

**COLEBROOK, CONNECTICUT**

# **ZONING REGULATIONS**

**May 4, 2021 Edition**



**FOR PUBLIC HEARING  
Scheduled For June 15, 2021**

**PLANNING & ZONING COMMISSION**

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# 1. REGULATORY BASICS

## 1.A. AUTHORITY

The Colebrook Zoning Regulations (hereinafter “these Regulations”) are established under the authority granted by Chapter 124 of the Connecticut General Statutes, as may be amended.

## 1.B. PURPOSES

### 1.B.1. STATUTORY PURPOSES

These Regulations are adopted by the Colebrook Planning and Zoning Commission (hereinafter “the Commission”) to accomplish the purposes as set forth in Chapter 124 of the Connecticut General Statutes, as may be amended.

### 1.B.2. ADDITIONAL PURPOSES

In addition to the purposes set forth in Chapter 124 of the Connecticut General Statutes (hereinafter “CGS”), these Regulations are adopted in order to:

1. To promote and conserve the health, safety, and welfare of the citizens of the Town of Colebrook (hereinafter “the town”).
2. To facilitate adequate provision for transportation, drainage, schools, parks, open space, and other public requirements.
3. To promote the most appropriate uses of land and buildings especially as recommended in the Plan of Conservation and Development adopted by the Commission.
4. To preserve and protect farmland and farming.
5. To conserve natural features and resources including private and public water supply and to preserve historic sites.
6. To encourage housing opportunities.
7. To provide adequate light and air, prevent overcrowding of land, undue concentration of population and congestion in the streets, and to lessen the danger of flood and fire.

## **1.C. ZONING DISTRICTS**

### **1.C.1. ZONING MAP**

1. To accomplish the purposes as set forth in Section 1.B, the Town is divided into various zones and districts.
2. The locations and boundaries of the zones are shown on the map entitled Zoning Map, Town of Colebrook, on file in the office of the Town Clerk ("Zoning Map").
3. The Zoning Map and any amendments thereto are hereby made a part of these Regulations. Any facsimile maps are not official and are for convenience only.

### **1.C.2. INTERPRETATION OF DISTRICTS AND BOUNDARIES**

Where there is uncertainty as to the boundaries of zones as shown on the Zoning Map, the following rules shall apply:

1. Where zone boundary lines generally follow streets, rights-of-way and watercourses, the zone boundary shall be the centerline of such feature.
2. Where zone boundary lines generally follow lot lines and the exact location of the zone boundary is not indicated by a dimension, then the property or lot line shall be the zone boundary.
3. Where the zone boundary is shown parallel to a street, such boundary shall be interpreted as running parallel to the nearest street line and at such distance there-from as indicated on or as measured on the Zoning Map.
4. Where a lot of record falls into two or more zones, the uses allowed on the portion of the property in any zone shall be limited to those uses allowed in such zone according to these Regulations. In addition, the dimensional standards applicable within the zone shall be applied to and measured from the zone boundary line.

**1.D. APPLICATION OF REGULATIONS****1.D.1. CONFORMITY REQUIRED**

1. No land, building or other structure shall be used, designed for use, and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved, or structurally altered except in conformity with these Regulations.
2. No lot or land shall be divided or diminished except in conformity with these Regulations.
3. No required setback, open space, off-street parking or loading space shall be established or altered except in conformity with these Regulations.

**1.D.2. PROHIBITED IF NOT PERMITTED**

1. Uses of land, building or structures not clearly permitted in the various zones are prohibited.

**1.D.3. MINIMUM REQUIREMENT**

These regulations shall be held to be minimum requirements adopted for the promotion of public health, safety, and welfare unless the term is clearly intended to be a maximum limitation.

**1.D.4. RELATIONSHIP TO OTHER REGULATIONS**

1. Wherever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinance, deed, restrictions, or covenants, the most restrictive shall apply.
2. Compliance with these Regulations does not relieve the property owner and/or applicant from having to obtain permits which may be required from other local, state, or federal agencies including, but not limited to, permits for:
  - a. Driveways and/or curb cuts,
  - b. Wetlands,
  - c. Wells and septic systems,
  - d. Fire protection,
  - e. Building code, and/or
  - f. Health code.

## **1.E. ADMINISTRATION / ENFORCEMENT**

1. These Regulations shall be administered and enforced by the Commission and/or its authorized agent, the Zoning Enforcement Officer (ZEO).
2. The Commission and/or the ZEO are hereby empowered to cause any building, structure, place, or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations in accordance with all powers granted by CGS Section 8-12.
3. Any of the following parties who take part or assist in any violation of these Regulations or who shall maintain any building or premises in which such violations shall exist may be subject to enforcement pursuant to CGS Section 8-12:
  - a. The owner or agent of a building or premises where a violation or any provision of said Regulations shall have been committed or shall exist,
  - b. The owner, agent, lessee, or tenant of any part of the building or premises in which such violation shall have been committed or shall exist; or
  - c. The agent architect, builder, contractor, or any other person who shall take part or assist in any violation.
4. The Zoning Enforcement Officer may issue citations in accordance with the provisions of the Ordinance Establishing Citations and Fees for Zoning Violations, effective date, June 5, 2004, as may be amended.

## **1.F. SEVERABILITY**

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## **1.G. EFFECTIVE DATE**

1. Zoning Regulations were initially adopted in Colebrook as of August 2, 1956.
2. These Regulations were comprehensively reorganized and updated in 2020-21 with an effective date of << insert date>>.
3. Any subsequent revisions adopted by the Commission shall supersede prior versions of the Regulations as of the effective date established by the Commission.



## 2. WORDS AND TERMS

### 2.A. BASIC USAGE

#### 2.A.1. RULES AND TERMS

1. The definitions and rules contained in this Section shall be used in the interpretation, application, and enforcement of the requirements of these Regulations.
2. In the event the Commission needs to determine the meaning of any word(s) used in these Regulation, it may consult one or more of the following:
  - a. The State Building Code.
  - b. The Connecticut General Statutes.
  - c. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ).
  - d. Black's Law Dictionary.
  - e. A comprehensive general dictionary.
  - f. Another relevant source of information.

#### 2.A.2. BASIC RULES

In the interpretation, application, and enforcement of these Regulations and when not inconsistent with the context, the following rules shall apply:

1. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
2. Words used in the singular shall include the plural and vice versa and words used in the present tense shall include the future and vice versa.
3. Words which are specifically masculine or feminine shall be interpreted as interchangeable and shall include the neuter.
4. The word "person" includes any individual, firm, partnership, corporation, association, organization, or other legal entity.
5. The word "lot" shall include the words "plot" and "parcel" and vice versa.
6. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for" and vice versa.
7. The phrase "these Regulations" shall refer to the entire Zoning Regulations and amendments.
8. In case of any difference of meaning or implication between the text of these Regulations and any caption, illustration, summary, table or illustrative table, the text shall control.

## **2.B. DEFINITIONS**

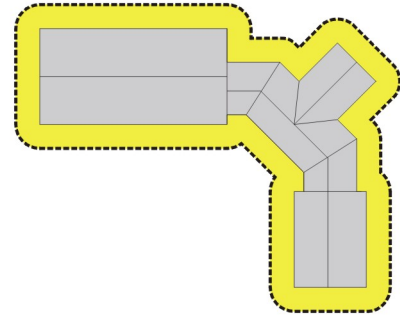
**ACCESSORY**– See “Principal and Accessory”

**ACCESSORY DWELLING UNIT** - See “Dwelling And Related Terms”

**AVERAGE FINISHED GRADE** – A reference plane for measuring building height determined by averaging the finished ground elevations along a line located ten feet (10') from the building.

### **Average Finished Grade**

The average finished grade is determined by averaging the finished ground elevations along a line located 10 feet from the building.



**BED AND BREAKFAST** – See “Lodging Related Terms”

**BOARD** - The Zoning Board of Appeals of Colebrook, Connecticut.

**BREWERY**– See “Farming and Related Terms”

**BUILDABLE LAND** - Buildable land is herein defined as the area of a parcel of land excluding any area:

- Determined to be inland wetlands soil types as defined in the Colebrook Inland Wetlands and Watercourse Regulations.
- Determined to be a watercourse as defined in the Colebrook Inland Wetlands and Watercourse regulations.
- Designated as 100-year floodplain in the Flood Insurance Study as amended.
- Having a pre-development slope in excess of 25 percent.
- Having a pre-development contiguous area of exposed rock or ledge in excess of 200 square feet.
- With pre-existing conservation easements.

## ***Building vs Structure***

**BUILDING** - Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or materials.

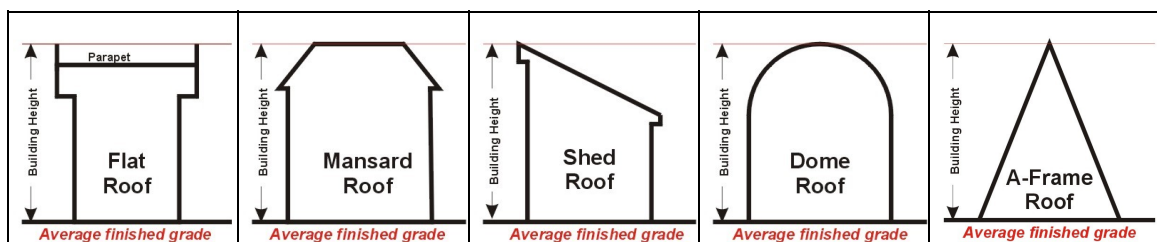
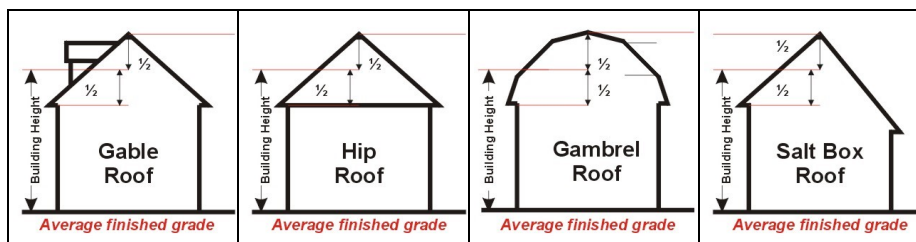
**STRUCTURE** –Anything constructed or erected which requires a location on the ground or attachment to something having a location on the ground. This includes, but is not limited to, habitable buildings, non-habitable buildings, satellite dishes, ground mounted solar panels, and fences over 6 feet in height.



**BUILDING COVERAGE** - The total percent of a lot or parcel that is covered by the footprints of all buildings and structures, including all principal and accessory buildings.

**BUILDING HEIGHT** - The vertical distance from the average finished grade around the foundation to:

- the highest point of the roof or parapet for a dome, flat, mansard, shed, or A-frame roof,
- the midpoint between the peak and eave for a gable, hip, gambrel, or salt box roof.



### ***Building Permit Through Certificate of Occupancy***

**BUILDING PERMIT** - A permit obtained from the Building Official before construction starts which authorizes construction in accordance with plans submitted. As per CGS 8-3(f), a Zoning Permit is required prior to the issuance of a Building Permit. See *"Zoning Permit"* below.

**ZONING PERMIT** - A permit issued by the Zoning Enforcement Officer before construction starts indicating that the plan(s) for a proposed land use, building, or structure conform to requirements of these Zoning Regulations.

**CERTIFICATE OF ZONING COMPLIANCE** - A written approval given by the Commission or its authorized agent indicating that a use, structure and/or lot is in compliance with the requirements of the Zoning Regulations.

**CERTIFICATE OF OCCUPANCY** - A written approval from the Building Official which certifies that a building is in compliance with the State Building Code and is suitable for either occupancy or its intended use. As per CGS 8-3(f), a Certificate of Zoning Compliance is required prior to the issuance of a Certificate of Occupancy. See *"Certificate Of Zoning Compliance"* above.

**CERTIFICATE OF OCCUPANCY** - See *"Building Permit Through To Certificate of Occupancy"*

**CERTIFICATE OF ZONING COMPLIANCE** - See *"Building Permit Through To Certificate of Occupancy"*

**CGS** – Connecticut General Statutes.

**COMMERCIAL HORSE STABLE, RIDING SCHOOL, OR TRAINING SCHOOL** - A business activity involving a building, structure, or premises where at any time:

- Five or more horses are boarded for compensation,
- Five or more horses are available for rent or hire, or
- Riding instruction or training for compensation is conducted more than once a week on a regular basis.

A horse stable, riding school and/or training school or program conducted as an accessory use by a bona fide non-profit organization shall not be considered a "commercial" horse stable, riding school, or training school.

**COMMISSION** - The Planning and Zoning Commission of the Town of Colebrook.

**COUNTRY INN** - See *"Lodging Related Terms"*

**DENSITY, MAXIMUM** - The maximum number of building lots permitted in a subdivision which is determined by multiplying the amount of buildable land (as defined in these Regulations) of the parcel, in acres, by the density factor for that zone, where any fractional remainder is rounded down to the next lower whole number. No parcel of land or lot shall have the density factor reapplied once the maximum lot yield has been reached for the parcel of land that existed as of May 28, 2008.

*Example: A parcel of land in the R-2 zone with 20 acres of land (total) and 17 acres of buildable land = 17 acres x 0.5 density factor = 8 lots maximum*

**DISTILLERY** – See “Farming and Related Terms”

### ***Dwelling and Related Terms***

**DWELLING** - A building (or part thereof) on a permanent foundation which is designed or used as the living quarters for one or more persons.

**DWELLING, MULTI-FAMILY** - A dwelling or group of dwellings on one lot containing separate living units for two or more families, but which may have separate or joint entrances, services, or facilities.

**DWELLING, SINGLE FAMILY** - A building occupied or intended to be occupied by one family.

**EFFICIENCY UNIT** - A dwelling with one room in addition to a kitchen and bath.

**ACCESSORY DWELLING UNIT** - A dwelling accessory and subordinate to a single-family dwelling on the same lot.

**ACCESSORY DWELLING UNIT, ATTACHED** – An accessory dwelling unit located in a portion of the principal building which shares a continuous living area (such as an operable door on a common wall).

**ACCESSORY DWELLING UNIT, DETACHED** - An accessory dwelling unit separate from and subordinate to the principal building.

**FAMILY** – Any number of persons related by blood, adoption, marriage, civil union, and/or legal guardianship and up to five additional unrelated persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

### ***Farming and Related Terms***

**FARM** - Any tract of land used for farming activities, including buildings and other structures used for raising, or incidentally for selling, agricultural commodities.

**FARM WINERY / FARM BREWERY / FARM DISTILLERY** - Buildings, structures, and/or other areas on a farm used in the production, bottling, sale, and/or tasting of wine, beer, or distilled alcoholic beverages.

**FARMING** - Farming shall include:

- raising of agricultural products, livestock, poultry, and dairy products but excluding the slaughtering of animals not raised on the premises,
- raising of forestry products,
- activities incidental to ordinary farming, such as maintenance of buildings and equipment,
- handling, processing, or delivering to market or direct sale of commodities, and
- other similar activities as further defined by CGS Section 1-1(q).

## Section 2.B

### WORDS AND TERMS

#### DEFINITIONS

PROPOSED REGULATIONS– May 4, 2021

**FLOOR AREA** - The horizontal area of the floor of a building (or part thereof) which is considered habitable space as per the State Building Code, as may be amended. The area shall be measured from the exterior faces of outside walls. Such calculation shall exclude floor area in cellars, basements, garages, porches, and attic spaces which are not designed for human occupancy.

**TOTAL FLOOR AREA** - The floor area of all the floors of a building.

**GROSS FLOOR AREA (GFA)** - The floor area of a building (or part thereof) for calculating parking. The area shall be measured from the exterior faces of outside walls and the interior faces of inside demising walls.

**FOOD TRUCK** - A vehicle or trailer equipped and/or used:

- to cook, prepare, serve, and/or sell food to the public, and/or
- to serve and/or sell alcoholic or non-alcoholic beverages to the public.

**GFA** - See "Floor Area"

**HAZARDOUS MATERIALS** – As defined in the Connecticut State Building Code or the Connecticut State Fire Code.

**HEALTH OFFICIAL** - The individual or organization officially recognized by the Town as responsible for administration and enforcement of the State Health Code and/or any local health-related requirement (e.g., Farmington Valley Health District or other local or state official).

**HOTEL** - See "Lodging Related Terms"

### ***Home-Based Business Terms***

**HOME-BASED BUSINESS** - A business conducted by the resident within a dwelling or accessory structure, secondary to the primary residential use.

**HOME OFFICE** – The use of a portion of a dwelling unit for a home-based business involving only office-type activities by one or more residents of the premises (no non-resident employees).

**PROFESSIONAL HOME ACTIVITY** - The use of a portion of a dwelling unit for a home-based business involving a professional home activity by a resident of the premises (including but not limited to accountants, architects, attorneys, engineers, and similar activities which involve minimal visits to the premises).

**HOME ENTERPRISE** - The use of a portion of a dwelling unit for a home-based business involving client or customer visitation to the premises.

