revoked.
- 4) Large Acreage Farm Winery. A farm winery on a farm parcel in excess of 20 acres, with a minimum of three acres of vineyards and public access from a State road, or a town through-road with at least a 22 foot pavement width, with public access that meets Columbia's driveway sight line regulations, may be permitted to have the following uses:
  - 5) Large Acreage Farm Winery Public Tasting Area may be permitted if such use is approved by the appropriate State of Connecticut agencies, subject to the following:
    - a. Outdoor areas may be allowed as part of the tasting area, if such use is approved by the appropriate State agencies.
    - b. Total seating is limited to 100.
    - c. On-site permanent surface parking provided for one space per two seats plus staff parking (permeable parking surface is preferred); parking is not permitted in the public right-of-way of the road.
    - d. Setbacks for indoor tasting area and parking shall be 150 feet from offsite residential dwellings; setback for outdoor tasting area shall be 300 feet from offsite residential dwellings.
    - e. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
    - f. Amplified sound is prohibited unless it can be reasonably demonstrated to the ZEO that the use of such system will not create a nuisance to abutting properties, or residence letters of consent from abutting lot owners are submitted to the ZEO.
    - g. The serving of food is limited to prepared finger food with Health Department approval.
    - h. The tasting hours are limited to noon to 9:00pm, the Commission may further limit the hours of operation.
    - i. In addition to the sale of wine and winery by-products, the sale of clothing bearing the logo of the farm, wine related products such as coasters, wine bottle openers, and wine glasses may be sold.
  - 6) Large Acreage Farm Winery Private Events be permitted up to twenty (20) times in a calendar year subject to the following:
    - a. Such events shall not occupy more than 4,000 sq. ft. of gross floor area, including tents or other temporary shelters, with a maximum attendance of 150.
    - b. Temporary structures, tents, or other facilities necessary to conduct the event shall be located a minimum of 300 feet from any offsite residential dwellings.
    - c. On-site parking area is provided for one space per 2 attendees plus staff parking, permanent parking surface not required; parking area shall be located a minimum of 175 feet from any offsite residential dwellings; parking is not permitted in the public right-of-way of the road; the Commission may require parking attendants.

- d. All outdoor lighting shall comply with Section 65.6 Lighting Standards.
  - e. Event hours are limited to between 9:00am to 10:00pm on Thursday, Friday and Saturday, and 9:00am to 9:00pm on other days, the Commission may further limit the hours of operation.
  - f. All events shall comply with the State of Connecticut DEEP noise standards. The Planning and Zoning Commission, as part of the application, or the ZEO, at any time, may require the installation of a noise monitoring system that shuts down or attenuates the amplified sound when decibel levels exceed State standards. The Commission may require noise monitoring of any event.
  - g. Amplified sound more than once in any calendar year is prohibited unless it can be reasonably demonstrated to the ZEO that the use of such system will not create a nuisance to abutting properties, or residence letters of consent from abutting lot owners are submitted to the ZEO.
  - h. One month in advance of an event, the ZEO shall receive written notification providing the date, hours, number of attendees, parking that will be provided, if any amplified sound will be used, and if food or entertainment will be included; any food service for the event must be approved by the Health Department prior to the event.
  - i. The special permit approval is for a maximum of two years. The applicant shall submit a request for extension of the permit from the Commission every two (2) years to insure compliance with the conditions of the original special permit and the Zoning Regulations; if the renewal is approved, the Commission would authorize the ZEO to issue a zoning permit. If there are unresolved zoning violations, the Commission shall require the applicant submit a new Special Permit application. If the Commission determines the permit to be in violation of the previous conditions of approval, such permit shall be revoked.
- 7) Standards for all wineries. The Commission may limit the maximum seating or attendance, and may require increased setbacks, additional landscaping, buffering and screening as part of the Special Permit approval to minimize impact on adjacent property owners.

## ARTICLE III – NON-RESIDENTIAL DISTRICTS

(Entire Section Revised 11/1/19)

### **31. Commercial Manufacturing District 1 (CM-1)**

The purpose of this district is to permit larger commercial and manufacturing businesses on major thoroughfares and Commerce Drive.

**31.1. Permitted Uses.** Applications for the following uses to locate in an existing building that does not include any alterations to the exterior of the building or changes to the vehicular or pedestrian areas of the site, are permitted with Staff approval per Section 3.

1. Business and professional offices (for example: realtor, insurance, medical and health services, physical therapy, accounting, financial advisor, legal) occupying less than 3,000 sq. ft.
2. Banking Institution with no drive-thru window
3. Personal services (for example: hair salon, barber, shoe repair, tailor and drop off/pick up laundry and dry cleaning, tattoo shop, nail salon, day spa). Excludes any other uses specifically referenced elsewhere by the name of that use.
4. Retail facilities occupying less than 3,000 sq. ft.
5. Restaurants and restaurant alcohol sales occupying less than 3,000 sq. ft. Drive-thru window, entertainment and patio seating approved per 31.2.3 and 31.3.14
6. Private schools of self-defense, music, dance, and similar uses occupying less than 3,000 sq. ft.
7. Museum, gallery, studio, art lessons
8. Indoor recreation occupying less than 3,000 sq. ft.
9. Veterinary office, occupying less than 3,000 sq. ft.
10. Manufacturing, assembly, processing operations located on Commerce Drive
11. Dwelling unit(s) above a 1<sup>st</sup> floor business use
12. Existing single-family dwellings; minor home occupation in an existing single-family dwelling
13. Accessory uses customary with and incidental to uses listed in Section 31 provided that (with the exception of single-family dwellings under 31.1.12) there are no changes to the exterior of the building or site.

**31.2. Other Permitted Uses with Site Plan Approval** by the Commission per Section 51, unless property abuts the Residential-Agriculture District, then by Special Permit per Section 52. (Amended 2/1/24)

1. Uses listed in Section 31.1 items 1-9 with changes to exterior of building or site, or a larger footprint
2. Drive-thru window for restaurant, bank or retail use
3. Restaurant including indoor entertainment or patio dining
4. Municipal office buildings and uses
5. Seasonal farmers market per requirements of Section 21.5.3.2 Farmer's Market items a-f, there is no minimum lot size required in CM1 or CM2 District
6. Vehicular sales, services, repair, or rental of new or used cars, trucks, trailers, motorcycles, off-road and other recreational vehicles, marine boats and trailers; gasoline retail sales (See Section 52.7.4)

7. Heavy equipment sales and services
8. Contractor's and construction office and yards, all stored equipment and materials shall be screened from street and abutting properties per Section 65.7 and 66.
9. Indoor self-storage facilities
10. Accessory uses customary with, and incidental to, uses listed in 31.2 and 31.3 with changes to the building or site
11. Public Utility buildings
12. Package Stores (See Section 67)
13. Manufacturing, assembly, processing operations within structures of 20,000 square feet or less, other than permitted under 31.1.10
14. Pet Boarding, Day Care and Grooming
15. Major home occupation in an existing single-family dwelling
16. Restaurant and Clubs including outdoor entertainment, patio dining or micro-brewery (See Section 52.7.7) if not directly abutting an existing residential use.
17. Convalescent home, residential health care facility (See Section 52.7.3) if not directly abutting an existing residential use.
18. Funeral Home
19. Multifamily Dwelling (See Sections 52.7.21)

**31.3. Permitted Uses with Special Permit Approval** by the Commission per Section 52. (*Amended 2/1/24*).

1. Daycare Center for Children or Adults (See Section 52.7.2 and 52.7.13)
2. Outdoor Recreation facility (See Section 52.7.19)
3. Manufacturing, assembly, processing operations within structures of over 20,000 square feet other than permitted under Section 31.1.10
4. Warehousing and distribution; frontage on, and direct access to, a State road is required
5. Sand and Gravel operations (See Section 63)
6. Wireless Telecommunication Facilities (See Section 52.7.15)
7. Restaurant and Clubs including outdoor entertainment, patio dining or micro-brewery (See Section 52.7.7) if directly abutting an existing residential use.
8. Convalescent home, residential health care facility (See Section 52.7.3) if directly abutting an existing residential use.
9. Motel (See Section 52.7.8)
10. Storage of material which is dangerous due to explosion, extreme fire hazard or radioactivity, beyond that required for personal residential use.
11. Commercial oil, propane or gasoline tanks.
12. Cannabis Establishments (See Section 52.7.22) effective 6/1/22

### **32. Commercial Manufacturing District 2 (CM-2)**

The purpose of this district is to permit smaller scale commercial and manufacturing businesses in keeping with site constraints.

