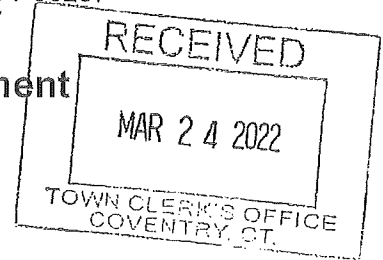




TOWN OF COLUMBIA

323 Jonathan Trumbull Highway, Columbia, CT 06237
(860) 228-0440 FAX: (860) 228-2847

Building & Land Use Department



Notice per Section 8-7d. (f) of the Connecticut State Statutes

DATE:	MARCH 22, 2022
TO:	TOWN CLERK OF: <u>ANDOVER, COVENTRY, HEBRON, LEBANON AND WINDHAM</u>
FROM:	<input checked="" type="checkbox"/> PLANNING AND ZONING COMMISSION <input type="checkbox"/> ZONING BOARD OF APPEALS <input type="checkbox"/> INLAND WETLANDS COMMISSION
Section 8-7d. Hearings and decisions. Time limits. Day of receipt. Notice to adjoining municipality. Public notice registry. <i>(f) The zoning commission, planning commission, zoning and planning commission, zoning board of appeals, inland wetlands agency or aquifer protection agency shall notify the clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site in which: (1) Any portion of the property affected by a decision of such commission, board or agency is within five hundred feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.</i>	
NATURE OF APPLICATION:	Proposed Zoning Regulation Amendment to address changes by State Legislature
MATERIALS ENCLOSED:	Proposed Revisions
PUBLIC HEARING IS SCHEDULED FOR:	Monday, April 25, 2022 at 7:00 p.m. Adella G. Urban Administrative Offices Conference Room 323 Route 87, Columbia, CT
Contact:	Paula Stahl, Columbia Town Planner pstahl@columbiact.org or 860-228-0440

ADD: 52.7.21 Multifamily Dwellings (adopted xx / xx /2022)**7.1 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.

7.2 Purpose

The purpose of this section is to guide in achieving the stated intents while providing for:

- a. The protection of the environmental character of the area and the particular suitability for the specific use;
- b. Preservation of buildings and property values;
- c. Adequate access of light and air;
- d. Adequate vehicular access and off-street parking;
- e. Adequate disposition of buildings upon the land;
- f. 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
- g. The pursuance of economic development while meeting the housing needs of diverse households.

7.3 Site Eligibility

The minimum total contiguous land area required for a multifamily dwellings project site is as follows:

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

7.4 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.

7.5 Applications

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

7.6 Design and Technical Requirements

The proposed project shall conform to the following:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.

7.7 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.

7.8 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.

To add certain Special Permit uses to the CM1 and CM2 zones:

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

ADD 21. Multifamily Dwellings (See Section 52.7.21)

ITEM 2: To revise Zoning Regulations relating to the State Legislation Public Hearing 4-25-22
permitting Recreational Cannabis

To add certain Special Permit uses to the CM1 and CM2 zones:

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

ADD 20. Cannabis Establishments (See Section 52.7.22)

Under Section 52:

ADD 52.7.22 Cannabis Establishments: (adopted xx/xx/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.

To prohibit certain other cannabis uses:

ADD the following to Section 6.2 Prohibited Uses:

6.2.5 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.

ITEM 3: Revise zoning regulations to omit the word "Character"

Public Hearing 4-25-22

Additions are in red and underlined; deletions are in red and ~~crossed out~~

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~~ use of the adjacent property.

8.5.4.d. The Commission shall require such screening as it may determine, in its sole discretion, to be necessary to preserve the residential ~~character~~ use of the lot and neighborhood. Such screening shall always include, but shall not 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.

8.6.1 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 the rural ~~character~~ area and to protect natural and historic features of special interest.

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.

10.1 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:

10.1.1 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~~ surrounding 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.

Additions are in red and underlined; deletions are in red and ~~crossed-out~~

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

- 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.

10.4.2 Residential Structures on Nonconforming Lots In a Residential District

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.

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~~ physical site characteristics of the neighborhood in which the use is located and the compatibility of the proposed use,

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.

ITEM 3: Revise zoning regulations to omit the word “Character”

Public Hearing 4-25-22

Additions are in red and underlined; deletions are in red and ~~crossed out~~

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~~ dwellings 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.

52.7.19.5 Evaluation Criteria: In considering the proposed application, the Planning and Zoning Commission shall be guided by the following:

- A. The existing and future ~~character~~ physical site characteristics of the neighborhood in which the use is to be located.

62.4.6 e) Electronic Signs

- 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~~ uses 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.

ITEM 4. To revise zoning regulations to meet the mandatory mandatory provisions of the newly adopted State Statute 8.2 regarding the purpose of Zoning Regulations

Public Hearing 4-25-22

Newly required provisions are in red and underlined

REPLACE Section 1 (effective xx / xx /2022)with the following:

- 1.1 Statutory Purpose:** These Regulations are adopted for the purpose set forth in CGS Section 8-2 as amended, including to:
1. Promote the health, safety and general welfare of the community, lessen congestion in the streets, secure safety from fire, panic, flood and other dangers, promote health and general welfare, provide for adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public improvements;
 2. Protect the state's historic, tribal, cultural and the environmental resources including both public and ground drinking water;
 3. 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;
 4. Address significant disparities in housing needs and access to educational, occupational and other opportunities;
 5. Expressly allow the development of housing which will meet the housing needs identified in the state housing plan;
 6. Consider the impact of permitted land uses on contiguous municipalities and on the planning region;
 7. Assure that proper provision is made for sedimentation control and the control of erosion caused by wind and/or water;
 8. Encourage energy efficient patterns of development; the use of solar and other renewable forms of energy, and energy conservation; and,
 9. 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.