**HOME ENTERPRISE** - See "Home-Based Business Terms"

**HOME OFFICE** – See "Home-Based Business Terms"

**JUNKYARD** - For the purposes of these Regulations, the term junkyard shall include:

- Junk Yard as defined by CGS Section 21-9,
- A Motor Vehicle Junk Business or Motor Vehicle Junk Yard as defined in CGS Section 14-67g, or
- Any scrap metals and alloys; discarded paper, cardboard, plastics, bones; rags; used cloth, rope, rubber, bottles, old or used machinery of any type; used tools, used appliances; used lumber or crates; building materials (not associated with an active construction project); carpeting; fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles; used tires and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

### ***Lodging Related Terms***

**BED AND BREAKFAST** –The provision of overnight accommodation for compensation (which may include the provision of breakfast but no other meals) as an accessory use to a single-family residence owned and occupied by the proprietor as their permanent residence (up to five guest rooms).

**COUNTRY INN** - A building or group of buildings providing 8 or fewer guest rooms in which lodging is provided for compensation as a principal use.

**HOTEL** - A building or group of buildings providing 9 or more guest rooms in which lodging is provided for compensation as a principal use with a shared entrance for the building(s).

**MOTEL** - Any building or group of buildings having guest rooms in which lodging is provided for compensation as a principal use with a separate outside entrance for each room or suite of rooms.

**ROOM AND BOARD** – A dwelling where, as an accessory use to an owner-occupied dwelling, one or more rooms are rented for compensation for 30 consecutive days or longer and where meals may be included.

**SHORT-TERM RENTAL** - For a residential dwelling or an accessory dwelling unit, lodging provided for compensation for less than 30 consecutive days or property rental for less than 30 consecutive days.

### ***Lot-Related Terms***

**LOT** - A parcel of land which is either owned separately from any contiguous parcel as evidenced by the conveyance recorded in the Land Records of the Town, or is a buildable lot shown on a subdivision map approved by the Commission and filed in the Office of the Town Clerk.

**LOT, CORNER** - A lot situated at the intersection of two streets which meet at an angle of not more than 135 degrees.

**LOT, THROUGH** - A lot having both front and rear yards abutting a street.

**LOT, WIDTH** - The horizontal distance between side lot lines measured at the front lot line, at the minimum required front yard setback line, and at all points in between.

**LOT LINE, FRONT** - The lot line separating the lot from a street.

**MAXIMUM DENSITY** - See *"Density, Maximum"*

**MOBILE HOME** - A structure, transportable in one or more sections, which is manufactured off-site and used for residential purposes when connected to the required utilities and which may be built on a permanent chassis. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the HUD Mobile Home Safety and Construction Standards Program.

**MOTEL** - See *"Lodging Related Terms"*

### ***Non-Conforming***

**NON-CONFORMING** - A building, structure, lot or use which does not conform to one or more of the current requirements of these Regulations.

**LEGAL NON-CONFORMING** - A building, structure, lot or use which does not conform to one or more of the current requirements of these Regulations but either:

- was built, created, or established prior to the original effective date of these Regulations, or
- conformed to the then-existing zoning requirements when built.

**NON-CONFORMING BUILDING OR STRUCTURE** - A building or structure which does not conform to one or more of the current requirements of these Regulations for buildings (such as setbacks, coverage, height, etc.).

**NON-CONFORMING LOT** - A lot which does not conform to one or more of the current requirements of these Regulations for lots (such as lot area, frontage, buildable land, etc.).

**NON-CONFORMING USE** - A use of any land, building or structure which does not conform to one or more of the applicable requirements of these Regulations for use.



**OPEN SPACE** - Open space is land that remains in its natural state or is used for farming or forestry, or a body of water or watercourse that remains in its natural state. It is not developed for residential, commercial or government use. The land typically provides non-facility based passive recreational, scientific, educational, cultural, or aesthetic uses and amenities.

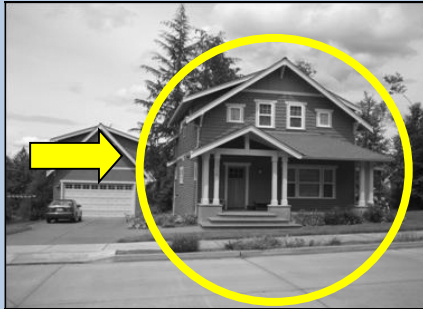
**PARKING AREA** - An area, other than a street, used for the parking of automobiles.

### ***Principal and Accessory***

**PRINCIPAL USE** - The primary purpose for which land, water or a building or structure is designed, arranged, or intended or for which it is or may be occupied or maintained.

**ACCESSORY USE** - A use which is subordinate to and is used for purposes customarily incidental to those of the principal use on a lot.

**Principal Use (Residential)**



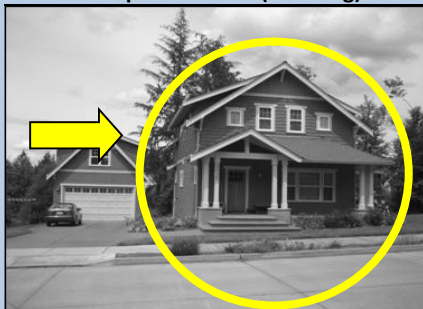
**Accessory Use (Vehicle Parking)**



**PRINCIPAL STRUCTURE** - A building or structure in which is conducted the primary or principal use of the lot on which said building is situated.

**ACCESSORY STRUCTURE** - A building or structure which is subordinate to and is used for purposes customarily incidental to those of the principal building or structure on a lot.

**Principal Structure (Dwelling)**



**Accessory Structure (Detached Garage)**



**PROFESSIONAL HOME ACTIVITY** - See *"Home-Based Business Terms"*

**RESTAURANT** - An establishment or use where the customers are served food for compensation and where the service of beverages may occur as an accessory use.

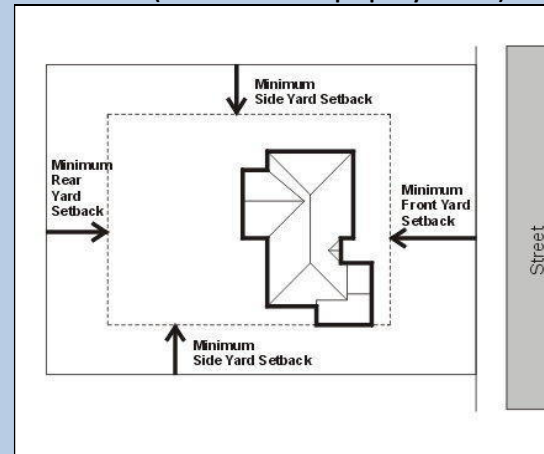
**ROOM AND BOARD** – See “Lodging Related Terms”

## **Setback**

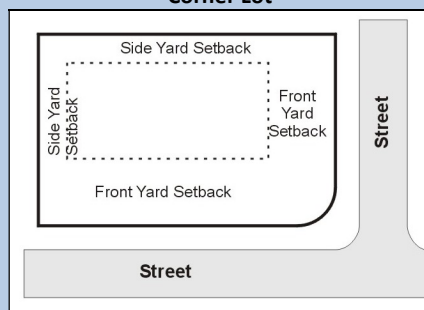
**SETBACK** - A distance perpendicular to a lot line, such distance established by the minimum setback requirements of these Regulations, behind which buildings and structures may be legally erected.

*A front yard setback shall be provided for any lot line abutting a street (or the accessway to a rear lot), a side yard setback shall be provided for any lot line adjacent to a front yard setback, and a rear yard setback shall be provided for all other lot lines*

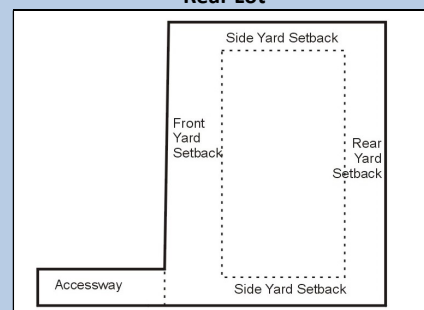
**Setbacks (defined from the property lines in)**



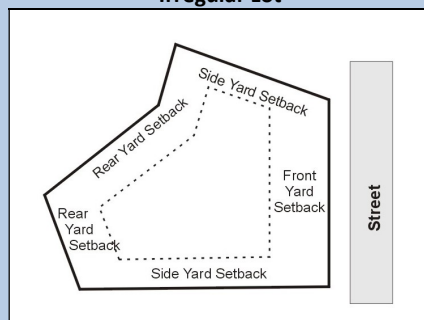
**Corner Lot**



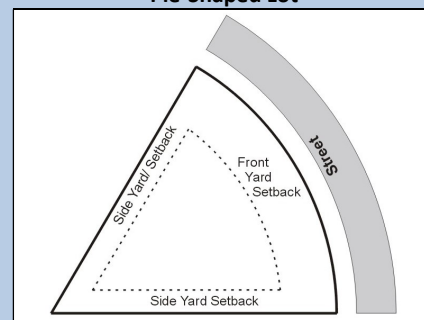
**Rear Lot**



**Irregular Lot**



**Pie-Shaped Lot**



**SF** – Square feet.

**SHORT-TERM RENTAL**– See “Lodging-Related Terms”

***Sign And Related Terms***

**SIGN** - Any device for visual communication (including any structure or natural object such as a tree or rock) used to announce, advertise, identify, or attract attention to any object, project, place, person, activity, institution, organization, or business. For the purposes of these Regulations, the term "sign" shall also include interior signs visible and legible from the street but shall not include:

- All signs erected by a public official in the performance of a public duty.
- Official traffic signs or notices required by law.
- Emergency 911 identifications signs, as may be required by State or Local ordinance.
- A flag, pennant, badge or insignia of any government or governmental agency.
- Flags or banners of a church, club or institution or non-commercial decorative flags.
- Signs directing or guiding traffic on private property but bearing no advertising matter.
- Displays including lighting erected in connection with the observance of specific holidays.

**WALL SIGN** - A sign on or attached to a wall of a building or a sign on a canopy. (*Also see "Projecting Sign" below*)

**PROJECTING SIGN** - A sign attached to a wall of a building and projecting more than 12 inches from the wall of the building.

**FREE-STANDING SIGN** - A sign fixed to the ground and not attached to a building.

**PORTABLE SIGN** - Any sign used or intended to be used in different locations and/or any sign capable of being moved.

**SIGN AREA** – The area of the entire communication device, exclusive of the supports, unless such supports are also used to advertise.

**STREET** - A public or private thoroughfare including road, highway, drive, lane, avenue, place, boulevard, or any other way that affords the principal means of access to abutting property.

**STREET LINE** - The dividing line between the street and the lot except that, if there is a situation where such line has not been established, it shall be deemed to be a line parallel to and 25 feet distant from the centerline of the traveled surface for the purposes of these Regulations.

**STRUCTURE** – See *"Building vs Structure"*

**USE** - The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied and maintained.

**VARIANCE** - A modification of the requirements of these Regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these Regulations would result in unnecessary and undue hardship.

## ***Wetlands and Watercourses***

As defined in CGS Section 22a-38, as may be amended.

*“Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal, or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof, ....*

*“Wetlands” means land, including submerged land, ... which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture.*

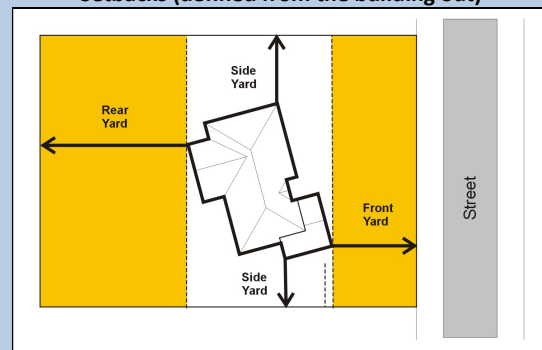
**WINERY**– See *“Farming and Related Terms”*

## **Yard(s)**

**YARD** - The area between the principal structure and a lot line. Any measurement shall be taken perpendicular to the lot line.

**YARD, FRONT** –The area extending across the full width of a lot and lying between the front lot line and the principal structure on the same lot.

**Setbacks (defined from the building out)**



**YARD, REAR** - The area extending across the full width of a lot and lying between the rear lot line and the principal structure on the same lot.

**YARD, SIDE** - The area parallel to a side lot line lying between the side lot line of the lot and the principal structure on the same lot. Any yard not a rear yard or a front yard shall be deemed a side yard.

**ZONE** - One of the different districts into which the Town of Colebrook has been divided for the purposes set forth in these Regulations.

**ZONING PERMIT** - See *“Building Permit Through Certificate of Occupancy”*

## 3. BASIC ZONING DISTRICTS

### 3.A. RESIDENTIAL 1 (R-1) DISTRICT

#### 3.A.1. OVERVIEW

1. The R-1 Village district is the area in and near Colebrook's historic village center where special provisions are established in order to maintain and protect the distinctive character, landscape, and historic value identified in the Plan of Conservation and Development.
2. In the R-1 District, establishment of more than one principal building or one principal use, other than a farm, shall require Special Exception approval.
3. To the extent specified herein, the R-1 Village district may allow for certain non-residential uses when it can be demonstrated that they will be appropriate for the location proposed in accordance with the standards contained in these Regulations.
4. Since the Village District Overlay Zone in Section 4.A of these Regulations applies to the R-1 District, village district review by the Planning and Zoning Commission is required if construction of a new permanent structure or substantial reconstruction / exterior modification of an existing permanent structure is visible from a public roadway. *(Review by the Colebrook Historic District Commission may also be required)*



## Section 3.A

### BASIC ZONING DISTRICTS

#### RESIDENTIAL 1 (R-1) DISTRICT

PROPOSED REGULATIONS– May 4, 2021

### 3.A.2. PRINCIPAL USES AND STRUCTURES

#### 3.A.2.1. No Zoning Permit Required

1. Farms including plant nurseries in accordance with Section 5.A of these Regulations.

#### 3.A.2.2. With Zoning Permit (Staff) *(may require village district review)*

1. Single-family dwelling.
2. One non-habitable structure (such as a shed, barn, or garage) as a principal use on an otherwise undeveloped lot provided that such structure shall not exceed 800 SF of total floor area.
3. Farm buildings and structures (including greenhouses) as a principal use provided that any such buildings or structures used for housing livestock or poultry or for storage of fertilizer or manure shall be located at least 100 feet from any property line.

*A plot plan shall generally be required for any use requiring a Zoning Permit.*

#### 3.A.2.3. With Site Plan Approval (PZC) *(may require village district review)*

1. (Reserved)

*An engineered site plan shall be required for any use requiring approval of a Site Plan.*

#### 3.A.2.4. With Special Exception Approval (PZC) *(may require village district review)*

1. Building, uses, and facilities of the Town of Colebrook including parks and playgrounds.
2. Firehouse, library, and/or other civic facilities owned and operated by non-profit organizations.
3. Religious, educational, cultural, recreational, and philanthropic uses operated by non-profit organizations.
4. Cemeteries.
5. Country inn.
6. Temporary farmers market in accordance with Section 5.N.5 of these Regulations.
7. Estate lot served by a common driveway in accordance with Section 5.I.

*An engineered site plan shall be required for any use requiring approval of a Special Exception.*

### 3.A.3. ACCESSORY USES AND STRUCTURES

3.A.3.1. No Zoning Permit Required
<ol style="list-style-type: none"> <li>1. Uses accessory to a single-family dwelling.</li> <li>2. Uses accessory to a farm in accordance with Section 5.A of these Regulations.</li> <li>3. The keeping and raising of livestock, fowl, horses, and other animals in accordance with Section 5.A of these Regulations.</li> <li>4. One (1) temporary roadside produce / garden stand up to 32 SF when on the property where the materials being sold are grown.</li> <li>5. Yard sales, garage sales, tag sales and the like provided there are no more than two on the same lot in any calendar year, and provided each sale lasts no more than three consecutive days.</li> <li>6. Home-office in accordance with Section 5.B.2 of these Regulations.</li> <li>7. Provided the owner is on the property, short-term rental of up to three bedrooms in a dwelling for up to 30 consecutive days in accordance with Section 5.N.4 of these Regulations.</li> <li>8. Rental of a dwelling for more than 30 days.</li> <li>9. Room and board (up to two bedrooms) when accessory to an owner-occupied single-family dwelling in accordance with Section 5.E of these Regulations.</li> <li>10. Hosting of up to two food trucks for up to five days per year for private events not involving sale to the general public provided that such event(s) shall be in accordance with Section 5.N.6.</li> </ol>

3.A.3.2. With Zoning Permit (Staff) <span style="float: right;"><i>(may require village district review)</i></span>
<ol style="list-style-type: none"> <li>1. Structures accessory to single-family dwellings or other permitted use.</li> <li>2. One (1) roadside produce / garden stand up to 64 SF on property where the materials being sold are grown.</li> <li>3. Farm buildings and structures accessory to a farm including greenhouses provided that any such buildings or structures used for housing livestock or poultry or for storage of fertilizer or manure shall be located at least 100 feet from any property line.</li> <li>4. Professional home activity in accordance with Section 5.B.3 of these Regulations.</li> <li>5. Short-term rental of all or part of a dwelling or short-term rental of a property when not in accordance with Section 3.A.3.1.8 (either the owner is <u>not</u> on the property, more than three bedrooms, or more than 30 days) in accordance with Section 5.N.4 of these Regulations with the express provision that the Zoning Permit shall only be valid for one-year.</li> <li>6. Fences and walls (including retaining walls) of any height.</li> <li>7. Solar facilities.</li> </ol>

*A plot plan shall generally be required for any use requiring a Zoning Permit.*



## Section 3.A

### BASIC ZONING DISTRICTS

#### RESIDENTIAL 1 (R-1) DISTRICT

PROPOSED REGULATIONS– May 4, 2021

<b>3.A.3.3. With Site Plan Approval (PZC)</b>	<b><i>(may require village district review)</i></b>
1. (Reserved)	

*An engineered site plan shall be required for any use requiring approval of a Site Plan.*

<b>3.A.3.4. With Special Exception Approval (PZC)</b>	<b><i>(may require village district review)</i></b>
<ol style="list-style-type: none"><li>1. A roadside produce and garden stand when larger than 64 SF, when not located on the property where the materials being sold are grown, or when the majority of products being sold are not grown on the premises.</li><li>2. Swimming pools, tennis courts, and similar recreational facilities and their appurtenances including but not limited to, decks, pumps and/or bath houses.</li><li>3. Accessory dwelling unit in accordance with Section 5.C of these Regulations.</li><li>4. Home enterprise in accordance with Section 5.B.4 of these Regulations.</li><li>5. Restaurant or other food service incorporated within a country inn and accessory thereto.</li><li>6. Bed and breakfast establishment in an owner-occupied residential building in accordance with Section 5.D of these Regulations.</li><li>7. Wind energy facility accessory to a permitted use in accordance with Section 5.J.</li><li>8. Hosting of more than two food trucks at a time or for more than five days per year or involving sale to the general public when in accordance with Section 5.N.6.</li><li>9. Room and board (three bedrooms or more) when accessory to an owner-occupied single-family dwelling and when in accordance with Section 5.E.</li></ol>	

*An engineered site plan shall be required for any use requiring approval of a Special Exception.*



### 3.A.4. AREA AND DIMENSIONAL STANDARDS

Where a lot crosses a Town boundary, all the area and dimensional standards must be met on the portion of the lot within the Town of Colebrook.