**32.1. Permitted Uses.** Applications for the following uses to locate in an existing building that does not include any alterations to the exterior of the building or changes to the vehicular, pedestrian or storage areas of the site, are permitted with Staff approval with Staff approval per Section 3.

1. Same permitted uses as for CM-1, and accessory uses customary with and incidental to use uses listed in Section 32 with no changes to the exterior of the building or site.

**32.2. Other Permitted Uses with Site Plan Approval** by the Commission per Section 51, unless property abuts the Residential-Agriculture District, then by Special Permit per Section 52.

1. Same as uses permitted with site plan approval as for CM -1
2. Accessory uses customary with, and incidental to, uses listed in-Section 32 with changes to the exterior of the building or site

**32.3. Permitted Uses with Special Permit Approval** by the Commission per Section 52.

1. Same as uses permitted with special permit approval as for CM-1
2. Adult Uses (See Section 52.7.11)

### **33. Mixed-Use District (MU)**

The purpose of this district is to permit business uses compatible with residential uses.

**33.1. Permitted Uses** with Staff approval per Section 3.

1. Existing single-family dwellings
2. Minor home occupation (See Section 8.5)

**33.2. Other Permitted Uses with Special Permit Approval** by the Commission per Section 52.

1. Business and professional offices (for example: realtor, insurance, medical and health services, physical therapy, accounting, financial advisor, legal)
2. Banking Institution
3. Personal services (for example: hair salon, barber, shoe repair, tailor and drop off/pick up laundry and dry cleaning, tattoo shop, nail salon, day spa). Excludes any other uses specifically referenced elsewhere by the name of that use.
4. Retail facilities
5. Restaurants and food services, including entertainment, patio dining and alcohol sales; drive-thrus are not permitted
6. Private schools of self-defense, music, dance, and similar uses
7. Museum, gallery, studio, art lessons
8. Indoor recreation
9. Veterinary office
10. Dwelling unit(s) above a 1<sup>st</sup> floor business use
11. Municipal Office Building



12. Free standing signs to a maximum height of ten (10) feet and maximum size of forty-eight (48) square feet
13. Churches and other places of worship, limited to State Roads
14. Post Office (See Section 52.7.18)
15. Wireless Telecommunication Facilities (See Section 52.7.15)
16. Neighborhood Retirement Housing (See section 52.7.19)
17. Accessory uses customary with and incidental to uses listed in 33.2

**33.3 Standards**

1. Off-street parking shall be located no closer than ten feet from the street line.

**ARTICLE IV – reserved for future use**

**ARTICLE V - SITE PLANS, SPECIAL PERMITS AND SPECIAL DISTRICTS**

**SECTION 51 - SITE PLANS**

(Entire Section Revised 11/1/19)

**51.1 Purpose:** To better assess the impact of a proposed development and/or a change of use, and to determine compliance with the requirements of these Regulations, a Site Plan Application is required for any activity designated as requiring Site Plan approval. All provisions of this section are in addition to other applicable provisions of these Regulations.

**51.2 Application:** To be considered, the submission of a complete application is required, and shall include the following:

- a. **Application:** A completed Site Plan Application, signed by the applicant and property owner, with a completed checklist.
- b. **Statement of Use:** A detailed statement that describes the proposed use in sufficient detail to determine compliance with the requirements of these Regulations.
- c. **Site Plan:** Applications that include any construction, development, expansion or major alteration to a building or to the site layout, or if needed by the Commission to determine compliance, a site plan shall be prepared for the project according to the following standard:  
Site plans shall be based on an A-2 survey prepared by a land surveyor licensed to practice in the State of Connecticut, and drawn at a scale of 1" = 10' or 1" = 20'; for unusually large developments, the Site Plan may be drawn at a scale of 1" = 40' or 1" = 50', provided that details of particularly sensitive areas are drawn at a larger scale. The site plan shall be prepared by an engineer, landscape architect or other registered professional licensed to submit such plans in the State of Connecticut, and shall detail all locations and dimensions of existing and proposed buildings and structures, well and septic system, parking, drives, utilities, service areas, outdoor storage, grading and drainage, erosion and sediment control, outdoor lighting, signs, landscape and any other information as required by the Commission. All site plans and surveys shall bear the seal and signatures of the surveyor and other registered professionals.  
If the application does not include any construction or alterations to a building, or changes to the vehicular or pedestrian areas, in lieu of a site plan prepared for the applicant, a scaled drawing or copy of a previous A-2 survey-based site plan, showing proposed changes in sufficient detail to enable the Commission to determine compliance with Zoning Regulations may be submitted.
- d. **Architectural Plans:** If new construction, or substantial façade modifications, architectural plans are required to be submitted. Architectural plans may be in preliminary form but shall include exterior elevation drawings, prepared by an architect or other professional licensed to practice in the State of Connecticut.
- e. **Application Submission:** Prior to submission of a formal Site Plan Application, the applicant is encouraged to meet with Town Staff and with the Commission to discuss the proposal and if additional information may be required.

Completed applications shall be submitted to the Columbia Land Use Department; applications received at least two business days prior to the next Commission meeting will appear on the agenda. Submission shall include:

- The original Application and Statement of Use plus ten (10) copies, and
- If required, four (4) full-size Site and/or Architectural Plans (not to exceed 24" x 36") and ten (10) copies of the plans reduced to 11"x 17", and
- Any other Town or State agency approval letters concerning the project, and
- Copy of any pertinent report on drainage, traffic or environmental studies, and
- Payment of required fees.

**51.3 Commission Considerations:** In acting upon an application, the Commission shall consider the following regarding the proposal's effect on public health, safety and welfare:

- a. The existing and probable future character of the neighborhood in which the use is located and the compatibility of the proposed use,
- b. The location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity,
- c. Traffic and pedestrian access and 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,
- e. Location and type of 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, and
- h. All buildings, structures, uses, equipment or material area readily accessible for fire and police protection.

**51.4 Decision on Application:** The Commission may approve, approve with modification, or deny the application. If the site plan was modified or revised before approval, or the approval included modifications, the applicant shall submit two full-size copies of the modified approved site plan.

The Commission may deny an application without prejudice where application information or revisions have been received so late in the process as to deny or curtail the opportunity for thorough review and comment by the public, Town staff, or other public agencies.

**51.5 Performance Bond:** The Commission's approval may require that the applicant post a cash or surety bond in a 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 condition. The bond shall 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.

**51.6 Certificate of Occupancy:** Prior to a certificate of occupancy being issued by the Building Official, the Zoning Agent shall issue a Certificate of Zoning Compliance indicating that the site improvements have been completed in accordance with zoning regulations. The Commission or its agent may require an "As-Built" certified plot plan and any other information which may be necessary to determine compliance with the approved site plan and these Regulations.

**51.7 Minor Modification of Approved Site Plan or Special Permit Elements:** Minor changes to an approved Site Plan or Special Permit are acceptable with the written approval of the Planning & Zoning Commission, provided such changes shall in no way affect the overall layout, design, development density, environmental impact, or intended or approved nature of the Site Plan or Special Permit use. Applicants may petition for minor modification approval by the Commission by a written request through the Town Planner or directly to the Commission.

The Commission shall hear the details of the proposed changes or additions and shall determine whether such proposed change is a minor modification of the prior approval. If determined to be minor by a majority vote of the Commission, the Commission shall authorize the Zoning Enforcement Officer and the Chairman of the Planning and Zoning Commission to document the modification with a signed letter for the file. This determination and letter shall serve as the approval for the minor change or modification.