<b>3.A.4.1. Lot Requirements</b>	
1. Minimum lot area	87,120 SF
2. Minimum frontage on a public street or highway	200 Feet
3. Minimum area of contiguous buildable land	65,000 SF
<b>3.A.4.2. Setback-Requirements</b>	
1. Minimum front yard setback	50 Feet
2. Minimum side yard setback	30 Feet
3. Minimum rear yard setback	50 Feet
<b>3.A.4.3. Other Provisions</b>	
1. Maximum building height	40 Feet
2. Maximum building coverage	10 Percent
3. Maximum density (lots / acre of buildable land in a subdivision)	0.50

1. See Section 7.A for possible exceptions to these area and dimensional standards.
2. Lots which legally existed prior to May 28, 2008 as evidenced by a deed recorded in the office of the Town Clerk shall be exempt from Section 3.A.4.1.3.
3. On lots which legally existed prior to May 28, 2008, construction of a new structure or expansion of an existing structure which is not located within the contiguous buildable area shall require approval of a Special Exception by the Commission.
4. For lots which were established or created after May 28, 2008 as evidenced by a deed recorded in the office of the Town Clerk, all structures and septic systems shall be located within the contiguous area of buildable land required by Section 3.A.4.1.3. except as follows:
  - a. Accessory structures with a footprint under 250 square feet may be located outside of the contiguous area of buildable land.
  - b. Wells may be located outside of the contiguous area of buildable land.

## Section 3.B

### BASIC ZONING DISTRICTS

#### RESIDENTIAL 2 (R-2) DISTRICT

PROPOSED REGULATIONS– May 4, 2021

## 3.B. RESIDENTIAL 2 (R-2) DISTRICT

### 3.B.1. OVERVIEW

1. The R-2 Residential district is intended to designate areas for rural, agricultural, and/or residential uses appropriate to the environmental characteristics of the land (such as soil types, terrain, and infrastructure capacity).
2. In the R-2 Residential district, establishment of more than one principal building or one principal use, other than a farm, shall require Special Exception approval.
3. To the extent specified herein, the R-2 Residential district may allow for certain non-residential uses when it can be demonstrated that they will be appropriate for the location proposed in accordance with the standards contained in these Regulations.



### **3.B.2. PRINCIPAL USES AND STRUCTURES**

#### **3.B.2.1. No Zoning Permit Required**

1. Farms including plant nurseries in accordance with Section 5.A of these Regulations.

#### **3.B.2.2. With Zoning Permit (Staff)**

1. Single-family dwelling.
2. One non-habitable structure (such as a shed, barn, or garage) as a principal use on an otherwise undeveloped lot provided that such structure shall not exceed 800 SF of total floor area.
3. Farm buildings and structures (including greenhouses) as a principal use provided that any such buildings or structures used for housing livestock or poultry or for storage of fertilizer or manure shall be located at least 100 feet from any property line.

*A plot plan shall generally be required for any use requiring a Zoning Permit.*

#### **3.B.2.3. With Site Plan Approval (PZC)**

1. (Reserved)

*An engineered site plan shall be required for any use requiring approval of a Site Plan.*

## Section 3.B

PROPOSED REGULATIONS– May 4, 2021

### BASIC ZONING DISTRICTS

#### RESIDENTIAL 2 (R-2) DISTRICT

##### 3.B.2.4. With Special Exception Approval (PZC)

1. Building, uses, and facilities of the Town of Colebrook including parks and playgrounds.
2. Firehouse, library, and/or other civic facilities owned and operated by non-profit organizations.
3. Religious, educational, cultural, recreational, and philanthropic uses operated by non-profit organizations.
4. Cemeteries.
5. Conversion of an existing building to multi-family residential use in accordance with Section 5.F of these Regulations.
6. Country inn.
7. Temporary farmers market in accordance with Section 5.N.5 of these Regulations.
8. Interior lot in accordance with Section 5.H of these Regulations.
9. Estate lot served by a common driveway in accordance with Section 5.I of these Regulations.
10. Open space development in accordance with Section 5.L of these Regulations.
11. Nursing home, assisted living, or similar institutional living facility.
12. Farm brewery, farm winery, and/or farm distillery in accordance with Section 5.K of these Regulations.
13. Premises used for the sale of plants, nursery stock, and related supplies and services.
14. Commercial horse stable, riding school, or training school provided that any stable or structure used for storage of manure shall be located at least 100 feet from any property line.
15. Veterinary hospital / facility.
16. Excavation of earth materials in accordance with Section 5.M of these Regulations.
17. Telecommunications Facilities not regulated by the Connecticut Siting Council or the Public Utility Regulatory Authority.

*An engineered site plan shall be required for any use requiring approval of a Special Exception.*

### 3.B.3. ACCESSORY USES AND STRUCTURES

#### 3.B.3.1. No Zoning Permit Required

1. Uses accessory to a single-family dwelling or a farm.
2. Fences and walls (including retaining walls) less than 6 feet in height.
3. The keeping and raising of livestock, fowl, horses, and other animals in accordance with Section 5.A of these Regulations.
4. One (1) temporary roadside produce / garden stand up to 32 SF when on the property where the materials being sold are grown.
5. Yard sales, garage sales, tag sales and the like provided there are no more than two on the same lot in any calendar year, and provided each sale lasts no more than three consecutive days.
6. Home-office in accordance with Section 5.B.2 of these Regulations.
7. Provided the owner is on the property, short-term rental of up to three bedrooms in a dwelling for up to 30 consecutive days in accordance with Section 5.N.4 of these Regulations.
8. Rental of a dwelling for more than 30 days.
9. Room and board (up to two bedrooms) when accessory to an owner-occupied single-family dwelling in accordance with Section 5.E of these Regulations.
10. Hosting of up to two food trucks for up to five days per year for private events not involving sale to the general public provided that such event(s) shall be in accordance with Section 5.N.6.

#### 3.B.3.2. With Zoning Permit (Staff)

1. Structures accessory to a single-family dwelling or other permitted use.
2. One (1) roadside produce / garden stand up to 64 SF on property where the materials being sold are grown.
3. Swimming pools, tennis courts, and similar recreational facilities and their appurtenances including but not limited to, decks, pumps and/or bath houses provided they are not located between the principal building and the street except that this limitation shall not apply if the recreation facility will be located in the rear half of the lot or parcel.
4. Farm buildings and structures accessory to a farm including greenhouses provided that any such buildings or structures used for housing livestock or poultry or for storage of fertilizer or manure shall be located at least 100 feet from any property line.
5. Professional home activity in accordance with Section 5.B.3 of these Regulations.
6. Short-term rental of all or part of a dwelling or short-term rental of a property when not in accordance with Section 3.B.3.1.9 (either the owner is not on the property, more than three bedrooms, or more than 30 days) in accordance with Section 5.N.4 of these Regulations with the express provision that the Zoning Permit shall only be valid for one-year.
7. Fences and walls (including retaining walls) when more than 6 feet in height and located in conformance with applicable setbacks.
8. Solar facilities.

*A plot plan shall generally be required for any use requiring a Zoning Permit.*

## Section 3.B

### BASIC ZONING DISTRICTS

#### RESIDENTIAL 2 (R-2) DISTRICT

PROPOSED REGULATIONS– May 4, 2021

##### **3.B.3.3. With Site Plan Approval (PZC)**

1. A horse stable, riding school, and/or training school conducted as an accessory use by a bona fide non-profit organization provided that any stable or structure used for storage of manure shall be located at least 100 feet from any property line.

*An engineered site plan shall be required for any use requiring approval of a Site Plan.*

##### **3.B.3.4. With Special Exception Approval (PZC)**

1. A roadside produce and garden stand when larger than 64 SF, when not located on the property where the materials being sold are grown, or when the majority of products being sold are not grown on the premises.
2. Accessory dwelling unit in accordance with Section 5.C of these Regulations.
3. Swimming pools, tennis courts, and similar recreational facilities and their appurtenances located in a front yard.
4. Home enterprise in accordance with Section 5.B.4 of these Regulations.
5. Contractor shop and storage in accordance with Section 5.B.5 of these Regulations.
6. Restaurant or other food service incorporated within a country inn and accessory thereto.
7. Bed and breakfast establishment in an owner-occupied residential building in accordance with Section 5.D of these Regulations.
8. Wind energy facility accessory to a permitted use in accordance with Section 5.J.
9. Farm Brewery/ Farm Winery/ Farm Distillery, or any combination thereof, accessory to a farm, in accordance with Section 5.K.
10. Hosting of more than two food trucks at a time or for more than five days per year or involving sale to the general public when in accordance with Section 5.N.6.
11. Room and board (three bedrooms or more) when accessory to an owner-occupied single-family dwelling and when in accordance with Section 5.E.
12. A commercial horse stable, riding school, and/or training school provided that any stable or structure used for storage of manure shall be located at least 100 feet from any property line.

*An engineered site plan shall be required for any use requiring approval of a Special Exception.*

### 3.B.4. AREA AND DIMENSIONAL STANDARDS

Where a lot crosses a Town boundary, all the area and dimensional standards must be met on the portion of the lot within the Town of Colebrook.

<b>3.B.4.1. Lot Requirements</b>	
1. Minimum lot area	87,120 SF
2. Minimum frontage on a public street or highway	200 Feet
3. Minimum area of contiguous buildable land	65,000 SF
<b>3.B.4.2. Setback-Requirements</b>	
1. Minimum front yard setback	50 Feet
2. Minimum side yard setback	30 Feet
3. Minimum rear yard setback	50 Feet
<b>3.B.4.3. Other Provisions</b>	
1. Maximum building height	40 Feet
2. Maximum building coverage	10 Percent
3. Maximum density (lots / acre of buildable land in a subdivision)	0.50

1. See Section 7.A for possible exceptions to these area and dimensional standards.
2. Lots which legally existed prior to May 28, 2008 as evidenced by a deed recorded in the office of the Town Clerk shall be exempt from Section 3.B.4.1.3.
3. On lots which legally existed prior to May 28, 2008, construction of a new structure or expansion of an existing structure which is not located within the contiguous buildable area shall require approval of a Special Exception by the Commission.
4. For lots which were established or created after May 28, 2008 as evidenced by a deed recorded in the office of the Town Clerk, all structures and septic systems shall be located within the contiguous area of buildable land required by Section 3.B.4.1.3. except as follows:
  - c. Accessory structures with a footprint under 250 square feet may be located outside of the contiguous area of buildable land.
  - d. Wells may be located outside of the contiguous area of buildable land.



## Section 3.C

### BASIC ZONING DISTRICTS

#### GENERAL BUSINESS (GB) DISTRICT

PROPOSED REGULATIONS– May 4, 2021

## 3.C. GENERAL BUSINESS (GB) DISTRICT

### 3.C.1. OVERVIEW

1. The General Business (GB) district is intended to designate areas for business uses appropriate to the environmental characteristics of the land (such as soil types, terrain, and infrastructure capacity).
2. In the General Business (GB) district, the Commission may allow more than one permitted use to be conducted on a single lot in a GB zone, provided:
  - a. All such activities are conducted within a single structure or attached structures, as in a shopping center or office building; and
  - b. All other requirements for the zone are complied with.





**3.C.2. PRINCIPAL USES AND STRUCTURES****3.C.2.1. No Zoning Permit Required**

1. Farms including plant nurseries in accordance with Section 5.A of these Regulations.

**3.C.2.2. With Zoning Permit (Staff)**

1. Single-family dwelling.
2. One non-habitable structure (such as a shed, barn, or garage) as a principal use on an otherwise undeveloped lot provided that such structure shall not exceed 800 SF of total floor area.
3. Farm buildings and structures (including greenhouses) as a principal use provided that any such buildings or structures used for housing livestock or poultry or for storage of fertilizer or manure shall be located at least 100 feet from any property line.
4. Temporary farmers market in accordance with Section 5.N.5 of these Regulations.
5. A roadside produce and garden stand as a principal use when:
  - larger than 64 SF,
  - when not located on the property where the materials being sold are grown, or
  - when the majority of products being sold are not grown on the premises.

*A plot plan shall generally be required for any use requiring a Zoning Permit.*

## Section 3.C

### BASIC ZONING DISTRICTS

#### GENERAL BUSINESS (GB) DISTRICT

PROPOSED REGULATIONS– May 4, 2021

##### **3.C.2.3. With Site Plan Approval (PZC)**

1. Building, uses, and facilities of the Town of Colebrook including parks and playgrounds.
2. Firehouse, library, and/or other civic facilities owned and operated by non-profit organizations.
3. Religious, educational, cultural, recreational, and philanthropic uses operated by non-profit organizations.
4. Cemeteries.
5. Nursing home, assisted living, or similar institutional living facility.
6. Retail store and/or personal service operation.
7. Business, professional, and/or financial office.
8. Restaurant.
9. Country inn including restaurant or other accessory food service.
10. Farm brewery, farm winery, and/or farm distillery in accordance with Section 5.K of these Regulations.
11. Workshop and/or storage use for a contractor, building tradesman, or similar activity as a principal use provided that any external storage use shall be shielded from the road and adjacent property unless otherwise approved by the Commission.
12. Premises used for the sale of plants, nursery stock, and related supplies and services.
13. Commercial horse stable, riding school, or training school provided that any stable or structure used for storage of manure shall be located at least 100 feet from any property line.

*An engineered site plan shall be required for any use requiring approval of a Site Plan.*

##### **3.C.2.4. With Special Exception Approval (PZC)**

1. Conversion of an existing building to multi-family residential use in accordance with Section 5.F of these Regulations.
2. Interior lot in accordance with Section 5.H of these Regulations.
3. Estate lot served by a common driveway in accordance with Section 5.I of these Regulations.
4. Open space development in accordance with Section 5.L of these Regulations.
5. Mixed use building (residential use in a business building) in accordance with Section 5.G of these Regulations.
6. Hotel or motel including restaurant or other accessory food service.
7. Veterinary hospital / facility.
8. Excavation of earth materials in accordance with Section 5.M of these Regulations.
9. Telecommunications Facilities not regulated by the Connecticut Siting Council or the Public Utility Regulatory Authority.

*An engineered site plan shall be required for any use requiring approval of a Special Exception.*

### 3.C.3. ACCESSORY USES AND STRUCTURES

#### 3.C.3.1. No Zoning Permit Required

1. Uses accessory to a single-family dwelling, a farm, and other uses permitted in the district by Zoning Permit or Site Plan Approval.
2. Fences and walls (including retaining walls) less than 6 feet in height.
3. The keeping and raising of livestock, fowl, horses, and other animals in accordance with Section 5.A of these Regulations.
4. One (1) temporary roadside produce / garden stand up to 32 SF when on the property where the materials being sold are grown.
5. Yard sales, garage sales, tag sales and the like provided there are no more than two on the same lot in any calendar year, and provided each sale lasts no more than three consecutive days.
6. Home-office in accordance with Section 5.B.2 of these Regulations.
7. Provided the owner is on the property, short-term rental of up to three bedrooms in a dwelling for up to 30 consecutive days in accordance with Section 5.N.4 of these Regulations.
8. Rental of a dwelling for more than 30 days.
9. Room and board (up to two bedrooms) when accessory to an owner-occupied single-family dwelling in accordance with Section 5.E of these Regulations.
10. Hosting of up to two food trucks for up to five days per year for private events not involving sale to the general public provided that such event(s) shall be in accordance with Section 5.N.6.