If the Commission determines the proposed changes or additions exceed the scope of a minor modification, the applicant shall submit a Site Plan or Special Permit Application to the Commission for the proposed modifications. *(Amended 2/1/24)*

**51.8 Expiration/Completion:** If the building(s), structure(s) or work for which the site plan was approved is not commenced within eighteen (18) months after the date of approval, or authorized work is suspended or abandoned for a period of twelve (12) months after the time of commencing the work, the site plan approval shall become null and void unless a request for an extension is requested from the Commission and granted.

## SECTION 52 - SPECIAL PERMIT APPLICATIONS

(Entire Section Revised 11/1/19)

**52.1 Purpose:** The purpose of a Special Permit is to provide a comprehensive review of proposed layout of the building(s), structure(s) or use(s) in relationship to the topographical, geological and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare of the community. A Special Permit is required for any activity designated in the regulations as requiring a Special Permit. All provisions of this section are in addition to other applicable provisions of these Regulations.

**52.2 Application:** To be considered, the submission of a complete application package is required, and shall include the following:

- a. **Application:** A completed Special Permit Application, signed by the applicant and property owner, with a completed checklist.
- b. **Statement of Use:** A detailed statement that describes the proposed use in sufficient detail to determine compliance with the provisions of these Regulations.
- c. **Site Plan:** See Section 51.2 (c) for requirements.
- d. **Architectural Plans:** See Section 51.2 (d) for requirements.
- e. **Notification List:** A list, prepared by the applicant, of the names and mailing addresses of the owners of all properties within 200 feet of the applicant's property as shown in the most recent records on file in the Town Assessor's Office.
- f. **Submission Requirements:** Prior to submission of a formal Special Permit Application, the applicant is encouraged to meet with Town Staff and with the Commission to discuss the proposal and if additional information may be required.

Completed applications shall be submitted to the Columbia Land Use Department; applications received at least two business days prior to the next Commission meeting will appear on the agenda. Submission shall include:

- The original Application, Checklist and Statement of Use plus ten (10) copies, and
- If required, four (4) full-size Site and/or Architectural Plans (not to exceed 24" x 36") and ten (10) copies of the plans reduced to 11"x 17", and
- Notification List, and
- Any other Town or State agency approval letters concerning the project, and
- Copy of any pertinent report on drainage, traffic or environmental studies, and
- Payment of required fees.

**52.3 Additional Requirements:** The Commission may require the applicant to submit additional information if the Commission finds that such information is necessary to determine if the proposed buildings, structures or uses conform to these Regulations.

**52.3 Process:** The Commission shall hold a Public Hearing on all applications for a Special Permit per Connecticut State Statutes 8-7d, as amended; the Public Hearing cannot be held unless the public notification requirements have been met.

- a. **Public Hearing Sign:** The applicant shall post a sign, provided by the Town. Each sign shall be securely fastened or staked perpendicular to the street(s) to be clearly visible from all streets abutting the property and shall be maintained until three days following the close of the Public Hearing.

- b. Property Owner Notification: The applicant shall mail a notice, prepared by the Town, to all property owners within 200 feet of the property; the mailing shall be sent, certified no return receipts. At least 5 days before the Public Hearing the applicant shall submit the post office proof of mailing receipts to the Land Use Department.
- c. Other Notices: The Commission shall publish the required legal notices of the Public Hearing and shall notify adjoining municipalities of the Public Hearing if required by Connecticut State Statutes.
- d. Public Hearing: The Commission shall process the Special Permit Application within the period of time permitted under Connecticut State Statutes; the applicant may consent to one or more extensions.
- e. Withdrawal: The applicant may withdraw an application at any time prior to a decision on the application by the Commission. The withdrawal of an application shall not be effective unless made in writing prior to a decision by the Commission.

**52.4 Special Permit Criteria:** In considering any application for a Special Permit, the Commission shall, in addition to other standards in these Regulations and considerations of Section 51.3, evaluate the merits of the application with respect to the following factors:

- a. Plan of Conservation and Development: Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Columbia Plan of Conservation and Development, as amended.
- b. Purpose of Regulations: That the proposed use or activity is consistent with the purposes of the regulations.
- c. Relation of Buildings and Uses to Surrounding Area: That the location, type, character, size, scale, height, proportion, appearance, and intensity of the proposed use and any associated building or other structure is in harmony with and conform to the appropriate and orderly development in area in which it is located, and will not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof.
- d. Access: That the road or street serving the proposed use and any buildings are adequate, including without limitation, in width, grade, alignment, capacity, and sight lines to carry prospective traffic; that provision for vehicular access to the lot avoids undue hazards to traffic or pedestrians and undue traffic congestion on any street, and that there will be adequate access for fire protection and other emergency services.
- e. Suitable Location for Use: That the lot on which the use is to be established is of sufficient size and adequate dimension for the nature and intensity of the proposed use, and the impact on neighboring properties and residences, or the development of the district.
- f. Appropriate Improvements: That the design elements of the site and architectural plans are 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.

That the proposed plans have provided for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development.

That provision is made for any required screening and buffers with a permanent landscaped buffer of evergreens, natural topography, berms, stone walls, or other appropriate screening material.

g. Nuisance Avoidance: That the proposed use and any building or other structure in connection therewith will not create a nuisance such as noise, fumes, odors, bright lights, glare, visual obstructions, vibrations, or other nuisance conditions at or beyond the property line.

h. Long Term Viability: That adequate provision is made for the sustained maintenance of the proposed development including structures, buffers and other improvements.

**52.5 Decision on Application**: After the conclusion of a Public Hearing, the Commission shall determine in its sole discretion that the application and plans satisfy the Special Permit criteria of Section 52.4; that it conforms with all other applicable provisions of these Regulations, and that it is in harmony with the purposes and intent of these regulations.

In acting on the Special Permit Application, the Commission may approve, approve with conditions, or deny the application. Any condition shall continue in full force and effect regardless of any change in ownership of the lot; and may only be modified through approval by the Commission of an application to modify the Special Permit.

The Commission may deny an application without prejudice where application information or revisions have been received so late in the process as to deny or curtail the opportunity for thorough review and comment by the public, Town staff, or other public agencies.

**52.6 Performance Bond**: The Commission's approval may require that the applicant post a cash or surety bond in a 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 condition. The bond shall 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.

**52.7 Following Approval**: A Special Permit approved by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the Columbia Land Records. A Special Permit shall only authorize the activity specified in the Commission's approval. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of the Special Permit and the regulations.

**52.8 Certificate of Occupancy**: Prior to a certificate of occupancy being issued by the Building Official, the Zoning Agent shall issue a Certificate of Zoning Compliance indicating that the site improvements have been completed in accordance with zoning regulations. The Commission or its agent may require an "As-Built" certified plot plan and any other information which may be necessary to determine compliance with the approved site plan and these Regulations.

**52.9 Expiration and Completion**: Failure to record a Special Permit within twelve months of the date of the Commission's action shall void the Special Permit.

Any Special Permit, in which the approved development is not completed within two (2) years from the date of approval, shall expire. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with a Special Permit for good cause, upon written request from the applicant, provided the total extension or extensions shall not be extended more than (2) years.

The Commission may condition the approval of such extension on a determination of the adequacy of any performance bond.

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

**52.7.1 Reserved for future use**

**52.7.2 Child Care Centers:** Child care centers, as defined by CT State Statutes Section 19a-77 (1), or as revised, shall conform to the following special standards: (Revised 11/1/19)

- a. The use shall be limited to day-time group care programs for children.
- b. The application shall be accompanied by a report from the Health Department, Building Inspector and 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. If in a residential district, frontage and access shall be from a State road.

**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 (Vehicular Businesses)** shall conform to the following special standards: (Revised 11/1/19)

- a. **Frontage and Area 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.
- b. **Setback and Screening Requirements:** Fuel pumps shall be set back from a street lot line at least twenty-five feet, and one hundred feet from a residential district. In the event that a residential district is adjacent to the vehicular business, effective screening, per Section 65.7: Screening and Buffers shall be provided and maintained between the vehicular business and the adjacent residential district.
- c. **Vehicular Vehicle and Equipment Storage:** The placement of vehicles for sale and all stored equipment and other storage shall be in compliance with Section 66 – Outdoor Storage.