#### 3.C.3.2. With Zoning Permit (Staff)

1. Structures accessory to a single-family dwelling or other permitted use.
2. One (1) temporary roadside produce / garden stand larger than 32 SF as an accessory use on property where the materials being sold are grown.
3. Swimming pools, tennis courts, and similar recreational facilities and their appurtenances including but not limited to, decks, pumps and/or bath houses.
4. Farm buildings and structures accessory to a farm including greenhouses provided that any such buildings or structures used for housing livestock or poultry or for storage of fertilizer or manure shall be located at least 100 feet from any property line.
5. A residence accessory to a business use.
6. Professional home activity in accordance with Section 5.B.3 of these Regulations.
7. Short-term rental of all or part of a dwelling or short-term rental of a property when not in accordance with Section 3.C.3.1.9 (either the owner is not on the property, more than three bedrooms, or more than 30 days) in accordance with Section 5.N.4 of these Regulations with the express provision that the Zoning Permit shall only be valid for one-year.
8. Fences and walls (including retaining walls) when more than 6 feet in height and located in conformance with applicable setbacks.
9. Solar facilities.

*A plot plan shall generally be required for any use requiring a Zoning Permit.*

## Section 3.C

### BASIC ZONING DISTRICTS

#### GENERAL BUSINESS (GB) DISTRICT

PROPOSED REGULATIONS– May 4, 2021

##### **3.C.3.3. With Site Plan Approval (PZC)**

1. Bed and breakfast establishment in an owner-occupied residential building in accordance with Section 5.D of these Regulations.
2. Home enterprise in accordance with Section 5.B.4 of these Regulations.
3. Contractor shop and storage as an accessory use in accordance with Section 5.B.5 of these Regulations.

*An engineered site plan shall be required for any use requiring approval of a Site Plan.*

##### **3.C.3.4. With Special Exception Approval (PZC)**

1. Accessory dwelling unit in accordance with Section 5.C of these Regulations.
2. Roadside produce and garden stand when not located on the property where the materials being sold are grown, or when the majority of products being sold are not grown on the premises.
3. Wind energy facility accessory to a permitted use in accordance with Section 5.J.
4. Farm Brewery/ Farm Winery/ Farm Distillery, or any combination thereof, accessory to a farm, in accordance with Section 5.K.
5. Hosting of more than two food trucks at a time or for more than five days per year or involving sale to the general public when in accordance with Section 5.N.6.
6. Room and board (three bedrooms or more) when accessory to an owner-occupied single-family dwelling and when in accordance with Section 5.E.

*An engineered site plan shall be required for any use requiring approval of a Special Exception.*

### 3.C.4. AREA AND DIMENSIONAL STANDARDS

Where a lot crosses a Town boundary, all the area and dimensional standards must be met on the portion of the lot within the Town of Colebrook.

<b>3.C.4.1. Lot Requirements</b>	
1. Minimum lot area	43,560 SF
2. Minimum frontage on a public street or highway	150 Feet
3. Minimum area of contiguous buildable land	43,560 SF
<b>3.C.4.2. Setback-Requirements</b>	
1. Minimum front yard setback	25 Feet
2. Minimum side yard setback	15 Feet
3. Minimum rear yard setback	30 Feet
<b>3.C.4.3. Other Provisions</b>	
1. Maximum building height	35 Feet
2. Maximum building coverage	25 Percent
3. Maximum density (lots / acre of buildable land in a subdivision)	N/A

1. See Section 7.A for possible exceptions to these area and dimensional standards.
2. Lots which legally existed prior to May 28, 2008 as evidenced by a deed recorded in the office of the Town Clerk shall be exempt from Section 3.C.4.1.3.
3. On lots which legally existed prior to May 28, 2008, construction of a new structure or expansion of an existing structure which is not located within the contiguous buildable area shall require approval of a Special Exception by the Commission.
4. For lots which were established or created after May 28, 2008 as evidenced by a deed recorded in the office of the Town Clerk, all structures and septic systems shall be located within the contiguous area of buildable land required by Section 3.C.4.1.3. except as follows:
  - e. Accessory structures with a footprint under 250 square feet may be located outside of the contiguous area of buildable land.
  - f. Wells may be located outside of the contiguous area of buildable land.

## Section 3.C

### BASIC ZONING DISTRICTS

#### GENERAL BUSINESS (GB) DISTRICT

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PROPOSED REGULATIONS– May 4, 2021

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## 4. SPECIAL DISTRICTS

### 4.A. VILLAGE DISTRICT OVERLAY ZONE

#### 4.A.1. PURPOSE

As authorized by CGS Section 8-2j, the Village District Overlay Zone has been established in certain areas in order to encourage development consistent with the village aspects of Colebrook and to help preserve and enhance the distinctive character, landscape, and historic structures.

#### 4.A.2. APPLICABILITY

1. The Village District provisions shall apply to:
  - a. All land within the R-1 District (the Colebrook Center area) as recommended in the 2015 Colebrook Plan of Conservation and Development, and
  - b. In other areas of Colebrook which may be included within the Village District Overlay Zone at some time in the future.

#### 4.A.3. STANDARDS IN VILLAGE DISTRICT

**For the purposes of this Section of the Regulations:**

**NEW CONSTRUCTION** - the erection of an entirely new structure, whether on a new or existing foundation and includes additions to existing buildings.

**SUBSTANTIAL RECONSTRUCTION** - building or construction which is considerable in importance, value, degree, amount, or extent relating to the replacement of preexisting structures or parts thereof of such scope that a building permit is required.

**REHABILITATION** - the act of bringing property back into a state of sound structural and useful condition and work of such scope that a building permit is required.

**ROUTINE MAINTENANCE** - that work required on a recurring basis in order to keep property in proper condition. Routine maintenance includes but is not limited to painting, shingling, and siding.

1. These regulations shall not apply to routine maintenance.
2. These Regulations shall apply to all new construction (including but not limited to the design and placement of buildings) and substantial reconstruction, rehabilitation, or modification of structures within said district when visible from public roadways.
3. Any activity within a Village District Overlay Zone which is subject to Village District review shall be reviewed in accordance with the criteria and considerations in Section 8.H.9.

**4.B. FLOOD HAZARD AREA OVERLAY DISTRICT**

The Floodplain Overlay District is established to implement the provisions of the National Flood Insurance Program.

The numbering of this section differs from other sections of the Regulations since it is intended to replicate the Model Floodplain Management Regulations (October 2018) promulgated by the Federal Emergency Management Agency (FEMA) and the Connecticut Department of Energy and Environmental Protection (DEEP).

**4.B.1 STATUTORY AUTHORIZATION AND PURPOSE****4.B.1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Zoning Commission of the Town of Colebrook, Connecticut, does ordain as follows:

**4.B.1.2 FINDING OF FACT**

The flood hazard areas of the Town of Colebrook are subject to periodic flood inundation which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of Colebrook has voluntarily participated in the National Flood Insurance Program (NFIP) since August 3, 1981. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state, and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally- subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.



**4.B.1.3 STATEMENT OF PURPOSE**

It is the purpose of this regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. To protect human life and health, and prevent damage to property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions and other economic disruptions;
5. To minimize damage to public facilities, infrastructure, and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;
6. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;
7. To ensure that potential buyers are notified that property is in a flood hazard area;
8. To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;
9. To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and
10. To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**4.B.1.4 OBJECTIVES**

In order to accomplish its purposes, this regulation includes objectives, methods, and provisions that:

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

## Section 4.B

### SPECIAL DISTRICTS

#### FLOOD HAZARD AREA OVERLAY DISTRICT

PROPOSED REGULATIONS– May 4, 2021

#### 4.B.2 DEFINITIONS

The following definitions specifically apply to this Section 4.B of the Colebrook Zoning Regulations and, in accordance with Section 2.A.1.2 may apply to other Sections as well.

**BASE FLOOD** – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

**BASE FLOOD ELEVATION (BFE)** – The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of riverine areas.

**BASEMENT** – Any area of the building having its floor subgrade (below ground level) on all sides.

**BUILDING** – see definition for “Structure”.

**COST** – As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair, or other improvement of a structure shall be established by a detailed written contractor’s estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility, and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor’s overhead; contractor’s profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

**DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** - The federal agency that administers the National Flood Insurance Program (NFIP).

**FINISHED LIVING SPACE** – As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors, has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces, and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood-Damage Resistant Materials Requirements.

**FLOOD**– A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

**FLOODING** – See “Flood”

**FLOOD INSURANCE RATE MAP (FIRM)** – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

**FLOOD INSURANCE STUDY (FIS)** – The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway”.

**HISTORIC STRUCTURE** – Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior, or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** – 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, provided that such an area meets the design requirements specified in Subsection 5.3.1.3 of this Section 4.B of the Colebrook Zoning Regulations.

**MARKET VALUE** – As related to substantial improvement and substantial damage, the market value of the structure shall be determined by **the property’s tax assessment, minus land value**; prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

**MEAN SEA LEVEL (MSL)** – The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced.

**NEW CONSTRUCTION** – Structures for which the “start of construction” commenced on or after August 3, 1981, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

**RECREATIONAL VEHICLE** – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

## Section 4.B

### SPECIAL DISTRICTS

#### FLOOD HAZARD AREA OVERLAY DISTRICT

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PROPOSED REGULATIONS– May 4, 2021

**SPECIAL FLOOD HAZARD AREA (SFHA)** – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

**START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the 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 erections 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any combination of repairs, reconstruction, rehabilitation, alterations, additions, or other improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**VARIANCE** - A grant of relief by the Zoning Board of Appeals from the terms of this Section 4.B of the Colebrook Zoning that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**VIOLATION** – Failure of a structure or other development to be fully compliant with the community’s floodplain management Regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** – The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

#### **4.B.3 GENERAL PROVISIONS**

##### **4.B.3.1 AREAS TO WHICH THIS REGULATION APPLIES**

This Regulation shall apply to all Special Flood Hazard Areas (SFHA) within the Town of Colebrook.

##### **4.B.3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)**

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the Town of Colebrook, Litchfield County, dated August 3, 1981, accompanying Flood Insurance Rate Maps (FIRM), dated August 3, 1981, and other supporting data applicable to the Town of Colebrook, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Regulation. Since mapping is legally adopted by reference into this Regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

The SFHA includes any area shown on the FIRM as Zones A, AE, AO, and AH, including areas designated as a floodway on a FIRM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the SFHA identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file in the Town Hall, Town of Colebrook.

##### **4.B.3.3 STRUCTURES ALREADY IN COMPLIANCE**

A structure or development already in compliance with this Regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction, or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified, or structurally altered without full compliance with the terms of this Regulation and other applicable regulations.

##### **4.B.3.4 ABROGATION AND GREATER RESTRICTIONS**

This Regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## Section 4.B

### SPECIAL DISTRICTS

#### FLOOD HAZARD AREA OVERLAY DISTRICT

PROPOSED REGULATIONS– May 4, 2021

##### 4.B.3.5 INTERPRETATION

In the interpretation and application of this Regulation, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body, and;
3. deemed neither to limit nor repeal any other powers granted under State statutes.

##### 4.B.3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This Regulation shall not create liability on the part of the Town of Colebrook or by any officer or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder by the Town of Colebrook, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Colebrook.

##### 4.B.3.7 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Regulation, which shall remain in full force and effect; and to this end the provisions of this Regulation are hereby declared to be severable.

#### 4.B.4 ADMINISTRATION

##### 4.B.4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Enforcement Officer is hereby recognized as the Town Floodplain Manager to administer, implement, and enforce the provisions of this Regulation.

##### 4.B.4.2 CERTIFICATION

Where required under this Regulation, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Regulation. Such certification must be provided to the Zoning Enforcement Officer (acting as the Town Floodplain Manager).

#### **4.B.4.3 ESTABLISHMENT OF THE FLOODPLAIN MANAGEMENT SECTION OF THE ZONING PERMIT**

The flood management section of the Zoning Permit must be completed in conformance with the provisions of this Regulation prior to the commencement of any development activities. Permits issued under this Regulation shall expire if actual construction of a permitted structure does not commence within one hundred and eighty (180) days of the permit approval date.

#### **4.B.4.4 PERMIT APPLICATION PROCEDURES**

A flood management section of the Zoning Permit is hereby established for all construction and other development to be undertaken in Special Flood Hazard Areas in this community. Prior to any development activities, application for a flood management section of the Zoning Permit shall be made to the Zoning Enforcement Officer (acting as the Town Floodplain Manager) on forms provided and may include, but not be limited to, plans in duplicate drawn to scale showing, at a minimum, the property lines and location of the parcel; the nature, location, dimensions, and elevations of the area in question; limit and extent of the 100-year floodplain and/or floodway boundary and base flood elevation(s); existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required to be submitted to the Zoning Enforcement Officer (acting as the Town Floodplain Manager).

1. **Application Stage** - The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.
  - 1.1 Base flood elevation (BFE) for the site in question as determined in the FEMA Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM). The FIS flood profiles provide more accurate BFE data than the FIRM. The extent of the 100- year floodplain and floodway must be depicted with a boundary line on any site plans and shown in relation to existing and proposed structures or development;
  - 1.2 Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all new construction, substantial improvements or repairs to structures that have sustained substantial damage;
  - 1.3 Elevation in relation to mean sea level to which any non-residential new construction, substantial improvements or repair to structures that have sustained substantial damage will be dry flood-proofed;
  - 1.4 Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. Computations by a registered professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other materials required by the Federal Emergency Management Agency (FEMA) in order to officially amend or revise the Flood Insurance Rate Map. The applicant must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained;
  - 1.5 A statement and supporting documentation (all costs of project, market value of structure, etc.) verifying that the proposed alterations to an existing structure meets or does not meet the criteria of the substantial improvement and/or substantial damage definition. If a development meets the definition of substantial improvement and/or substantial damage, the structure must be brought into compliance with all floodplain regulations as if it were new construction;

## Section 4.B

### SPECIAL DISTRICTS

#### FLOOD HAZARD AREA OVERLAY DISTRICT

PROPOSED REGULATIONS– May 4, 2021

- 1.6 Where applicable the following certifications by a registered professional engineer or architect are required, and must be provided to the Zoning Enforcement Officer (acting as the Town Floodplain Manager). The design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Subsection 5.3 of this Section 4.B of the Colebrook Zoning Regulations.
  - (a) Non-residential flood-proofing must meet the provisions of Subsection 5.3.1.2 of this Section 4.B of the Colebrook Zoning Regulations;
  - (b) Fully enclosed areas below the base flood elevation (BFE) must meet the minimum design criteria in Subsection 5.3.1.3 of this Section 4.B of the Colebrook Zoning Regulations;
  - (c) No (0.00) increase in floodway water surface elevations are allowed. Any development in a floodway must meet the provisions of Subsection 5.3.4 of this Section 4.B of the Colebrook Zoning Regulations;
2. **Construction Stage** - Upon completion of the applicable portion of construction, the applicant shall provide verification to the Zoning Enforcement Officer (acting as the Town Floodplain Manager) of the following as is applicable:
  - 2.1 Lowest floor elevation shall be verified for:
    - (a) A structure in Zones A, AE, A1-30, AO, or AH is the top of the lowest floor (including basement);
    - (b) A non-residential structure which has been dry flood-proofed is the elevation to which the flood-proofing is effective (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);
  - 2.2 Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

#### 4.B.4.5 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall include, but not be limited to:

1. Review all permit applications for completeness, particularly with the requirements of Subsection 4.4.1 of this Section 4.B of the Colebrook Zoning Regulations.
2. Review all permit applications to determine whether the proposed development and building sites will be reasonably safe from flooding.
3. Review all development permits to assure that the permit requirements of this Regulation have been satisfied.
4. Review all permit applications to assure that all necessary federal or state permits have been received. Require that copies of such permits be provided and maintained on file with the permit application. Such permits include, but are not limited to, Water Diversion Permit, Dam Safety Permit, and Army Corps of Engineers 401 and 404 Permits.



5. Notify the regional planning agency and affected municipality at least thirty-five (35) days prior to a public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.
6. Notify the adjacent communities and the Department of Energy and Environmental Protection (DEEP), Inland Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
8. Obtain, record, and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction, substantial improvements or repair to a structure that has sustained substantial damage.
9. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the new construction, substantial improvement or repair to a structure that has sustain substantial damage has been floodproofed.
10. When flood-proofing is utilized for a particular structure, the Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall obtain certification from a registered professional engineer or architect, in accordance with Subsection 5.3.1.2 of this Section 4.B of the Colebrook Zoning Regulations.
11. Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Regulation.
12. Require the applicant to provide base flood elevation data for all proposed development, including manufactured home parks and subdivisions.
13. When base flood elevation data or floodway data have not been provided in accordance with Subsection 3.2 and Subsection 4.4 of this Section 4.B of the Colebrook Zoning Regulations, the Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Subsection 5.0 of this Section 4.B of the Colebrook Zoning Regulations.
14. All records pertaining to the provisions of this Regulation shall be obtained and maintained in the office of the Zoning Enforcement Officer (acting as the Town Floodplain Manager).
15. Upon completion of the permitted development and prior to issuance of a Certificate of Occupancy (CO), necessary as-built surveys (prepared by a Connecticut Licensed Professional as per Connecticut State Statutes) and engineering and architectural certifications shall be provided to the Zoning Enforcement Officer (acting as the Town Floodplain Manager) demonstrating compliance with the approved plans and standards set forth in Subsection 4.4 of this Section 4.B of the Colebrook Zoning Regulations.