**52.7.5 Event / Wedding Venue Facilities.** (Effective 9/13/21)

- a. **Statement of use:** A statement of use shall be submitted describing in detail the nature and scope of the Event / Wedding facility and the maximum number of attendees proposed for the site.
- b. **Lot Size:** The Minimum Lot size required is 25 acres.
- c. **Attendance:** The maximum number of attendees per event shall be 200 not including event staff.
- d. **Use Separation:** Outdoor event / wedding areas and reception building shall be located a minimum of 50' from the property line and a minimum of 300' feet from any residential building on adjacent properties. Parking areas shall be located a minimum of 100' from the street line and a minimum of 175' from any residential building on adjacent properties.

- e. Event hours: shall be limited to between 11:00 am to 11:00 p.m. on Thursday, Friday and Saturday and Sundays; there shall be no events on other days or times. A maximum of 15 events shall be allowed per calendar year.
- f. Health Department: The event / wedding facility shall require approval from the State and / or Local Health department as required.
- g. Noise: Music for any event or reception shall take place indoors, if a temporary tent is used for the indoor space, it shall be classified as a “soundproof” tent. Only low-level background music may be allowed outdoors during the ceremony. Music shall not be audible beyond the property boundary.
- h. Lighting: The site shall meet the lighting standards of Section 65.6.
- i. Traffic Safety: All driveway entrances to the site shall be designed to ensure safety and ease of access to the public street or highway, taking into account, grades and line of sight for vehicles entering and / or existing the site. If not located on a State road, at the applicant’s expense, a traffic study shall be conducted by a Licensed Traffic Engineer acceptable to the Town Planner to ensure safe travels between a State road and the facility.
- j. On-site parking: Shall be provided at one space per 3 attendees plus 1 space per each staff member or employee, permanent parking surface shall not be required; Parking is not permitted in the public right-of-way of the road; the Commission may require parking attendants.
- k. To minimize impact on adjacent property owners, the commission may limit the maximum number attendees, limit the number of events, limit the event hours, and limit the number of events per week or event days, and may require increased setbacks, screening and buffers.

**52.7.6 Sale of Alcoholic Beverages:** The sale of alcoholic beverages shall conform to the following Special Standards: (Revised 11/1/19)

- a. No sale or manufacture of alcoholic liquor is permitted without the appropriate Liquor License issued by the Liquor Control Commission of the State of Connecticut. The property shall be in a district where the use is permitted, Town approval is required, and shall meet the following regulations.
- b. The sale of alcoholic beverages to be consumed on the premises is permitted for:
  - 1. Restaurant serving alcohol
  - 2. Restaurant with an on-site micro-brewery
  - 3. Club per Section 52.7.7
- c. The sale of alcoholic beverages to be consumed off the premises is permitted for:
  - 1. Package store. A package store shall not be located within 1,000 feet in a direct line of the property of another package store or retail outlet selling alcoholic beverages to be consumed off the premises, nor within 1,000 feet in a direct line from the property of a public school, playground, library or church. A store primarily engaged in the sale of groceries, which also sells beer, shall not be regarded as selling alcoholic beverages to be consumer off the premises for the purpose of this Section.
- d. The manufacture and sale of wine as a Farm Winery approval per Section 21.5.
- e. The manufacture of alcoholic beverages.

**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  $\frac{3}{4}$  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: (Revised 11/1/19)

- a. An adult use shall be separated from another adult use by a distance of not less than 500 feet measured in a direct line between the property line of the existing adult use and the property line of the proposed adult use.
- b. An adult use shall be separated from the boundary of a residential district, or the property line of a residential use by not less than 250 feet as measured in a direct line from the residential district boundary line or the residential property line to the location of the customer entrance and parking area as approved by the Commission; visual screening shall be required as defined in Section 65.7.
- c. An adult use shall be separated from the property of a school or educational facility, public library, museum, church or other recognized place of worship, public park, playground, or day care center by a distance of 500 feet measured in a direct line between the property lines.

**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 Reserved for future use**

**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 Conn.
  - 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: 100 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, and similar services (Revised 11/1/19)**

1. Post office facilities in the Mixed-Use zone 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 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.
2. Post office facilities in CM-1 and CM-2 zones are permitted by Special Permit per Section 52.
3. Delivery/Pick-up of on-line purchases, other package and mail services:
- a. If occupying less than 2,000 sq. ft., the use is considered retail
  - b. If occupying more than 2,000 sq. ft, the use is use is considered distribution, permitted by Special Permit per Section 52.

**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.

**52.7.20 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.

## **52.7.21 Multifamily Dwellings** *(Effective date 6 /1/2022)*

### **52.7.21.1 Intent**

It is the intent of this section to:

- a) Enable the establishment of multifamily dwellings, including apartments, garden apartments, townhouses, row houses, and condominiums, in appropriate locations of the Town so as to respond effectively to diverse housing needs;
- b) Provide guidelines, standards, and controls for the development of multiple family dwelling projects that are compatible with the intent of this regulation;
- c) Provide for affordable housing; and
- d) Meet the planning goals and objectives of the Town of Columbia.

### **52.7.21.2 Purpose**

- a) The purpose of this section is to guide in achieving the stated intents while providing for:
- b) The protection of the environmental character of the area and the particular suitability for the specific use;
- c) Preservation of buildings and property values;
- d) Adequate access of light and air;
- e) Adequate vehicular access and off-street parking;
- f) Adequate disposition of buildings upon the land;
- g) Freedom for site layout and building design that will enable to achieve, to the extent practicable, construction efficiency and economic building forms while assisting in establishing a compatible and attractive living environment; and
- h) The pursuance of economic development while meeting the housing needs of diverse households.

### **52.7.21.3 Site Eligibility**

- a) The minimum total contiguous land area required for a multifamily dwellings project site is as follows:
- b) The site shall have a minimum frontage of 200 feet.
- c) The site topography shall be able to accommodate the buildings, roads, development features, and amenities as well as other requirements of this Section;
- d) The site shall be so situated, consist of topography, and is furnished with natural features that can accommodate the development; and
- e) The development shall not exert a detrimental impact on nearby properties or values thereof.

### **52.7.21.4 Other Requirements**

- a) The site shall be approved by the Town's Sanitarian or Health District for on-site septic system and water supply;

- b) Setback from abutting properties for primary and accessory structures and garbage bins shall be at least 100 feet, and parking areas and any amenities shall be at least 50 feet; lot coverage shall be as stated for the district;
- c) The maximum height for any structure is 35'
- d) Shall meet the requirements of Sections 61-66 on Townwide Requirements.

**52.7.21.5 Applications**

- a) Submission of a Special Permit Application and all required data to the Planning & Zoning Commission per Section 52.

**52.7.21.6 Design and Technical Requirements**

- a) The proposed project shall conform to the following:
- b) The site planning, landscaping, and architectural theme shall include the retention of existing features of the site which add value to the development or to the Town as a whole, such as trees, watercourses, topographical contour, inland wetlands, and historical and similar irreplaceable assets, shall be preserved through harmonious design and placement of buildings, driveways, walks, and parking facilities.
- c) For development of more than 10 dwelling units, two independent means of access shall be provided for the site. Commission may require additional access / egress.
- d) The proposed project shall conform to the regulations of the Inland Wetlands and Watercourse Commission of the Town with regard to any wetlands contained within the proposed project. Each application shall be accompanied by evidence that an application has been submitted to, and approved by, the IWW Commission.
- e) Drives that serve the proposed project shall be constructed in accordance with the driveway specifications of the Town and those sections pertaining to driveways, roads, and street improvements found in Architectural Graphic Standards of the latest edition published by the American Institute of Architects.
- f) Main access drives shall have a travel portion not less than 26 feet in width. Local access drives shall have a travel portion not less than 22 feet in width. Walkways between buildings, parking areas and community facilities shall be provided to assure safe pedestrian travel.
- g) In addition to such requirements as may be set forth in the State Building Code and State Fire Safety Code, as determined by the Building Official.
- h) The proposed project shall conform to the following:
  - Each multifamily dwelling structure shall be separated a minimum of 20 feet from another building or structure. Multifamily dwelling structures of two stories shall be separated a minimum of 35 feet.
  - All utilities shall be located underground.
  - Fire safety measures shall be provided. Based on the density and number of dwelling units, the Commission will require a dry hydrant, 30,000 gallon cistern and/or sprinkler systems be installed to the satisfaction of the Columbia Volunteer Fire Department.
  - Typical floor plans and elevations depicting the configuration of the dwelling spaces shall be submitted with the application.