**4.B.5 PROVISIONS FOR FLOOD HAZARD REDUCTION****4.B.5.1 GENERAL STANDARDS**

In all Special Flood Hazard Areas (SFHAs) the following provisions are required:

1. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.
2. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment that are flood-damage resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Material Requirements. This includes, but is not limited to, flooring, interior, and exterior walls, wall coverings and other materials installed below the base flood elevation plus one (1.0) foot.
3. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
4. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.
5. The bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, appliances, fixtures and components, HVAC duct work and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated one (1.0) foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation duct work, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through breakaway walls intended to fail under flood loads. Connections or other equipment that must be located below the BFE plus 1.0 foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus 1.0 foot shall conform to the standards for wet locations.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. Underground tanks shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood. Above-ground storage tanks which are located outside or inside of a structure must be elevated one (1.0) foot above the base flood elevation (BFE) or shall be securely anchored to prevent flotation, collapse, or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in Subsection 5.3 of this Section 4.B of the Colebrook Zoning Regulations. Anchored tanks must have the top of the fill pipe located at least one (1.0) foot above the BFE and have a screw fill cap that does not allow for the infiltration of flood water.
10. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Energy and Environmental Protection (CT-DEEP), Inland Water Resources Division (IWRD) prior to any alteration or relocation of a watercourse.
11. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be located within the SFHA and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios, or any other structure attached to the main structure.
12. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., structure must be built to the highest BFE). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.
13. **Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
14. **Equal Conveyance.** Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

**4.B.5.2 STANDARDS FOR WATERCOURSES WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (UN-NUMBERED A ZONE), ADOPTED FLOODWAYS AND/OR FLOOD MAPPING**

1. The Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall require base flood elevation (BFE) data be provided with any application for new construction, substantial improvement, repair to structures which have sustained substantial damage or other development in Zone A without a FEMA-published BFE (un-numbered A Zone). A registered professional engineer must determine the BFE in accordance with accepted hydrologic and hydraulic engineering practices and document the technical methods used. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval. The Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, including data developed for subdivision proposals, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in un-numbered A Zones on the community's Flood Insurance Rate Map (FIRM) meet the standards in Subsection 4.4 and Subsection 5.3 of this Section 4.B of the Colebrook Zoning Regulations. If no BFE can be determined, the lowest floor, including basement, must be elevated to two (2) feet above the highest adjacent grade next to the structure.
2. When BFEs have been determined within Zones A1-30 and AE on the community's FIRM but a regulatory floodway has not been designated, the Zoning Enforcement Officer (acting as the Town Floodplain Manager) must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.
3. The Zoning Enforcement Officer (acting as the Town Floodplain Manager) may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.
4. The Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall obtain, review and reasonably utilize any BFE and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, repair to structures which have sustained substantial damage or other development in any area of potential, demonstrable or historical flooding within the community meet the standards in Subsection 4.4 and Subsection 5.3 of this Section 4.B of the Colebrook Zoning Regulations.
5. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1.0) foot, provided that the community first completes all of the provisions required by such Section 65.12.

**4.B.5.3 SPECIFIC STANDARDS**

- 1. Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.**
  - 1.1 Residential Construction** - All new principal buildings or other habitable structures are prohibited in Special Flood Hazard Areas (SFHA). Accessory buildings or structures, substantial improvements, and repair to structures that have sustained substantial damage which are residential structures shall have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
  - 1.2 Non-Residential Construction** - All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial, or non-residential structures shall:
    - (a) Have the bottom of the lowest floor, including basement, elevated one (1.0) foot above the base flood elevation (BFE); or
    - (b) In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1.0) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects 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 provisions of this Section 4.B of the Colebrook Zoning Regulations. Such certification shall be provided to the Zoning Enforcement Officer (acting as the Town Floodplain Manager) on the FEMA Floodproofing Certificate, Form 81-65.
    - (c) The bottom of all electrical, plumbing, machinery or other utility equipment that service the structure must be elevated one (1.0) foot above the BFE.
  - 1.3 Fully Enclosed Areas Below The Base Flood Elevation Of Elevated Buildings** - All new construction, substantial improvements, or repair to structures that have sustained substantial damage, whether residential or non-residential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one (1.0) foot above the base flood elevation (BFE). The elevated building shall be designed to preclude finished living space below the lowest floor and be designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in subsections (a)-(h) of this Section 4.B of the Colebrook Zoning Regulations below:
    - (a) Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;

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- (b) The bottom of all openings shall be no higher than one (1.0) foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawlspace, must be set equal to the outside finished grade on at least one side of the building;
- (c) The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings designed and certified by a registered professional engineer may be approved by the Zoning Enforcement Zoning Enforcement Officer (acting as the Town Floodplain Manager);
- (d) Openings shall not be less than three (3) inches in any direction in the plane of the wall;
- (e) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The enclosed area shall not be used for human habitation;
- (f) All interior walls, floor, and ceiling materials located below one (1.0) foot above the BFE shall be unfinished and resistant to flood damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Requirements.
- (g) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the BFE plus one (1.0) foot. Utilities or service equipment located in this enclosed area, even if elevated one (1.0) foot above the BFE in the space, will subject the structure to increased flood insurance rates.
- (h) A residential building with a structurally attached garage having the floor slab below the BFE is considered an enclosed area below the BFE and must meet the standards of Subsections 5.3.1.3 (a)-(g) of this Section 4.B of the Colebrook Zoning Regulations. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Subsection 5.3.1.3 (a)-(c) of this Section 4.B of the Colebrook Zoning Regulations. In addition to the automatic entry of floodwaters, the areas of the garage below BFE plus one (1.0) foot must be constructed with flood damage-resistant materials per the requirements of

FEMA Technical Bulletin 2. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Subsection 5.3.1.2 of this Section 4.B of the Colebrook Zoning Regulations.

**1.4 Manufactured (Mobile) Homes and Recreational Vehicles (RVs).**

- (a) In all Special Flood Hazard Areas (SFHA), manufactured (mobile) homes, trailers and mobile offices are prohibited. Any substantial improvement or repair as a result of substantial damage, shall be elevated so that the bottom of the frame is located one (1.0) foot above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Subsection 5.3.1 of this Section 4.B of the Colebrook Zoning Regulations.
- (b) All manufactured (mobile) homes within a SFHA shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

- 2. **Floodways** - Located within Special Flood Hazard Areas (SFHA) are areas designated as floodways on the community's Flood Insurance Rate Maps (FIRM) or Flood Boundary and Floodway Maps (FBFM). Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, no encroachments, including fill nor any new construction shall be permitted. Substantial improvements, repairs to substantially damaged structures and other developments shall be permitted unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA. Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, Chapter 1, Subsection 65.12.

- 3. **Standards for Development in Areas of Shallow Flooding (Zones AO and AH)** - Located within the Special Flood Hazard Areas (SFHA) are areas designated as shallow flooding areas (AO and AH Zones). These areas have flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In AO and AH zones, the following provisions apply:

- 3.1 For residential structures, all new principal buildings or other habitable structures shall be prohibited. Accessory buildings or structures, substantial improvements and repair to structures that have sustained substantial damage shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade.
- 3.2 For non-residential structures, all new construction, substantial improvements, and repair to structures that have sustained substantial damage shall:
  - (a) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the Flood Insurance Rate Map (FIRM). If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3.0) feet above the highest adjacent grade; or
  - (b) Together with attendant utility and sanitary facilities be completely flood-



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proofed to above the highest adjacent grade at least as high as one (1.0) foot above the depth number specified on the FIRM, or if no depth number is specified at least three (3.0) feet above the highest adjacent grade, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Designs for complying with this requirement must be certified by either a registered professional engineer or architect.

- 3.3 On-site drainage for all proposed structures in AO and AH Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.
- 3.4 Fully enclosed areas below the lowest floor in AO and AH Zones must comply with the provisions of Subsection 5.3.1.3 of this Section 4.B of the Colebrook Zoning Regulations for hydraulic flood vents.

#### **4.B.6 DESIGN STANDARDS FOR SUBDIVISION PROPOSALS**

If a proposed subdivision is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:

- 4.B.6.1 All subdivision proposals shall be consistent with the need to minimize flood damage;
- 4.B.6.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 4.B.6.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- 4.B.6.4 The Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall require the applicant to provide BFE data for all subdivision proposals, including manufactured home parks and subdivisions, as per Subsection 4.5.12 of this Section 4.B of the Colebrook Zoning Regulations. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.



**4.B.7 VARIANCE PROCEDURES****4.B.7.1 ESTABLISHMENT OF VARIANCE PROCESS**

1. The Zoning Board of Appeals, as established by the Town of Colebrook, shall hear and decide appeals and requests for variances from the requirements of this Regulation.
2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Enforcement Officer (acting as the Town Floodplain Manager) in the enforcement or administration of this Regulation.
3. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court, as provided in Section 8-8 of the General Statutes of Connecticut.
4. The Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

**4.B.7.2 SPECIFIC SITUATION VARIANCES**

1. Buildings on a Historic Register - Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this Section 4.B of the Colebrook Zoning Regulations and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.
2. Functionally Dependent Use or Facility - Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety, and meet all the requirements of Subsection 7.4 of this Section 4.B of the Colebrook Zoning Regulations.
3. Floodway Prohibition - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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#### 4.B.7.3 CONSIDERATIONS FOR GRANTING OF VARIANCES

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this Section 4.B of the Colebrook Zoning Regulations and the items listed below as Subsection 7.3.1 – 7.3.11 of this Section 4.B of the Colebrook Zoning Regulations. Upon consideration of these factors and the purposes of this Regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Regulation.

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
6. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**4.B.7.4 CONDITIONS FOR VARIANCES**

1. Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences, or disapproval of one's neighbors.
2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.
3. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements, and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.
4. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.

**4.B.8 ENFORCEMENT**

- 4.B.8.1 Each Permit shall authorize, as a condition of approval, the Zoning Enforcement Officer (acting as the Town Floodplain Manager) or designated agents to make regular inspections of the subject property. The Zoning Enforcement Officer (acting as the Town Floodplain Manager) or designated agents are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these Regulations may be taking place.

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4.B.8.2 If the Zoning Enforcement Officer (acting as the Town Floodplain Manager) finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall:

1. Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a Zoning Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.
2. Notify the Building Official and request that any building permit(s) in force be revoked or suspended and that a stop work order be issued.
3. The Zoning Enforcement Officer (acting as the Town Floodplain Manager) may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Zoning Enforcement Officer (acting as the Town Floodplain Manager) shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
4. Failure to comply with any written order issued under this Section 4.B of the Colebrook Zoning Regulations shall be considered a violation of these regulations and is subject to the penalties described in Subsection 10.0 of this Section 4.B of the Colebrook Zoning Regulations.
5. In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Zoning Enforcement Officer (acting as the Town Floodplain Manager) may cause such removal and remediation work to be performed utilizing financial guarantee held in escrow pursuant to Subsection 3.0 of this Section 4.B of the Colebrook Zoning Regulations, or may direct the or appropriate agent to cause such work to be done and to place a lien against the property.
6. Any person subjected to enforcement action pursuant to this Regulation, may appeal any requirement, decision, or determination to the Zoning Board of Appeals, in accordance with this Section 4.B of the Colebrook Zoning Regulations. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the Town was in error or unwarranted.

#### **4.B.9 PENALTIES FOR VIOLATION**

Any violation of the provisions of this Regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or Special Exceptions, shall constitute a misdemeanor. Any person who violates this Regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of \$250.00 per day or imprisoned for not more than ten (10) days for each day of violation, or both, and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Colebrook from taking such lawful action as is necessary to prevent or remedy any violation.

## 5. USE-RELATED PROVISIONS

### 5.A. FARMING AND FARM ANIMALS

1. Farming and keeping of farm animals shall be a permitted use in any zoning district within Colebrook.
2. In accordance with the CGS Section 19a-341, no agricultural or farming operation shall be deemed to constitute a nuisance provided such operation follows generally accepted agricultural practices as determined by the Connecticut Commissioner of Agriculture.
3. Any buildings or structures used for housing livestock or poultry or for storage of fertilizer or manure shall be located at least 100 feet from any property line.



## Section 5.B

### USE-RELATED PROVISIONS HOME-BASED BUSINESSES

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## 5.B. HOME-BASED BUSINESSES

This Section of the Regulations is intended to allow for home-based business activities appropriate for Colebrook subject to permitting procedures commensurate with the potential impacts in order to maintain the residential character of the area, minimize potential conflicts with surrounding residential uses, and protect property values.

### 5.B.1. COMMON STANDARDS FOR HOME-BASED BUSINESSES

Home-based businesses shall be subject to the following standards:

1. Any application required by this Section for a home-based business shall include building layout plans clearly drawn to scale showing the total floor area of the residence and/or accessory building and the floor area devoted to the home-based business.
2. The home-based business may occupy an accessory building provided:
  - a. The location and appearance of the accessory building is consistent with the residential character of the lot and the neighborhood, and
  - b. It can be demonstrated that size of the building and the type and intensity of the proposed use in the accessory building will not alter the primary residential character of the lot and neighborhood.
3. The home-based business shall not change the residential character of the property by the use of any materials, construction, lighting or the emission of sounds, vibrations, electrical impulses, odors, airborne materials of harmful fumes.
4. Off street parking shall be provided to accommodate parking needs of the home-based business and the Commission may limit the number of parked vehicles at any one time.
5. Except as may be permitted in accordance with Section 5.B.4 as part of a home enterprise, no retail sales shall be permitted in conjunction with any home-based business unless such sales are determined by the Commission to be incidental to the primary home-based business use and such sales are specifically authorized as a condition of the permit.
6. There shall be no hazardous materials stored or used in association with the home-based business other than materials normally associated with a residence unless the Commission determines that the proposed types and quantities of the hazardous materials utilized or stored will pose a minimum risk to health.
7. Regardless of any other provision of these Regulations, home-based businesses which pose a significant threat to water quality are prohibited including, but not limited to;
  - a. Furniture stripping,
  - b. Photo processing,
  - c. Repair of automobiles or auto components except for personal use,
  - d. Major appliance repair.
8. A home-based business shall not include short-term rental or transient lodging of any type.

**5.B.2. HOME OFFICE**

The establishment of a home office by a resident of the premises shall be allowed with no Zoning Permit required under the following conditions:

1. The home office shall be located in the primary residence and/or an accessory building.
2. The home office use shall clearly be incidental to the use of the premises as a residence and the floor area occupied by the home office shall not be more than one-third of the total floor area of the residence, whether said business is conducted in the residence or in an accessory building.
3. No business shall be conducted on the premises except by telephone, mail, or the internet.
4. Only the residents of the premises shall work in the home office.
5. There shall be no outdoor display or storage of materials, goods, supplies or equipment nor any other exterior visible evidence of the home office use.
6. There shall be no additional parking spaces, traffic, noise or associated with the home office which exceeds that which is typical for a residential use without a home office use.
7. There shall be no electrical interference caused and no hazardous material stored, used, or displayed in association with a home office use other than that normally associated with a residential use.
8. Compliance with the provisions of Section 5.B.1 is required.

## Section 5.B

### USE-RELATED PROVISIONS HOME-BASED BUSINESSES

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#### 5.B.3. PROFESSIONAL HOME ACTIVITY

The establishment of a professional home activity by a resident of the premises (including but not limited to accountants, architects, attorneys, engineers, and similar activities which involve minimal visits to the premises) shall be allowed by Zoning Permit subject to submission of appropriate plans and a written statement documenting the compliance with the following standards:

1. The professional home activity shall be located in the primary residence and/or an accessory building.
2. The professional home activity shall clearly be incidental to the use of the premises as a residence and the floor area occupied by the professional home activity shall not be more than one-third of the total floor area of the residence, whether said business is conducted in the residence or in an accessory building.
3. Employment on the property associated with the professional home activity shall be limited to the residents of the premises and no more than one (1) non-resident employee.
4. There shall be no outdoor display or storage of materials, goods, supplies or equipment nor any other exterior visible evidence of the professional home activity other than one sign as permitted for a residential use under Section 6.A of these Regulations .
5. Parking shall be provided in accordance with Section 6.B of these Regulations. Any additional parking created for the professional home activity shall be screened from view from the street and adjacent properties.
6. There shall be no noise or electrical interference associated with the professional home activity which exceeds that which is typical for a residential use without a professional home activity.
7. There shall be no hazardous material stored, used, or displayed in association with a professional home activity other than that related to on-site heating or hazardous materials which are part of and normally associated with a residential use.
8. Compliance with the provisions of Section 5.B.1 is required.