- If the entire project is not to be constructed within an 18-month period, the application shall contain a detailed construction schedule indicating the start and completion dates for each planned phase. The first construction phase, unless otherwise permitted by the Commission, shall contain all the necessary facilities for the overall project, such as community water system, sewerage facilities, recreational facilities, main access drives, etc. Subsequent phases shall contain only additional dwelling units, connecting utility lines, local access drives, and associated parking.

#### **52.7.21.7 Density and Number of Units**

- a) For the purposes of this Section, Developable Land is the total land area minus 50 percent of the area of inland wetlands, utility easements for aboveground structures, and natural slopes steeper than 50%.
- b) Multifamily dwelling developments shall have no more than 6 dwelling units per acre of Developable Land, unless the development qualifies for a density bonus per subsection 7.8 below.
- c) The maximum number of dwelling units permitted in any one multifamily dwelling structure is as follows, unless the development qualifies for a density bonus per subsection 7.8 below:
  - Six units per single story dwelling structure;
  - Twelve units per two story dwelling structure.

#### **52.7.21.8 Density Bonus for Affordable Units**

- a) Additional units per acre of Developable Land and additional units per structure shall be permitted, provided that 20% of the total dwelling units on the site are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay 30% or less of income, where such income is less than or equal to 80% of the area median income, as defined by CGS Section 8-30g.
- b) A development that uses an affordable housing density bonus shall submit an affordability plan that complies with CGS Section 8-30g and regulations adopted pursuant thereto.



**52.7.22 Cannabis Establishments:** (adopted 6/1/22)

The following establishments may be permitted by Special Permit after a public hearing, and shall conform to the following Special Standards.

A. Definitions:

Retailer. A seller that is licensed to sell cannabis only to consumers for adult-use.

Dispensary facility. A seller that is licensed to sell cannabis that is dispensed, sold or distributed to qualifying patients and caregivers for medical use.

Hybrid Retailer. A seller that is licensed to sell cannabis both to consumers for adult-use and to dispense to qualifying patients and caregivers for medical use.

Delivery service. A service that is licensed to deliver cannabis from cannabis establishments to consumers, qualifying patients and caregivers, as applicable.

Transporter. A service that is licensed to delivers cannabis between cannabis establishments, laboratories, and research programs.

B. Retailer, Dispensary Facility, Hybrid Retailer, Delivery Service and Transporter as defined by Connecticut Public Act NO. 21-1, is permitted with the appropriate License issued by the State of Connecticut; the use shall be located in a district where the use is permitted, Special Permit approval per Section 52 is required, and the following regulations shall be met:

- Shall not be located within 1,000 feet in a direct line from the property of a public school, playground, library or church;
- the hours of operation shall be limited to no earlier than 9:00 am and no later than 9:00 pm.

## SECTION 53 - FLOOD HAZARD DISTRICT REGULATIONS

effective 6/1/89

- 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 Data 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.

## 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

(revised 11/16/20)

**61.1 General Requirements:** Off-street Parking and loading spaces shall be provided for any use of land, buildings or other structures in accordance with the standards of this Section. The required off-street parking and loading areas shall be permanently maintained and made available for uses as approved as long as the approved permitted use exists.

**61.1.1 Applicability:**

- a) Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of this Section.
- b) Any change or expansion in the permitted use shall require approval of compliance with these regulations.
- c) Any use or uses involving the receipt or distribution of materials, merchandise or vehicles shall provide and maintain adequate space for all off-street standing, turning, loading and unloading.

**61.2 Dimensions:**

- a) A parking space shall be an area with such shape, vertical clearance, access and slope as to accommodate one automobile having an overall length of 20 feet and shall be at least ten feet wide by eighteen feet long (10' x 18').
- b) Access to parking spaces shall be from a one-way aisle width of 20' or a two-way aisle width of 24'.
- c) A loading space shall constitute an area of 12 feet in width and 55 feet in length with a vertical clearance of 15 feet with such shape, access and slope as to accommodate one truck having an overall length of 30 feet.

**61.3 Number of Parking and Loading Spaces:** Off-street parking and loading spaces shall be provided for specific uses as follows:

- 61.3.1 **Dwellings:** Two (2) spaces for each family or dwelling unit plus one (1) space for each bed in any room available for rent to tourists or boarders.
- 61.3.2 **Home Occupations:** One space per non-resident employee, and one space per 300 sq. ft. of customer area and one loading space for delivery and/or shipping.
- 61.3.3 **Places of Assembly:** (church, place of worship, theater, school 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.
- 61.3.4 **Business and Professional Offices:** One (1) spaces for every 500 sq. ft. of gross floor area.
- 61.3.5 **Retail Stores:** one (1) space for each 300 sq. ft. of retail area.
- 61.3.6 **Restaurants:** (and other establishments serving food or beverages): One (1) space for each 150 square feet of patron area.
- 61.3.7 **Indoor Recreation, Health Club, Gym, and Private Classes:** One (1) space for each four (4) seats, stations or occupancy.
- 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.

- 61.3.9 **Service Stations:** (and automobile repair garages): Three spaces per each bay plus 1 per .5 per employee.
- 61.3.10 **Industrial 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.
- 61.3.11 **Other Uses:** Sufficient off-street parking spaces, as approved by resolution of the Planning & 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.
- 61.3.12 **Loading Space:** A minimum of one (1) off-street loading and unloading space shall be required for each ten thousand (10,000) square feet of gross building floor area. Additional off-street loading and unloading spaces may be required by the Planning and Zoning Commission because of the building volume, location or particular use nature of the development under consideration.
- 61.4 Mixed Uses:** Where more than one use is located on a property, sufficient parking shall be provided for each use per Section 61.3. The Commission may consider a reduction of required parking for a combination of uses that have a quantifiable differing demand time for parking.
- 61.5 Shared Parking Area:** The Commission may approve shared parking on two or more adjoining lots to provide the total number of required parking spaces providing a reciprocal written agreement has been executed by the property owners that assures the perpetual joint use and maintenance of such common parking.
- 61.6 Standards:** All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:
- 61.6.1 **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.
- 61.6.2 **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.
- 61.6.3 **Landscaping:** Any parking area accommodating 30 or more cars in connection with a use of land, buildings or other structures 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. The Trees shall be of a species on the list of recommended plant material for various locations is available in Land Use Department shall be suitably planted and maintained and shall be not less than two (2) inches caliper and 10 feet in height.



## SECTION 62 – SIGNS

(entire section revised 12/18/17)

### 62.1 Purpose and Intent.

These regulations are intended to create a legal framework for a balanced system of signage that regulates the number, location, size, and height of signs while ensuring the fair and consistent enforcement of sign regulations and to provide for an effective means of communication consistent with constitutional guarantees without restricting or regulating the messages contained on signage in the Town.

### 62.2 Sign Related Definitions.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, logo, or writing to advertise, announce the purpose of, or identify the purpose of, a person or entity, or to communicate information of any kind to the public. Flags, banners, streamers, inflatables or any material, rigid or flexible, displayed to convey a message, meaning or attraction to the public, are considered signs in the meaning above.

Canopy or Awning Sign: A sign that is part of, or attached to an awning, canopy or other structural protective cover containing graphics and/or lettering.

Free-standing Sign: A sign permanently affixed to the ground with a self-supporting structure and not attached to a building; also referred to as a ground sign. Free-standing Directory Sign includes the name of the property and may list the tenants.

Hanging Sign: A pedestrian-oriented sign that projects perpendicularly from a structure; also referred to as a projecting or pendant sign.

Roof Sign: Any sign attached, in part or entirely, to the roof of a building.

Non-Permanent Sign: Any sign that is not permanently mounted to a building or to the ground is considered a non-permanent sign.

Promotional Sign: A small wall sign promoting a service or product, for example “Alignment” or “Groceries”.

Wall Sign: Any sign attached to or painted on an exterior wall of a building.



### **62.3 General Requirements.**

62.3.1 No sign, except as listed in Section 62.7, shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until a Zoning Permit for the sign(s) has been issued by the Town. The mounting of all permanent signs shall be approved by the Town's building official.

All signs shall conform to the regulations and standards in this Section.

Applications for any signs requiring a permit shall be made on a form to be provided by the Town. The application shall be accompanied by (i) a site plan showing the shape and dimensions of the lot, the location of the proposed sign(s) on the lot, distances from roads and property lines, and distances from buildings and structures on the lot; and (ii) an illustration of the proposed sign(s), including specifications for all dimensions, materials, illumination, and structural support.

62.3.2 Signs shall not distract or impair a motorist's line of sight, create a hazard for motorists, vehicles, pedestrians or bicycles, or negatively impact public health or safety.

62.3.3 Signage shall be mounted with hardware of sound construction and a material to prevent rust and corrosion that could stain or discolor the building or surface below. All signs shall be properly maintained. Non-permanent signs shall be securely staked or tied.

62.3.4 Signs shall pertain only to goods sold, services rendered, and establishments, persons, organizations or facilities on the lot where the sign is located, unless specifically permitted under these Regulations.

62.3.5 In situations where Planning and Zoning Commission approval is required to authorize a proposed land use or proposed land use modification, a detailed sign plan should be submitted as part of that application.

62.3.6 Unless otherwise specified in these Regulations, sign applications may be approved by the Zoning Enforcement Officer or other designated town staff.

### **62.4 Standards for Signs.**

#### **62.4.1 Wall Sign Requirements.**

- a) The placement, shape and materials of the sign should complement the architectural features on the building.
- b) Wall signs shall be attached parallel to the face of the building wall and shall not extend higher than the building wall face.

**62.4.2 Free-standing Sign Requirements.**

- a) The shape and materials of the sign should complement the architectural features on the building.
- b) Landscaping surrounding the sign base is encouraged.
- c) Minimum Setbacks from property lines for free-standing signs shall be:
  - Front: zero (0) feet from the front property line; however, if supported by a single pole, the distance from the road pavement shall be a minimum of five (5) feet greater than the height of the sign.
  - Sides: twenty (20) feet unless abutting a residential district or a property with a residential use, in which case the setback shall be fifty (50) feet.
- d) Free-standing signs on State roads shall meet Connecticut Department of Transportation requirements.
- e) In addition to the signs permitted in Section 62.6, one (1) free-standing drive-thru menu board is allowed per business with an approved drive-thru service. The maximum aggregate area for a menu board shall not exceed 54 square feet and the maximum height shall not exceed 8 feet. To the greatest extent possible, the sign shall be located so it is not legible from the street. If illuminated, it shall not be visible from any residential property.

**62.4.3 Roof Sign Requirements.** When wall construction or design is impractical for wall signage, the Planning and Zoning Commission may approve the substitution for the wall signage by one roof sign with a maximum area of 32 square feet. The top of the roof sign shall be a minimum of three (3) feet below the roof ridge and two (2) feet from the roof edge.

**62.4.4 Canopy Sign Requirements.** Canopy signs may be substituted for wall signs; backlighting of translucent or transparent material is prohibited.

**62.4.5 Hanging Sign Requirements.** A hanging sign shall project not more than four (4) feet, measured at right angles to the building to which the sign is attached. There shall be at least eight (8) feet of clearance beneath the sign, and it shall not extend into any area which is accessible to service or emergency vehicles.

**62.4.6 Illumination Requirements.**

- a) All electric fixtures shall have UL Registration Marks.
- b) Exterior illumination of signs shall be confined and directed solely to the surface of the sign, with the light source (bulb) shielded and not visible.
- c) Internally illuminated signs shall have at least seventy percent (70%) of the sign face opaque and may be permitted only for a non-residential use in a non-residential district.
- d) No lighting or sign shall oscillate, move, flash or pulsate; the traditional, rotating, lit "barbershop pole" used by an establishment licensed by the State of Connecticut to cut hair is exempt from this requirement.

e) Electronic Signs:

1. Electronically lighted changeable characters are permitted in the portion of a bank sign showing the time and temperature, the portion of a gas station sign that lists fuel prices; characters shall be fixed, monochromatic and not exceed twelve (12) inches in height.
2. Other signs with electronically changeable lettering or images may be permitted by the Commission after finding that the brightness, colors, location, size and distance from a public street or residential area are compatible with the character of the neighborhood. In approving the application, the Commission may place conditions on the size, height, illumination, timing, transition speed, or other manner of operation.

62.4.7 Sign Area Measurement.

Wall signs: the sign area shall be measured by drawing a single imaginary polygon around the outside edge of all letters, logos and symbols and shall include the surface between the letters, logos and symbols. Sign area shall include adjacent background material if such material is designed to be an integral part of the sign because of its texture, color, graphics or material.

Free-standing signs: the sign area measurement shall be the area between the supports unless such supports are obviously designed to be advertising; the sign area measurement shall exclude up to two (2) square feet used for the street address of the property, and the second side of a double-faced (back to back, or vee-backed) sign, provided that both sides are equal in area.

62.4.8 Height Measurement of a Free-Standing Sign. The height shall be measured from the average finished grade five feet (5') from the sign support pylon or posts to the highest part of the sign or supporting structure including finials, decorative cornices and other decorations, numbers or lights associated with the sign. The grade cannot be altered by filling, berming, excavating or other means for the purpose of altering the height of the sign.

62.4.9 Maximum Total Sign Area Calculation in a Non-residential District.

Table 62.6 sets a maximum area for individual wall signs and individual free-standing signs, and a total of all wall or free-standing signs based on each unique site. The maximum total square footage for all free-standing signs on one lot or pad site is based on the street frontage of the primary entry drive. The maximum total square footage for all wall signs on one lot or pad site is determined by the length of the building facade with the primary customer entrance door.

**62.5 Permitted Permanent Signs in a Residential or Mixed- Use District.** (Revised 11/1/19)

The following types of signs are permitted in any residential or mixed-use district provided that the Town has issued a zoning permit, and all signs shall comply with all provisions of Section 62. No sign in a residential district shall be illuminated except as noted below.

	<b>Maximum Number of Signs</b>	<b>Maximum Area &amp; Height</b>	<b>Additional Requirements</b>
Approved day care center, B&B, riding arena or commercial horse operation.	1 Free-standing	4 Sq. Ft. 6 Ft. Height	Located at business entryway
	1 Wall	2 Sq. Ft.	
Approved home occupation	1-Free-standing	6 Sq. Ft. 4 Ft. Height	Located at business entry drive
Farm Retail Store, Farm Winery	1 Free-standing	32 Sq.Ft. 8 Ft. Height	Located at business entry drive
	1 Wall sign visible from the road	32 Sq. Ft.	
Subdivision Marketing	1 Free-standing	32 Sq. Ft. 8 Ft. Height	Limited to 1 year after lots available for sale; ZEO may approve annual renewals until 90% of the lots are sold
Churches and other local civic organizations	1 Free-standing per frontage	32 Sq. Ft. 8 Ft. Height	For properties with frontage on a state road, illumination may be granted with site plan approval by the PZC
	2 Wall per building	32 Sq. Ft. total	
Mixed-use District: One business on lot	1 Free standing	32 Sq.Ft. 6 Ft. Height	Located at business entry drive.
	1 Wall sign visible from the road	32 Sq. Ft.	
Mixed-use District: Multiple businesses on lot	1 Free standing	36 Sq.Ft. 6 Ft. Height	Located at business entry drive.
	Wall Sign; hanging signs may be substituted for wall signs.	8 Sq. Ft. ea.	One per separate business
Event/Wedding Facility	1 sign at each street entrance (maximum of 2)	10 Sq.Ft. 8 Ft. Height	Lighted by a shielded light source for up to two hours before an event until 11PM. No flashing lights permitted. Separate sign permit required

**62.6 Permitted Permanent Signs in a Non-Residential District.**

The following types of signs are permitted in non-residential districts provided that any such sign shall comply with all provisions of Section 62.