**5.B.4. HOME ENTERPRISE**

The establishment of a home enterprise by a resident of the premises involving client or customer visitation to the premises (including, but not limited to doctors, dentists, or similar medical professionals; hairdressers, massage therapists or similar service providers; and/or retail sales provided such sales are clearly incidental to the primary home enterprise and the Commission has approved the types of products to be offered for sale) may be allowed by the Commission by Special Exception in a R-1 or R-2 District or by Site Plan Approval in a GB District under the following conditions:

1. The home enterprise may be located in the primary residence and/or an accessory building but a property in a R-1 or R-2 District shall be limited to one home enterprise.
2. In a R-1 or R-2 District, the home enterprise shall clearly be incidental to the use of the premises as a residence and the floor area occupied by the home enterprise shall not be more than fifty percent (50%) of the total floor area of the residence, whether said business is conducted in the residence or in an accessory building.
3. A resident of the premises shall be a principal of the home enterprise.
4. Up to two (2) non-resident employees shall be allowed to work on the premises in the home enterprise at any one time.
5. There shall be no outdoor display or storage of materials, goods, supplies or equipment nor any other exterior visible evidence of the home enterprise other than one sign as permitted for a residential use under Section 6.A of these Regulations.
6. Parking shall be provided in accordance with Section 6.B of these Regulations and the Commission may require that any parking created for the home enterprise be screened from view from adjacent properties.
7. Compliance with the provisions of Section 5.B.1 is required.
8. The applicant shall submit a business use and activity plan consisting of a written statement generally describing:
  - a. The type and nature of the proposed home enterprise use,
  - b. The product, equipment and processes involved,
  - c. Projected typical volume and type of vehicular activity,
  - d. Employee and customer/client activity, and
  - e. Such other information as the Commission requires to determine whether the proposed use qualifies under the standards and requirements of these Regulations.
9. The Commission shall carefully consider the potential for light impacts, noise generation, electrical interference, hazardous materials, and any other effects in association with a home enterprise.
10. Adequate buffering and/or screening from the road and adjacent property shall be provided and maintained for all business-related activities unless otherwise approved by the Commission.
11. Each application shall be based on its own merits and the particular factors of the proposed home enterprise in the context of the zone and neighborhood.
12. Each Special Exception shall be conditioned on the business use and activity plan submitted by the applicant and approved by the Commission and failure to comply with the business use and activity plan, the requirements of this Section, or the conditions of the Special Exception shall be grounds for revocation.

## Section 5.B

### USE-RELATED PROVISIONS HOME-BASED BUSINESSES

PROPOSED REGULATIONS– May 4, 2021

#### 5.B.5. CONTRACTOR SHOP AND STORAGE

**Note - This regulation is designed to permit a home shop and storage use for a contractor or building tradesman who conducts his/her trade primarily away from the home and provides a needed local service. This shall include but is not limited to, plumbers, electricians, carpenters, landscapers, and similar occupations subject to standards and criteria established herein.**

The establishment of a contractor shop and storage use by the owner-occupant of the premises may be allowed by the Commission by Special Exception in a R-2 District or by Site Plan Approval in a GB District under the following standards and criteria which are intended to permit this use in locations and under conditions that will protect neighboring property. The Commission may attach conditions to a Special Exception for contractor shop and storage use to assure compliance with this purpose and the following standards and criteria:

1. The use shall be conducted by the owner-occupant of the dwelling.
2. Only members of the family residing in the dwelling and no more than two (2) non- family members shall work on the premises. The Commission may modify the Special Exception to allow more than two (2) outside employees if adequate information has been submitted by the applicant for the Commission to find that the proposed home enterprise will be compatible with the location.
3. Work conducted on the residential lot shall be clearly secondary to work of the contractor or tradesmen off the premises. The permit shall define the type and number of permitted equipment.
4. Adequate parking for employees shall be provided and maintained.
5. Adequate buffering and/or screening shall be provided and maintained for all business-related activities and any external storage shall be shielded from the road and adjacent property unless otherwise approved by the Commission.
6. The design of any building used for contractor shop and storage shall be compatible with other buildings in the neighborhood.
7. Equipment stored on the premises shall be stored in a safe and orderly manner. Exterior storage of equipment shall be at least 50 feet from any property line. Screening may be required, up to and including complete screening, so that the stored equipment is not visible from off the property.
8. Shop and storage use involving the storage, use or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to ground water quality. Such determination shall consider the type of shop and storage use, the amount and type of hazardous material(s) involved and the adequacy of plans submitted by the applicant for hazardous material use, storage, and disposal.
9. Compliance with the provisions of Section 5.B.1 is required except that, as part of approval or modification of a Special Exception, the Commission may modify such provisions provided that the public health, safety and/or welfare is protected and adequate separation and/or screening is provided to adjacent uses.

**5.C. ACCESSORY DWELLING UNITS****5.C.1. ACCESSORY DWELLING UNITS IN A RESIDENTIAL ZONE**

In order to provide additional housing opportunities in the Town of Colebrook, one (1) attached or detached accessory dwelling unit may be allowed by Special Exception granted by the Commission on a property in a R-1 or R-2 Residential Zone subject to the following standards and criteria:

1. The owner of the residential property shall reside on the premises in either the principal dwelling or the accessory dwelling unit.
2. The accessory dwelling unit shall be subordinate to the primary dwelling in terms of size and appearance and:
  - a. Shall not exceed 800 SF in floor area, and
  - b. Shall not exceed 40 percent of the floor area of the primary dwelling.
3. An accessory dwelling unit which is contained within the principal building or attached thereto shall have at least one operable door on a common wall so that the accessory dwelling unit can be reconnected to the principal dwelling space when no longer in use.
4. A detached accessory dwelling unit may be allowed provided the property contains at least four (4) acres of land and further provided the detached accessory dwelling unit shall not be located in front of the principal structure unless:
  - a. The principal structure is located in the rear half of the lot, or
  - b. The detached accessory dwelling unit shall be shielded from the road and adjacent property or otherwise situated in a manner approved by the Commission.
5. Off street parking spaces in accordance with Section 6.B shall be provided for the use of the accessory dwelling unit.
6. The accessory dwelling unit shall have its own outside emergency egress. Fire escapes and outside stairways, if required or provided, shall be located on the rear of the building where practicable and shall not be located on any building wall facing a street.
7. The accessory dwelling unit may utilize the existing septic and well system on the lot if approved by the Farmington Valley Health District (FVHD), but modified or complete new systems may be required if the existing systems are found by the FVHD to be inadequate for the proposed use.

## Section 5.C

### USE-RELATED PROVISIONS

#### ACCESSORY DWELLING UNITS

PROPOSED REGULATIONS– May 4, 2021

#### 5.C.2. ACCESSORY DWELLING UNIT IN A GENERAL BUSINESS ZONE

In order to provide additional housing opportunities in the Town of Colebrook, one (1) attached or detached accessory dwelling unit may be allowed by Special Exception granted by the Commission on a property in a General Business Zone subject to the following standards and criteria:

1. The accessory dwelling unit shall not exceed 800 square feet of floor area.
2. The accessory dwelling unit may be incorporated into the principal building, in an existing accessory building, or in a new detached building which is subordinate to the principal building in terms of size and appearance.
3. A detached accessory dwelling unit in the General Business Zone :
  - a. Shall be located on a property containing at least four (4) acres of land although the Commission may allow a detached accessory dwelling unit on a smaller parcel for good cause shown,
  - b. Shall not be located in front of the principal structure unless:
    - i. The principal structure is located in the rear half of the lot, or
    - ii. The detached accessory dwelling unit will be situated in a manner approved by the Commission for the GB District (which may include being shielded from the road and/or adjacent property).
4. At least two (2) off street parking spaces shall be provided for the use of the accessory dwelling unit.
5. The dwelling unit shall have its own outside emergency egress. Fire escapes and outside stairways, if required or provided, shall be located on the rear of the building where practicable and shall not be located on any building wall facing a street.
6. The accessory dwelling unit may utilize the existing septic and well system on the lot if approved by the Farmington Valley Health District (FVHD) but modified or complete new systems may be required if the existing systems are found by the FVHD to be inadequate for the proposed use.

**5.D. BED AND BREAKFAST ESTABLISHMENT**

In order to provide lodging for visitors, the Commission may, by Special Exception, allow the establishment of a bed and breakfast operation in an owner-occupied residence subject to the following conditions:

1. The building must be sound, safe and of adequate size to accommodate guest rooms based on a total floor area within the dwelling of 800 square feet for the owner-occupied residential use and 200 additional square feet of floor area per guest room.
2. No more than five guest rooms shall be permitted.
3. The lot shall be of adequate size and shape to provide two parking spaces for the owner-occupied residential use and one additional parking space for each guest room. Parking shall be located to the rear of the building where possible.
4. The Special Exception shall be predicated on the building being the primary residence of the owner and the Special Exception shall be void and of no effect if the owner ceases to maintain their primary residence there.
5. The applicant shall provide written certification from the Health Official that the existing or proposed subsurface sewage disposal system will be adequate to serve the proposed use(s).

**5.E. ROOM AND BOARD ESTABLISHMENT**

In order to provide for housing options, the letting of rooms in an owner-occupied residence may be allowed subject to the following conditions:

1. The letting of up to two rooms is permitted with no Zoning Permit required but the letting of three or more rooms shall require approval of a Special Exception by the Commission.
2. The building must be sound, safe and of adequate size to accommodate boarding rooms based on a total floor area within the dwelling of 800 square feet for the owner-occupied residential use and 200 additional square feet per boarding room.
3. No more than five boarding rooms shall be permitted.
4. The lot shall be of adequate size and shape to provide two parking spaces for the owner-occupied residential use and one additional parking space per boarding room. Parking shall be located to the rear of the building where possible.
5. The Special Exception shall be predicated on the building being the primary residence of the owner and the Special Exception shall be void and of no effect if the owner ceases to maintain their primary residence there.
6. The applicant shall provide written certification from the Health Official that the existing or proposed subsurface sewage disposal system will be adequate to serve the proposed use(s).

## Section 5.F

### USE-RELATED PROVISIONS

#### CONVERSION TO MULTI-FAMILY

PROPOSED REGULATIONS– May 4, 2021

## 5.F. CONVERSION TO MULTI-FAMILY

In order to provide for housing options, the Commission may, by Special Exception, allow the conversion of an existing building to multi-family residential use subject to the following specific standards and conditions:

1. No more than one residence or structure on an individual lot shall be permitted for conversion and such converted home or structure shall be limited to residential use for no more than three dwelling units.
2. Each dwelling unit shall contain:
  - a. At least 450 square feet for a one- bedroom or efficiency unit, plus at least 125 square feet per additional bedroom, and
  - b. Complete kitchen and bath facilities.
3. Off-street parking spaces shall be provided in accordance with Section 6.B.
4. Parking shall be hidden from public view, wherever feasible, and the Commission may require the installation of structures, landscaping and/or other means to screen the parking area from public view.
5. The applicant shall provide written certification from the Health Official that the existing or proposed subsurface sewage disposal system will be adequate to serve the proposed use.
6. Outside stairways shall be located on the rear of the building where practicable and shall not be located on any building wall facing the street.
7. The Commission may require that a multi-family conversion be accomplished in a manner that blends with the character and scale of the adjoining residences and the existing neighborhood.

## **5.G. MIXED USE BUILDINGS**

In order to provide for housing options, the Commission may, by Special Exception, allow residential use in a business building in a General Business (GB) district subject to the following specific standards and requirements:

1. The building shall be found by the Building Official and the Commission to be suitable for residential use using the standards set forth in this section.
2. The space for residential purposes must be secondary to the space used for business purposes.
3. Each dwelling unit shall contain:
  - a. At least 450 square feet for a one- bedroom or efficiency unit, plus at least 125 square feet per additional bedroom, and
  - b. Complete kitchen and bath facilities.
4. Residential units shall not exceed three bedrooms.
5. Off-street parking spaces shall be provided in accordance with Section 6.B.
6. The applicant shall provide written certification from the Health Official that the existing or proposed subsurface sewage disposal system will be adequate to serve the proposed use(s).
7. Each residential use shall have outside access convenient to the parking area and vehicular and pedestrian access to the lot.
8. Any outside stairways shall be located on the rear of the building where practicable and shall not be located on any building wall facing the street.
9. Residential units located on upper floors shall have at least one access to ground level for exclusive use of the residential units.

**5.H. INTERIOR LOTS**

For an interior lot, the lot line from which the accessway leads and is most parallel to the street shall be considered the front lot line of such lot.

The required minimum lot width shall be measured at such front lot line or at the minimum front yard setback relative thereto.

In order to enable the development of residential land in a lower density configuration that is not in strict compliance with the area and dimensional standards contained in Section 3 and/or preserve important land features, the Commission may, by Special Exception, permit the development of one or more lots without the required minimum frontage on a public street or state highway (an “interior lot”) provided:

1. The Commission finds that:
  - a. The interior lot (or lots) provides the best development of the land in relations to the topography and/or shape of the parcel.
  - b. The creation of an interior lot (or lots) will not impede the extension of the street/utility system as provided for in the Plan of Conservation and Development.
  - c. The location of and access to the interior lot (or lots) in relation to other surrounding lots and the existing and/or proposed street system provides for safe and convenient access, especially for emergency purposes.
2. Unless modified as provided in Section 5.H.3 below, the interior lot shall:
  - a. Contain at least twice the minimum lot area required for the residential zone in which the lot is located.
  - b. Provide a lot width which is at least double the dimension specified for minimum frontage on a public street or state highway in the residential zone in which the lot is located.
3. As part of the Special Exception application, the Commission may modify the requirement for doubling the minimum lot area and/or doubling the lot width provided:
  - a. The applicant can clearly demonstrate that reducing the doubled minimum lot area and/or doubled lot width requirement will result in preservation of a natural resource feature or other significant natural or cultural feature, view or vista that would not be so protected under the conventional subdivision requirement.
  - b. Preservation of such natural resource, significant natural or cultural feature, view or vista shall be as recommended in the Plan of Conservation and Development or as documented in the application in writing by a qualified expert.
  - c. The application shall clearly delineate on the site development plan, the land, water, historic and/or other cultural feature that will be preserved and shall also include legal documentation assuring its permanent protection.
  - d. In no instance shall any lot so created be less than two acres in lot area.



4. Any interior lot so created shall have access to a public street or State highway by means of an unobstructed and unencumbered accessway meeting the following requirements:
  - a. Fee simple title to the accessway shall be vested in the owner of the interior lot.
  - b. Such accessway shall be at least 20 feet wide at all points and no more than 500 feet long, measured at the shortest distance between the street line and the front line of the interior lot except that, if the interior lot is more than four times the minimum area requirements of the residential zone in which the lot is located and future development rights are not encumbered to the satisfaction of the Commission, then such accessway shall be at least 50 feet wide to provide for the possible future construction of a road meeting the Town requirements and specifications.
  - c. The grade and alignment of the driveway within the accessway shall be adequate to permit safe and convenient access to the lot. Such driveway shall be at least ten feet wide and graveled, asphalted or otherwise constructed to permit access by fire apparatus or other emergency vehicles and to minimize erosion. For such accessway over 150 feet in length, there shall be constructed on such driveway a wide spot, 40 feet long by 16 feet wide at intervals of not more than 150 feet.
  - d. No two accessways to interior lots shall be closer to each other than the required minimum frontage measured along the street line, unless such accessways are contiguous. Where two accessways are contiguous, in lieu of each accessway meeting the driveway requirements required for an interior lot, one driveway, not less than 18 feet wide, may be used but shall be graveled, asphalted, or otherwise constructed so as to permit access by fire apparatus or other emergency vehicles.
5. No more than two interior lots with access to the same street shall have contiguous boundaries unless approved by the Commission as part of the overall preservation of important natural resource, significant natural or cultural feature, view, or vista.
6. In a re-subdivision/subdivision the incidence of interior lots shall not exceed one lot or 25% of the number of lots for which re-subdivision/subdivision approval is sought, whichever is greater.
7. Any interior lot, exclusive of its accessway, shall conform to all other area and dimensional requirements of the zone in which it is located.

## Section 5.I

PROPOSED REGULATIONS– May 4, 2021

### USE-RELATED PROVISIONS

#### ESTATE LOTS SERVED BY A COMMON DRIVEWAY

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### **5.I. ESTATE LOTS SERVED BY A COMMON DRIVEWAY**

In order to enable the development of residential lots served by a common driveway with no frontage on a public street or State highway, the Commission may, by Special Exception, permit the development of estate lots as provided in this Section:

1. Each estate lot shall:
  - a. Contain at least twice the minimum lot size required for the district.
  - b. Have at least 200 feet of frontage along a common driveway.
  - c. Have a setback of at least 50 feet from the property line abutting the common driveway.
  - d. For lots having frontage on a public street or State highway in addition to the common driveway, the other yard setbacks shall be considered to have a setback requirement of 20 feet.
2. As part of the application, the applicant's engineer shall prepare a plan demonstrating the feasibility of constructing a public street within the location proposed for the common driveway . This is to ensure that the land being subdivided is of such character and topography that it could be served by a public street, If the applicants engineer is unable to demonstrate the feasibility of such construction, the Commission may deny the Special Exception. The Commission may retain a professional engineer, at the applicant's expense, to comment on the feasibility plan.
3. The common driveway shall be built to the requirements of a Town road as specified in the current subdivision regulations and Town road ordinance with the exception of pavement width.
4. The Commission may retain a professional engineer, at the applicant's expense, to review and comment on the design, layout, and construction requirement of the proposed common driveway.
5. The design and layout shall provide safe access for emergency services and shall be referred to the Colebrook Fire Department for their review and comment.
6. Applicants proposing a common driveway shall provide adequate information to demonstrate to the Commission that lots on the common driveway will share in the maintenance costs of the common driveway at no cost to the Town of Colebrook. Applicants shall provide the Commission with copies of proposed deed or covenant that shall identify common driveway ownership and maintenance responsibilities. The deed or covenant shall be submitted for review and acceptance of the Town Attorney. The approved deed or covenant shall be filed with the Town Clerk with the final subdivision map.