	<b>Maximum Number of Signs</b>	<b>Maximum Area of each sign &amp; Maximum Height</b>	<b>Additional Requirements</b>
<b>One business / tenant on lot or pad site:</b>			
Free-standing Signs	1 per street frontage with entry	65 Sq. Ft. ea. 15' high	Total of all free-standing signs not to exceed length of street frontage with entry x .50
Wall Signs	3	50 Sq. Ft. ea.	Total of all wall signs not to exceed length of building façade with the primary customer entry x 1.0
Promotional Wall Signs	3	9 Sq. Ft. ea.	
<b>Two - three businesses / tenants on lot or pad site:</b>			
Free-standing Signs	1 per street frontage with entry	65 Sq. Ft. 15' high	Total of all free-standing signs not to exceed length of street frontage with entry x .50
Wall Signs	1 wall sign per business/tenant	50 Sq. Ft. ea	Total of all wall signs not to exceed length of building façade with the primary customer entry x 1.0. Property owner to determine allocation.
Promotional Wall Sign or Hanging Sign	1 per business/tenant	9 Sq. Ft. ea.	
<b>Four or more businesses / tenants on lot or pad site:</b>			
Free-standing Directory Signs	1 per street frontage with entry	150 Sq. Ft. 15' high	Total of all free-standing signs not to exceed length of street frontage with entry x 1.0
Wall Signs	1 wall sign per business/tenant	80 Sq. Ft. ea	Total of all wall signs not to exceed length of building façade with the primary customer entry x 1.0 Property owner to determine allocation.
Promotional Wall Sign or Hanging Sign	1 per business/tenant	9 Sq. Ft. ea.	

**Note:** Canopy or hanging signs may be substituted for wall signs.

See Section 62.7 for additional permitted signage and 62.9 for approvals in unique circumstances.

**62.7 Signs That Do Not Require a Permit.** The following signs do not require a sign permit, provided that they comply with the applicable provisions of these Regulations:

62.7.1 Governmental Signs. Signs erected by a Town, State or federal official or agency on property owned by or within the control of the Town, State or federal government.

62.7.2 Legally Required Signs. Signs required by any applicable law or town regulation, and signs required to protect property owners from potential legal liabilities, may be placed to satisfy the applicable legal requirements.

62.7.3 Informational and internal directional signs for the safety and convenience of those using a site such as 'entrance', 'exit' and 'no parking' shall not exceed a total area of four (4) square feet each and with no more than ten percent (10%) containing the logo of the business on that site.

62.7.4 A temporary sign may be placed on a property that is for sale or rent while on the market, and shall be removed within five days of the property being removed from the market. The height shall not exceed six feet (6').

a) Residential property:

1. One (1) free-standing sign placed on the property, not exceeding twelve (12) square feet in area.
2. Two (2) open house directional ground signs may be placed off-site with the permission of the property owner(s) provided such signs are used solely for directional purposes, are not located on Town or State property or rights-of-way, do not interfere with sight lines, do not exceed four (4) square feet in area, and are placed no earlier than two days before the open-house and are removed at the close of the open-house.

b) Non-residential property: One (1) free-standing sign, not exceeding twenty (20) square feet in area.

62.7.5 Window Signs. Signs may be located on the inside or outside of the windows of non-residential buildings, provided that such signs do not cover more than fifty percent (50%) of the total area of all windows visible from the street.

62.7.6 Wall signs may be placed on a non-residential building located in a non-residential district provided such signs are not visible from the street or from a property with a residential use. Maximum size for each wall sign is sixteen (16) square feet in area.

62.7.7 Non-permanent signs on a lot, or pad site, with an active commercial use in a non-residential district.

a) Non-permanent ground signs:

1. One (1) non-permanent ground sign is permitted per lot or pad site the maximum size is twelve (12) square feet.
2. One (1) non-permanent ground sign may be substituted for a promotional wall sign the maximum size of the substituted non-permanent ground sign is four (4) square feet.
3. Feather flags are permitted, provided they are setback twenty (20) feet from side property lines and spaced a minimum of one hundred (100) feet apart, the maximum per lot or pad site is ten (10). Lots or pad sites with less than 140' frontage are permitted two (2) feather flags. Maximum height for feather flags is twelve (12) feet.

4. Non-permanent ground signs must be constructed of weather resistant materials, have clear legible lettering and may be double-sided, and meet the requirements of Sections 62.3 and 62.4.2.

b) Non-permanent wall signs - One non-permanent wall sign may be temporarily displayed for sales, special promotions or new business announcements, and may be displayed for a maximum of thirty (30) days and not more often than four times per year.

c) Unpermitted non-permanent signs, or non-permanent signs not in compliance with these regulations will be removed by the Town.

62.7.8 Commercial businesses may display one flag, no larger than three feet by five feet (3' x 5'), with either the word 'open' or one word describing the type of items for sale (e.g. 'antiques', 'café').

62.7.9 Residential properties may display the residents name and/or address on a wall or ground sign with a total maximum area of three (3) square feet; ground signs are limited to two feet in height.

62.7.10 Agricultural Signs. During times when a farm, or farmers market, located in Columbia is selling its products:

a) A non-permanent sign may be placed on the farm's land, a second non-permanent free-standing sign may be placed on the farm's land if separated by at least 100'. The maximum sign area for each sign is sixteen (16) square feet. The minimum setbacks per Section 62.4.2c shall be met.

b) If not located on a state road, one (1) non-permanent ground sign, up to six (6) square feet in area, may be placed on the state road providing the closest access to the farm with permission from the property owner.

62.7.11 Temporary Signs for Tag/Yard/Garage Sales. One (1) sign, not exceeding three (3) square feet in area, is allowed on-site for a period not to exceed seven (7) days. Such signs shall be removed within twenty-four (24) hours after the event.

62.7.12 Contractor Signs. One temporary sign no larger than three (3) square feet that identifies a contractor or other trade professional that is currently working on that site. Such signs shall be removed within twenty-one (21) days of the completion of the work.

For commercial development projects, one sign no larger than thirty-two (32) square feet identifying the contractors, finance sources and professionals, is permitted during construction and shall be removed within thirty (30) days after completion of the project. Minimum setback from the property line is ten (10) feet.

62.7.13 Gasoline Stations pricing signs that are integrated into the fuel pumps.

**62.8 Prohibited Signs.** The following signs are specifically prohibited:

62.8.1 Any moving sign or moving device designed to attract attention, including fluttering or rotating devices (such as, but not limited to, air dancers, propellers, and discs).

62.8.2 Any sign or device with flashing, moving, flickering, blinking, illuminated animation, or moving lights. Any artificial light or light-reflecting device in a location that distracts the attention of users of a public or private street.

62.8.3 Signs with a string of lights. Exposed neon, fluorescent, and/or incandescent tubing or lamps, raceways, ballast boxes and transformers or other electrical apparatus.



62.8.4 Signs of a temporary character or purpose, except as provided in Section 62.7, regardless of the sign material used.

62.8.5 Any sign displayed on or painted on any vehicle or trailer parked or displayed at a site other than on the site, or work location, of the business named, and in a manner primarily intended to be viewed from a public right-of-way.

62.8.6 Billboards.

62.8.7 Any sign mounted or posted on any tree or utility pole.

62.8.8 Traffic signs that are not approved by the appropriate State or Town traffic authority.

62.8.9 All signs not expressly permitted by these Regulations.

### **62.9 Commission Approval.**

62.9.1 When an applicant can demonstrate a unique circumstance with the site that would limit the visibility of signage, the Commission may grant relief from these regulations for functional value:

a) Free-standing sign:

- (i) The height of a free standing sign may be increased to a maximum of eighteen (18) feet due to unique topography that limits the visibility, or
- (ii) The sign area of a free standing sign may be increased by a maximum of thirty percent (30%) due to unique topography that limits the visibility.

b) The sign area of a wall sign may be increased by a maximum of twenty percent (20%) due to limited visibility.

c) The side setback not abutting a residential use maybe reduced to ten feet (10') and the front setback may be reduced to two (2) feet due to unique topography or property limitations; the requirements of Section 62.3.2 shall be met.