## 7. Common Driveway Specifications:

- a. The common driveway shall be centered in a common access area that is a minimum of 50 feet in width at all points and has at least 50 feet of frontage on an accepted public street or State highway.
- b. The total length of a common driveway shall not exceed 2,000 feet in length.
- c. The common driveway width shall be 18 feet.
- d. The maximum grade of the common driveway shall not exceed 12%. If the grade exceeds 8%, the sections of the driveway exceeding 8% shall be paved.
- e. A turnaround with a 35-foot radius shall be provided at the end of the common driveway. The maximum grade of the turnaround shall be 5%.
- f. The design of the common driveway shall provide safe access for emergency/fire services.
- g. A plan and profile sheet of the common driveway shall be submitted containing the following minimum information:
  - i. Complete horizontal and vertical geometry on the centerline of the common driveway.
  - ii. Typical common driveway sections showing pavement thickness cross slope, dimensions, swales, curbs, shoulders, etc.
  - iii. All other improvements and utilities including proposed storm drains, catch basins, manholes, watercourses, culverts, curbs, gutters, swales, and bridges.
  - iv. Plan and profile drawings shall be at a horizontal scale of not less than 1-inch equals 40 feet and at a vertical scale of 1-inch equals 4 feet.
  - v. Plans shall be sealed by a professional engineer.
- h. Curbing and drainage storm pipe system may be required to ensure safe management and disposal of storm water.
- i. If the Commission requires the common driveway to be named for safety purposes, a sign conforming to the Town specifications in The Manual on Uniform Traffic Control Devices (MUTCD) shall be installed and maintained.

**5.J. ACCESSORY WIND ENERGY FACILITIES**

To encourage distributed energy generation and sustainability, the Commission may, by Special Exception, permit the establishment of a wind energy facility as an accessory use in the R-2 zone and the GB zone provided:

1. The rated capacity of the accessory wind energy facility shall not exceed 100 kW unless specifically authorized by the Commission for good cause shown.
2. The height of the accessory wind energy facility measured from average finished ground level at the base to the highest point of the structure (including any blade, lightning rod, or antenna) shall not exceed 100 feet.
3. The accessory wind energy facility and any associated equipment, machinery, and structures (including any guy wires) shall be set back from any property boundary line by a minimum of 200 feet.
4. The accessory wind energy facility shall have a non-reflective finish or coating.
5. Lighting of the accessory wind energy facility (if any) shall be:
  - a. Limited to that required for safety and operational purposes,
  - b. Designed to minimize glare on abutting properties, and
  - c. Directed downward with full cut-off fixtures to reduce light pollution.
6. Signage, if any, shall be limited to four (4) square feet at the base of the facility or at the access gate for the identification of the owner, provision of a 24-hour emergency phone number, and warning of any danger.
7. Utility connections (if any) shall be underground.
8. The accessory wind energy facility and any associated equipment, machinery, and structures shall be designed to prevent unauthorized access.
9. The noise level of an accessory wind energy facility:
  - a. shall conform to any applicable regulations of the Farmington Valley Heath District (FVHD) and other applicable noise regulations and statutes, and
  - b. shall not exceed the lesser of 50 dB, as certified by the manufacturer, or 10 dB above the ambient noise level.
10. The property owner shall maintain the accessory wind energy facility in good, operational condition and shall repair any damage that occurs as a result of construction or operation of the accessory wind energy facility.
11. An application for an accessory wind energy facility shall include:
  - a. Photographic simulations or temporary erection of a crane, or flight of a suitable inflated object, to simulate the proposed tower Height in situ, and
  - b. Manufacturer's specifications and/or reports indicating that the wind energy facility will not create radio or television interference.
12. No modifications that increase bulk or height of an accessory wind energy facility, or change its location, shall be made after issuance of a Special Exception, unless the Special Exception is modified by the Commission.
13. In granting a Special Exception for an accessory wind energy facility, the Commission may impose reasonable conditions, safeguards, and limitations in order to address potential adverse impacts including requiring a financial guarantee in order to address potential adverse impacts.

## 5.K. FARM BREWERY / FARM WINERY / FARM DISTILLERY

1. A Special Exception for a Farm Brewery/ Farm Winery/ Farm Distillery, or any combination thereof, may be allowed as an accessory use to a farm subject to the general standards for all Special Exceptions and the Commission's evaluation of other relevant standards and criteria, including but not limited to those set forth below:
  - a. The size of the Farm (minimum of 25 acres).
  - b. The setbacks of Buildings and Structures from property lines (minimum of 100 feet).
  - c. The production capacity of the proposed facility and the scale of operations.
  - d. The extent to which ingredients used in production will be grown on the farm or grown locally.
  - e. The extent to which alcoholic beverages will be consumed on premises via tasting or purchase.
  - f. The compatibility of the proposed operation with the character of the neighborhood and the impact on adjoining properties.
  - g. The hours of operation for the Farm Brewery/ Farm Winery/ Farm Distillery.
2. As part of the original Special Exception or a modification thereto, the Commission may authorize food service accessory to the Farm Brewery/ Farm Winery/ Farm Distillery as follows:
  - a. Food to be prepared and served on the premises to patrons,
  - b. Food to be brought in by patrons or to be delivered to the property for patrons by area restaurants, and/or
  - c. The use of food trucks to serve patrons subject to the following:
    - 1) The Commission may limit the number, size, and location of such food truck(s).
    - 2) Any food truck use shall only be authorized for one year at a time and such authorization shall be predicated on the issuance of a Zoning Permit for a food truck use by the Zoning Enforcement Officer subject to any conditions of approval established by the Commission and provided:
    - 3) The operation is fundamentally identical to what was approved by the Commission as part of the Special Exception approval, and
    - 4) A finding has been made by the Zoning Enforcement Officer that adequate provision has been made for parking spaces, trash receptacles, traffic control measures, and other provisions in relation to buildings, property lines, fire lanes, wells, septic systems, and other relevant improvements.
    - 5) The Zoning Enforcement Officer may issue separate Zoning Permits for food trucks for subsequent years subject to the same considerations as provided above.
    - 6) The Zoning Enforcement Officer may refer any Zoning Permit renewal application to the Commission for review and comment.
    - 7) The Commission may limit the hours of operation for any outdoor food service or consumption.
3. As part of the original Special Exception or a modification thereto, the Commission may allow indoor and/or outdoor recreational uses for patrons of the facility as an accessory use of a Farm Brewery, Farm Winery and/or Farm Distillery subject to the following:
  - a. Outdoor accessory recreational uses may include disk golf, hiking, running, snow shoeing, cross-country skiing, mountain biking and similar activities approved by the Commission that help promote the farm use and complement the farm operation.
  - b. Such accessory recreational uses shall not include:
    - 1) Motorized recreational vehicles such as snowmobiles, motorbikes, or all-terrain vehicles (except by owners and staff for property maintenance).
    - 2) The use of firearms or any other weapon for hunting, target shooting, skeet shooting or the like.
  - c. The Commission may limit the hours of operation and location on site for any outdoor accessory recreational use.

## Section 5.K

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### USE-RELATED PROVISIONS

#### FARM BREWERY / FARM WINERY / FARM DISTILLERY

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4. As part of the original Special Exception or a modification thereto, the Commission may allow special outdoor events such as charity events, parties, class reunions and weddings as an accessory use of a Farm Brewery, Farm Winery and/or Farm Distillery subject to the following:
  - a. The Commission may establish a limit for the number, size, and location of such special outdoor events which may be conducted each year.
  - b. The Commission may limit the hours of operation for any special outdoor events.
  - c. Such special outdoor events shall only be authorized for one year at a time and such authorization shall be predicated on the issuance of a Zoning Permit by the Zoning Enforcement Officer for a specified number of special outdoor events subject to any conditions of approval established by the Commission and provided:
    - 1) The operation is fundamentally identical to what was approved by the Commission as part of the Special Exception approval, and
    - 2) A finding has been made by the Zoning Enforcement Officer that adequate provision has been made for parking spaces, trash receptacles, traffic control measures, and other provisions in relation to buildings, property lines, fire lanes, wells, septic systems, and other relevant improvements.
  - d. The Zoning Enforcement Officer may issue separate Zoning Permits for special outdoor events for subsequent years subject to any conditions of approval established by the Commission.
  - e. The Zoning Enforcement Officer may refer any Zoning Permit renewal application to the Commission for review and comment.
5. As part of the original Special Exception or a modification thereto, the Commission may allow sales of other Connecticut-produced alcoholic beverages including wine and distilled spirits.
6. As part of the original Special Exception or a modification thereto, the Commission may allow indoor and/or outdoor music for patrons of the facility as an accessory use at a Farm Brewery, Farm Winery and/or Farm Distillery subject to the following:
  - a. Outdoor music shall not be amplified unless specifically authorized by the Commission and the Commission may limit the hours of operation for outdoor music.
  - b. Outdoor music shall only be authorized for one year at a time and such authorization shall be predicated on the issuance of a Zoning Permit by the Zoning Enforcement Officer:
    - 1) Subject to any conditions of approval established by the Commission and
    - 2) Provided the operation is fundamentally identical to what was approved by the Commission as part of the Special Exception approval.
  - c. The Zoning Enforcement Officer may issue separate Zoning Permits for amplified outdoor music for subsequent years subject to any conditions of approval established by the Commission.
  - d. The Zoning Enforcement Officer may refer any Zoning Permit renewal application to the Commission for review and comment.

## **5.L. OPEN SPACE DEVELOPMENT**

This Section of the Regulations is intended to enable flexibility in development patterns in order to help preserve open space and other important community features while maintaining appropriate residential density. In order to do this, the Commission may, by Special Exception, permit an open space development in the R-2 district provided:

1. For a proposed open space development, the applicant shall submit the following materials prepared by a Connecticut licensed landscape architect or other appropriate design professional:
  - a. A conceptual inventory/analysis map at an appropriate scale showing the location of important site features such as wetland, watercourses, steep slopes, floodplain, scenic views, scenic areas, adjacent open space, and other resources that may affect the overall configuration of the proposed development.
  - b. An overall proposed lot/roadway layout plan.

If the Commission is not satisfied with the quality of the analysis prepared for the application, it may hire a landscape architect or other appropriate design professional to prepare such analysis and charge the applicant for the cost of such services.

2. In addition to determining that the Special Exception criteria in Section 8.D.4 are satisfied, the Commission shall make findings on the record that there will be a significant community benefit resulting from the additional open space that is being preserved in perpetuity, such as:
  - a. Protection of important natural or scenic resources.
  - b. Preservation of a sizable area of open space.
  - c. Preservation of areas along the Town or State roads that will protect rural appearance or character.
  - d. Establishment of an open space corridor or greenway or interconnection of existing open spaces and/or provision for public access.
3. All land in excess of the building lots and rights-of-ways shall be reserved as one or more permanent open space for conservation, recreation and the general enjoyment as follows:
  - a. Unless modified by the Commission, such open space shall be readily accessible to dwellings by street or pedestrian way.
  - b. Where required by the Commission, such open space shall have adequate vehicular access for service and maintenance.
  - c. Unless modified by the Commission, the land so reserved shall either be deeded to the Town or to a conservation organization acceptable to the Commission on such a basis as will ensure that such land will be properly maintained and will remain as open space in perpetuity.



## Section 5.L




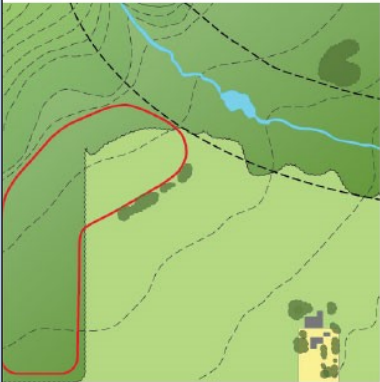


### USE-RELATED PROVISIONS

#### OPEN SPACE DEVELOPMENT

PROPOSED REGULATIONS– May 4, 2021

4. The following area and dimensional standards shall apply in an open space development:

Maximum number of lots in the open space development	0.35 lots per acre of buildable land
Minimum open space within open space development	50 Percent
Minimum lot area	30,000 SF
Minimum contiguous buildable land area	20,000 square feet
Buildable land shape	Rectangle with no side less than 100 feet
Maximum building coverage	20 Percent
Minimum Lot Width <ul style="list-style-type: none"> <li>Existing public street or State highway</li> <li>Proposed street within open space development</li> </ul>	200 Feet 100 Feet
Minimum Front Yard Setback <ul style="list-style-type: none"> <li>Existing public street or State highway</li> <li>Proposed street within open space subdivision</li> </ul>	50 Feet 25 Feet
Minimum Side Yard Setback	20 Feet
Minimum Rear Yard Setback	25 Feet
Maximum Building Height	40 Feet

Existing Landscape	Conventional Subdivision	Open Space Development
		
		
<ul style="list-style-type: none"> <li>Scenic / arable farm field</li> <li>Stream / wetland corridor to rear</li> </ul>	<ul style="list-style-type: none"> <li>Farm field cut into lots</li> <li>Stream / wetland corridor crossed</li> <li>Limited preserved open space</li> </ul>	<ul style="list-style-type: none"> <li>Most of farm field retained</li> <li>Stream / wetland corridor preserved</li> <li>Considerable preserved open space</li> </ul>

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## **5.M. EARTHWORK OPERATIONS**

### **5.M.1. PURPOSE**

The purpose of this Section is to regulate the excavation of sand, gravel, stone, clay, loam, dirt, mineral or other earth products in order to ensure that:

- excavation operations are compatible with the surrounding area,
- there will be proper safeguard to ensure that the excavation operation will not cause nuisance to the surrounding neighborhood, via noise, dust, or vibrations,
- suitable grades will be reestablished on a site following the excavation,
- vegetative cover will be reestablished upon the site to prevent erosion and siltation,
- the public health, safety and welfare is protected.

### **5.M.2. WHEN PERMITS REQUIRED**

1. The following may be undertaken as of right without the granting of a Special Exception, providing that the measures acceptable to the Zoning Enforcement Officer and in accordance with the *Connecticut Guidelines for Erosion and Sediment Control* (2002), as amended are implemented and maintained.
  - a. Excavation and removal of less than 50 cubic yards over a period of one calendar year from any single parcel of land recorded as such in the Office of the Town Clerk.
  - b. Excavation and removal of 1,000 or less cubic yards of material in conjunction with the grading, foundation, or trench work necessary for the construction of a home, building, or out-building for which a Building Permit has been issued.
2. The excavation and removal from the premises of sand, gravel, stone, clay, loam, dirt, mineral or other earth products not authorized above shall only be authorized upon the granting of a Special Exception from the Commission for an Earthwork Operation permit.

### **5.M.3. PROVISIONS**

The Commission may approve the excavation and removal of earth products providing the general purposes of these Regulations are met and the following standards and conditions are satisfied:

1. Prior to the initiation of any operations on the site, the applicant shall file with the Commission a financial guarantee in an amount sufficient to restore excavated areas and stabilize and secure slopes. The amount of the financial guarantee shall be established by the Commission. Such financial guarantee shall be cash, surety, or a savings account in an amount and form satisfactory to the Commission and its attorney.
2. The financial guarantee shall be accompanied by an agreement permitting the Town to enter onto the property for the purpose of any necessary restoration. Prior to the release of the financial guarantee, the applicant shall file an as-built plan for the operation or demonstrate in the field to the satisfaction of the Zoning Enforcement Officer that the conditions of the permit have been met. The financial guarantee shall run for an additional 12 months beyond the permit period or 12 months after completion.
3. No excavation shall take place within 100 feet of any property line. This requirement may be modified by the Commission when warranted by topographic conditions and/or when the utilization of the site for other than excavation proposed requires being closer to property lines.