62.9.2 When an applicant holds multiple franchise licenses for a single lot, the Commission may grant relief from these regulations to allow a free-standing sign for each franchise providing the lot frontage exceeds one-hundred (100) feet per free-standing sign.

62.9.3 For properties with more than one business and the street frontage with the primary entrance is greater than three-hundred (300) feet, the Commission may approve a second free standing sign.

62.9.4 For a business with an approved drive-thru service under a franchise license that requires the menu board at a height or area in excess of the limits of Section 62.4.2 (e), the Commission may grant relief to meet the franchise requirement.

### **62.10 Enforcement and Sign Removal.**

62.10.1 Any sign legally existing at the time of the adoption of these Sign Regulations, which becomes non-conforming with the adoption of these Regulations, may be maintained but shall not be increased in area, size of lettering, or the extent it projects or is illuminated as the same exists at the effective date of these Regulations.

Each such sign shall be completely and totally removed at such time as the business which such sign advertises shall cease operation, subsequent to the effective date of these Regulations.

62.10.2 Signs which become unsafe or in disrepair or otherwise in violation of these Regulations shall, upon notice from the Zoning Enforcement Officer, be repaired or replaced by the

owner or lessee of the property on which the sign is located within thirty (30) days of notice. Signs that have been abandoned shall be removed or relocated by the owner or lessee of the property on which such sign stands within thirty (30) days following such designation by the Zoning Enforcement Officer. If still remaining, the Zoning Enforcement Officer shall have the sign removed and destroyed. Once a sign is removed in accordance with this provision, it may not be repositioned or replaced unless it is in conformance with the current provisions of the Zoning Regulations.

62.10.3 Whenever a proposed change in use or site modification on a subject property necessitates Planning & Zoning Commission/Zoning Board of Appeals approval in accordance with a Special Permit, the applicant shall be subject to conditions by the Commission or Board which may include the removal of any sign in conflict with these Regulations. Failure to abide by the conditions of approval shall render the approval null and void.

## 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.

**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 Purpose.** These performance standards are adopted to prevent activities on any property detrimental to the use, enjoyment and value of any other property, buildings or structures or detrimental to public health, safety and welfare. (adopted 11/16/20)

**65.2 Applicability.** All use of property must be in compliance with the standards of this section. This section further applies to all applications seeking zoning approval (approval of a Zoning Permit, Site Plan or Special Permit) and the carrying out of those uses and activities permitted as of right.

**65.3 Standards.** (adopted 11/16/20)

1. Smoke, Gases and Fumes – No dust, dirt, fly ash, smoke, gas, or fumes shall be emitted into the air from any lot so as to endanger or impair the public health, safety, welfare or the value and reasonable use of any other lot.
2. Vibration - With the exception of vibration necessarily involved in the construction, or demolition of buildings, no vibration shall be transmitted outside the lot where it originates so as to endanger or impair the public health, safety, welfare or the value and reasonable use of any other lot.
3. Odors - No offensive odors shall be emitted into the air from any lot so as to impair the value and reasonable use of any other lot, excluding agriculture fertilizers used in the customary and ordinary course of legal agricultural activities.
4. Glare and Heat - No light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public health, safety, or welfare on any street or highway, or to impair the value and reasonable use of any other lot.
5. Refuse and Pollution - No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, estuary, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution or so as to endanger or impair the public health, safety, welfare or the value and reasonable use of any other lot.
6. Danger - No material which is dangerous due to explosion, extreme fire hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town, State of Connecticut and Federal Government.
7. Radio Interference - No use on any lot shall cause interference with radio and television reception on any other lot and any use which generates electromagnetic radiation or interference shall conform to the regulations of the Federal Communications Commission.
8. Noise - With the exception of farm implements and farm animals, time signals, fire, police or ambulance sirens and the noise customarily involved in the construction or demolition of buildings and other structures, the following requirements shall be met:
  - a. No noise shall be transmitted outside the lot where it originates when such noise has a decibel level, octave band, intermittence and/or beat frequency which endangers the public health, safety or impairs safety on or the value and reasonable use of any other lot.
  - b. All noise generated on any lot shall be consistent by the Regulations of Connecticut State Agencies Section 22a-69-1.

- c. Construction noise shall be prohibited between the hours of 7 PM and 7 AM, unless permitted by special permit.
- d. When required by the Commission, applications shall be accompanied by a report from a professional acoustical engineer demonstrating that the noise standards will be attained. Prior to the issuance of a Certificate of Zoning Compliance, the lot owner shall be responsible for testing of stationary equipment verifying compliance with noise standards. At the discretion of the Commission, such tests shall be conducted in the presence of the ZEO.
- e. Specific uses described in these Regulations may have additional noise requirements that shall be met.

**65.4** *reserved for future use*

**65.5** *reserved for future use*

**65.6 Lighting Standards** for properties with uses except single family, single family with accessory unit, and two-family residences. (Effective 5/1/17)

The location, height, design and arrangement of outside lighting shall conform to the provisions of the following:

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at the property lines and disability glare at any location on or off the property. The lighting must also be, as much as physically possible, contained to the target area. The maintained horizontal illuminance recommendations set by the Illuminating Engineering Society of North America (IES) shall be observed.
2. All exterior lighting shall use full cut-off or shielded type fixtures.
3. Externally illumination for a display, building or other aesthetic lighting must be by downlighting (lit from above to shine downward).
4. All lighting shall prevent disability glare for drivers or pedestrians. Light shall not trespass beyond the property line.

All non-essential lighting shall be turned off after business hours, leaving only the necessary lighting for site security. (Non-essential lighting applies to: display, aesthetic, building, and parking lighting.)

5. All exterior lighting which existed lawfully on the effective date of these Regulations or any amendment hereto shall be legal nonconforming.

**65.7 Screening and Buffers.** (Effective 11/1/19)

1. Commercial/Manufacturing uses on property abutting a residential district shall have effective screening and buffers based on the intensity of the proposed use(s) and the degree of conflict with the use permitted in a residential district. In addition, within these Regulations, screening and buffers may be required for other uses.
2. The type of buffer used shall be based on a thorough understanding of the specific site conditions, topography and distances to property lines.
  - a. Visual screening shall be of such width, height, and character so as to present an opaque visual barrier to parking and storage areas, buildings and activities on the site. Suggested materials include evergreen trees in combination with privacy fencing and shrubs consistent with other materials used in the development.
  - b. Buffers to attenuate noise shall be of such height and density to block an unreasonable level of noise from leaving the property. Buffers that block noise are earth berms, solid wall of a structure or solid fence; vegetation is ineffective in blocking noise.
3. Buffers shall be maintained in a condition that assures continued effectiveness.

## SECTION 66 - OUTDOOR STORAGE

**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 Outdoor Storage Container:**

- a. All outdoor storage containers, if located for more than thirty (30) days, require a Certificate of Zoning Compliance.
- b. 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.
- c. 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.

**66.3 Other Outdoor Storage** (Effective 11/1/19)

- a. Outdoor storage of supplies, machinery, equipment or materials customarily used by the business located on the lot is permitted if screened from any public street or residential district by wooden fencing, stone or brick walls, or evergreen trees or shrubs of sufficient height. The maximum combined area of outdoor storage is limited to 20% of the developed portion of the lot, unless a Site Plan detailing the specific location and type of all outdoor storage has been approved by the Commission.
- b. Vehicular Business Outdoor Storage. Vehicles and trailers for sale or rent shall be arranged in an orderly manner and located not less than five feet from the edge of any public street pavement, and shall not impair a motorist's line of sight, create a hazard for motorists, vehicles, pedestrians or bicycles.  
  
There shall be no outdoor storage of dismantled or discarded vehicles and related parts. Equipment may be stored outside per Section 66.3.a.
- c. Exterior displays of a business's merchandise may be permitted by Site Plan Application to the Commission, the site plan shall detail the type, duration and location of proposed displays. All other exterior displays of merchandise are prohibited.

## 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 indicated 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 a 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.