## Section 5.M

### USE-RELATED PROVISIONS EARTHWORK OPERATIONS

PROPOSED REGULATIONS– May 4, 2021

4. Plans as proposed provide that at all stages of operations; drainage and storm water shall be controlled to prevent stagnant water, erosion, and pollution of watercourses by silting or otherwise. Additionally, plans shall provide for the control of storm water run-off such that there will not be damage to public or private property, roads, or drainage facilities.
5. Sites across the street from or adjacent to existing residential development shall be screened from such areas by vegetation and/or fences and barricades. Vegetative screening shall consist of evergreen trees a minimum of six feet in height.
6. Truck access to the site shall be so arranged to minimize danger to traffic and nuisance to the surrounding properties. That portion of the access road within the area of operations shall be provided with a dustless surface when deemed necessary by the Commission to protect the neighborhood. Spillage on public roads of any earth materials shall be removed daily.
7. No equipment or vehicles directly or indirectly engaged in the excavation or transportation of earth materials shall be operated, repaired, or serviced on the premises earlier than 7:00 a.m., nor later than 6:00 p.m., Monday through Friday, nor earlier than 8:00 a.m., nor later than 5:00 p.m. on Saturdays. The Commission may further restrict hours of operation when the density and proximity of surrounding residential development warrants same, and/or when the principal access to the site is via a residential street. For the purpose of this Section, a residential street shall be a street other than an arterial street as listed in the Colebrook Plan of Development. All such operations on Sunday and the legal holidays- New Year's Day, Memorial Day, Labor Day, Fourth of July, Christmas Day, and Thanksgiving Day are prohibited.
8. When two or more separately owned, contiguous parcels are proposed to be operated under one permittee, such parcels shall be consolidated under one permit. Each property owner must be a party to the application and will be bound by the conditions of same, if granted.
9. There shall be no stockpiling of materials brought in from off the site in any residential zone.
10. Machinery shall operate and be maintained to operate so as not to exceed the following decibel readings at the indicated locations:

**Maximum Sound Levels (Decibels)**

Frequency (Hertz)	Zone Boundaries	In Business Zones
0-74	72	75
75-149	67	70
150-299	59	63
300-599	52	57
600-1199	46	52
1200-2399	40	45
2400-4700	34	40
4800+	32	35

11. Plans shall provide that the final grades of excavated areas do not exceed 2:1 (Horizontal to Vertical) and the grades in fill areas do not exceed 2:1 unless special stabilization measures are specifically approved by the Commission. No rock face exposed due to excavation shall exceed a finished height of 30 feet measured from the surface of the natural grade to the top of finished grade.
12. Multiple tiered rock faces shall not be permitted when the total height would exceed the maximum permitted height. The horizontal alignment of the excavated rock face shall be irregular so as to reflect the natural condition of exposed bedrock in the Litchfield Hills.
13. In addition, a finished slope face or embankment created by excavation or filling shall not exceed a height of 30 feet before being blended with the natural undisturbed slope of the property. Furthermore, such areas shall be restored such that they are covered with a minimum of four inches to topsoil, seeded with a suitable grass mixture containing at least 50% perennial grasses and maintained by mulching, repairing, and reseeding until the area is stabilized. Any debris generated as a result of the excavating operation shall be removed from the site.
14. Where the Commission finds that the principal roads to be used by trucks are below minimum Town road standards, improvements may be required. In such an instance, the applicant shall first obtain approval from the Board of Selectman to make such improvements. Where the intensity of truck traffic will, in the opinion of the Commission, cause accelerated wear and damage to the public road providing access to the site, the applicant may be required to provide periodic repairs to same and/or post a financial guarantee to insure such repairs.
15. Applications for the excavation of earth materials, in addition to meeting all other applicable requirements of these Regulations, shall only be approved when it is demonstrated that the nature of the excavation will not be detrimental to the surrounding neighborhood and will not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.
16. Open/excavated areas shall be kept to the minimum area necessary for the proper functioning of the removal operation. Disturbed areas, once brought to final grade, shall be restored as soon as is practicable. The Commission may require that an operation be undertaken in phases when warranted by the size of the site or the complexity of the operation.
17. Special Exceptions for earthwork operations shall expire two years from the date of issuance but may be renewed upon application for a Special Exception. Such permit shall immediately expire and shall become null and void where the financial guarantee required herein expires or otherwise fails to be in full force or effect.
18. Operations shall be subject to inspection by the Zoning Enforcement Officer, designee of the Planning and Zoning Commission or a professional engineer hired by the Commission at the applicant's expense to verify on-going compliance with the terms of the permit. Applicants shall provide, coincident with such inspections, sufficient data to aid in the inspection process. Such data may include, when necessary, field surveys.
19. All blasting shall be done by a licensed blaster in compliance with the terms and conditions imposed by the Fire Marshal.
20. Any financial guarantee required shall not be released until the applicant has filed with the Commission an as-built plan documenting compliance with the permit. As-built plans may be waived by the Commission upon the recommendation of the Zoning Enforcement Officer provided that inspection of the site found site conditions to be in compliance with the permit.

**5.M.4. APPLICATIONS**

In addition to the information required as part of a Special Exception and/or a Site Plan application, the following shall be submitted with regard to an application for an Earthwork Operation permit:

1. A Certified Erosion and Sediment Control Plan as required by Section 6.F of these Regulations.
2. An estimate of the total amount of material to be excavated and removed.
3. A narrative description of the manner in which the proposed excavation will be conducted. Such description shall also address the proposed access to the site, the maximum loaded weight, and the maximum number of trucks per hour entering and leaving the site, the proposed hours and days of operation, the schedule for completion of the proposed excavations/s and the restoration of disturbed areas and the type of any processing operations as well as machinery necessary for same.
4. Written permission for inspection of the site at reasonable time by the Zoning Enforcement Officer or designee of the Planning and Zoning Commission.
5. An estimate prepared by a professional engineer of the cost of stabilizing and landscaping areas upon completion of the excavation operations.
6. The site plan shall also contain information as to the following:
  - a. The locations and types of any machinery or buildings to be used or erected on the site.
  - b. A landscaping plan detailing the re-grading and landscaping of the site at the conclusion of operations including existing ground cover and vegetation and proposed ground cover/stabilization.
  - c. Proposed measure to minimize the nuisance from dust and wind erosion at storage areas, yards, access roads, service roads or other untreated open areas on the site.

**5.N. TEMPORARY USES****5.N.1. TRAILER DURING RESIDENTIAL CONSTRUCTION**

1. A single mobile home or trailer may be placed temporarily on a lot for a one-year period during the construction of a permanent dwelling on the same lot provided:
  - a. A valid building permit for the dwelling has been issued.
  - b. The Health Official has approved provisions for both water supply and sanitary sewage disposal on the lot for the mobile home or trailer.
  - c. The mobile home or trailer is occupied by the lot owners or their immediate family.
2. Prior to issuance of a Zoning Permit to place the mobile home or trailer on the lot, the applicant shall provide a financial guarantee in the form of cash, a passbook savings account, or other cash equivalent in the name of the Town of Colebrook in the amount of \$2,500 to ensure that the mobile home or trailer is removed from the lot when the one-year period expires or the dwelling is completed, whichever first occurs.
3. Unless the Commission has granted an extension (see below), any such financial guarantee shall be forfeited if the mobile home or trailer is not removed from the premises within 30 days after the sooner of:
  - a. A Certificate of Occupancy having been issued for the completed dwelling, or
  - b. The expiration of the one-year period.
4. The Commission may, upon written request, grant an extension for up to 90 days for good cause shown (i.e., construction is being duly prosecuted).

**5.N.2. TRAILER DURING NON-RESIDENTIAL CONSTRUCTION**

A mobile home or trailer may be used temporarily on a lot as an on-site office, workshop, or for storage for a one-year period during the construction of any non-residential construction for which a permit has been obtained.

**5.N.3. FAIRS AND SIMILAR TEMPORARY USES**

1. A non-profit organization or registered political party may hold a fair, sporting event, or similar affair on its own premises for a period not exceeding seven days, without the need to obtain a Zoning Permit, provided the net proceeds are for civic, religious, or philanthropic purposes.
2. For an event proposed to be held by a non-profit organization or registered political party as described and limited above on premises within the Town of Colebrook other than their own, the Commission shall review the application for a Zoning Permit.

**5.N.4. SHORT-TERM RENTAL**

Short-term temporary rental of part or all of a residential property may be allowed where and how so indicated in these Regulations when in accordance with the following provisions:

1. **Owner Only** - Short-term rentals shall only be conducted by the owner(s) of his/her/their residence or property (sub-letting is not allowed).
2. **Allowable Use** –
  - a. The short-term rental shall only be used for lodging-type uses.
  - b. Non-lodging uses (including, but not limited to, parties, receptions, weddings, filming, photo shoots, corporate retreats, or fundraisers) are not allowed as short-term rentals.
3. **Character** –
  - a. The use of the property as a short-term rental shall not materially disrupt the character of the neighborhood.
  - b. No person or persons conducting or inhabiting or visiting a short-term rental shall cause or permit excessive noise, unruly conduct, garbage, or any other activity which may be considered a nuisance.
4. **When A Zoning Permit Is Required** – When the Regulations indicate a Zoning Permit is required:
  - a. Owners of short-term rental properties shall first obtain a “Zoning Permit - Short-Term Rental” from the Zoning Enforcement Officer prior to offering their property for short-term rental.
  - b. Each short-term rental unit on a property (bedroom, building, etc.) shall have a separate “Zoning Permit - Short-Term Rental”.
  - c. The Zoning Enforcement Officer may refer any application to the Commission for comment and such comments may be incorporated into any “Zoning Permit - Short-Term Rental”.
  - d. The owner shall maintain insurance coverage reflecting rental activity of the property for the term of the “Zoning Permit - Short-Term Rental”, such coverage shall provide for 30-day notice of cancellation to the Town, and evidence of such insurance coverage shall be provided to the Zoning Enforcement Officer prior to issuance of the “Zoning Permit - Short-Term Rental”.
  - e. The “Zoning Permit - Short-Term Rental” issued pursuant to this section shall expire one (1) year from the date of approval, and may be revoked at any time if the Zoning Enforcement Officer receives information showing that the insurance coverage has been cancelled, such short-term rental has violated any conditions of the permit, or has imposed a nuisance on neighbors.
  - f. If ownership of the property is transferred during the term of the Zoning Permit, a new permit application shall be required.
5. **Additional Conditions** - The Zoning Permit - Short-Term Rental may include any or all of the following conditions as well as any additional conditions deemed appropriate by the Zoning Enforcement Officer based on the configuration and topography of the site:
  - a. The owners of Short-Term Rental properties shall provide adequate on-site parking.
  - b. Any advertisement of the short-term rental shall include the Zoning Permit number as well as references to the date the Zoning Permit was issued and the date it expires.

**5.N.5. FARMER’S MARKET**

Seasonal outdoor farmers' markets shall be allowed on a temporary basis subject to a Zoning Permit (valid for one year) on property located in the GB zone or on Town owned property, provided:

1. Items on display and offered for sale shall be limited to:
  - a. Agricultural produce and goods, and
  - b. Locally produced goods as an accessory use to the sale of agricultural products.
2. The farmer’s market shall be open only between May 1st and November 15th, between the hours of 7:00 a.m. and 7:00 p.m., on Saturdays, Sundays, and State recognized holidays.
3. No permanent structure is constructed for the temporary farmers' market and there is no external evidence of the market when it is not in use except for advertising signs as permitted by these Regulations.
4. A minimum of one off-street parking space shall be provided for every 100 square feet of vendor display area. The Commission may approve the joint use of an existing parking lot provided the applicant can document that there is adequate capacity available in the parking lot to safely support both the principal use and the farmer's market.
5. A simple sketch plan shall be submitted showing the location of vendor display areas and parking.
6. A vendor display area shall be defined as a temporary shelter or display fixture (tents, tables, etc.) set up for the sale of agricultural products and/or goods. Each vendor display area shall be less than 200 square feet in area.

## Section 5.N

### USE-RELATED PROVISIONS

#### TEMPORARY USES

PROPOSED REGULATIONS– May 4, 2021

#### 5.N.6. FOOD TRUCKS

1. On any lot or parcel of land in Colebrook, hosting of up to two food trucks at a time for up to five days per year for private events not involving sale to the public is permitted as an accessory use (no Zoning Permit required).
2. On any lot or parcel of land in Colebrook, hosting of more than two food trucks at a time or for more than five days per year or involving sale to the general public shall require approval of a Special Exception by the Commission and the Commission may or may not grant such approval after considering the Special Exception criteria in Section 8.D of these Regulations and the following additional considerations:
  - a. Whether there are potential negative impacts (aggravating factors) on any residences, restaurants, or other businesses in the vicinity from noise, odor, illumination, visibility, traffic, and/or other potential impacts and whether they may be offset by measures (mitigating factors) proposed by the applicant such as buffering, location of the operation, conduct of the operation, or other measures;
  - b. Whether there will be tables, chairs, picnic tables, wait staff, or other arrangements which will make the food truck use more like a principal use (a restaurant) rather than an accessory use; and/or
  - c. Whether adequate provisions have been made for parking, bathroom facilities, refuse, and other matters.
  - d. Whether limitations are advisable on the hours of operation associated with the food truck or any other outdoor operations (such as amplified sound, music, fireworks, etc.); and/or
  - e. Whether limitations are advisable on months of operation associated with the food truck.
3. Notwithstanding any other requirements of these Regulations with regard to plan requirements, the Commission may accept an aerial photograph or hand drawn map for a food truck operation under this Section 5.N.6 not prepared by a licensed land surveyor, civil engineer or architect provided that it shall depict parking spaces, signage, trash receptacles, traffic control measures, and other provisions in relation to buildings, parking, fire lanes, wells, septic systems, and other relevant improvements in sufficient detail for the Commission to evaluate the Special Exception request.
4. If approved, the Special Exception approval shall specifically state that:
  - a. Such Special Exception approval authorizes the Zoning Enforcement Officer to issue a Zoning Permit for the requested activities, subject to any conditions of approval established by the Commission, for one year from the date of Special Exception approval, and
  - b. Food truck operations in years subsequent to the one-year anniversary of the date of Special Exception approval shall require issuance of separate Zoning Permits.
5. No Zoning Permit shall be issued by the Zoning Enforcement Officer unless a Special Exception approval has been granted by the Commission and the application for the Zoning Permit is in conformance with the Special Exception approval granted by the Commission.
6. For subsequent calendar years, the Zoning Enforcement Officer is authorized to issue a Zoning Permit for such food truck use for one year provided the operation is fundamentally identical to what was approved by the Commission as part of the Special Exception approval and further provided the requirements of this Section and any conditions of approval by the Commission have been continually met. A Zoning Permit shall be not be issued for such food truck use by the Zoning Enforcement Officer if, in his or her opinion, the operation is not fundamentally identical or if the requirements of this Section or any conditions of approval by the Commission have not been continually met. In such case(s), a request for modification of the Special Exception or an application for a new Special Exception shall be filed with the Commission. The Zoning Enforcement Officer may refer any Zoning Permit renewal application to the Commission for review.



7. Any food truck operation:
  - a. Shall observe yard setback and buffer requirements unless specifically authorized by the Commission or the Zoning Enforcement Office for good cause shown.
  - b. Shall have all permits required by the Health Official;
  - c. Shall not be connected to on-site well or on-site septic on any property except as may be approved by the Health Official;
  - d. Shall not be located so as to interfere with the safe circulation of vehicular or pedestrian traffic.
  - e. Shall not be located so as to obstruct vehicular sight lines at driveway or street intersections.
  - f. Shall not operate before 7:00 AM or after 10:00 PM unless specifically authorized by the Commission.
8. With regard to any food truck:
  - a. Such vehicle and/or trailer shall be designed and configured to be readily movable;
  - b. Such vehicle and/or trailer shall be registered with the Department of Motor Vehicles;
  - c. The food truck and/or trailer shall not be located within a building or other structure when it is deployed within Colebrook unless specifically authorized by the Commission; and
  - d. The food truck and/or trailer shall not be stored on the premises where it is, has been, or will be deployed for food or beverage service within Colebrook on days other than authorized by this Section unless specifically authorized by the Commission.
9. The Town of Colebrook is exempt from these requirements.

## **5.O. PROHIBITED USES**

Notwithstanding any other provisions of these Regulations, the following uses and activities are specifically prohibited:

1. Any use not specifically allowed in these Regulations.
2. The use, storage and disposal of nuclear weapons or products associated with nuclear weapons and nuclear energy, experimental or commercial (except medical applications of nuclear material) or radioactive wastes or nuclear components of any kind.
3. Junkyards.

## 6. STANDARDS

### 6.A. SIGNS

#### 6.A.1. PURPOSE

This Section of the Regulations is intended to:

- Accommodate signs for identification, direction, and as a form of communication;
- Protect the public safety by regulating the size, height, location, and lighting of signs in order to avoid undue distractions to motorists and pedestrians;
- Maintain and enhance the aesthetic and historical values of the community.

These regulations are intended to place restrictions on the time, place, and manner of signage (such as size, height, location, and number of signs) so that the purposes stated above may be accomplished.

#### 6.A.2. APPLICABILITY

1. The following signs are exempt from these Regulations:
  - a. Street number signs for emergency response.
  - b. Signs posted by the Town of Colebrook as part of its civic functions.
  - c. Signs considered by the Zoning Enforcement Official as being for the public convenience or safety.
  - d. Official federal, state, or local government signs.
  - e. Notices issued by any court, person, or officer in performance of a public duty.
  - f. Traffic safety signs related to construction, excavation, detours, road hazards, and the like.
  - g. Signs or decals on any vehicle, unless parked for the primary purpose of displaying the sign.

#### 6.A.3. ENFORCEMENT

1. Unless specifically allowed within this Section 6.A, no sign shall be established, constructed, reconstructed, enlarged, moved, or structurally altered except in conformity with these Regulations and until a sign permit, if required by this Section, has been issued.
2. The Commission may order the removal of any signs that are not maintained or erected in accordance with the provisions of these Regulations.

#### 6.A.4. MEASUREMENT OF SIGN AREA AND SIGN HEIGHT

1. **Wall Sign / Canopy Sign** - the entire display area (including any distinguishing background color or border area) shall be used in computing the sign area.
2. **Projecting Sign** – Even if the sign has two display faces, the area of only one display face and any decorative trim shall be counted in computing the maximum sign area provided:
  - h. The sign faces are identical.
  - i. The sign faces are parallel, or the interior angle formed by the faces is 45 degrees or less.

## Section 6.A

### STANDARDS

#### SIGNS

PROPOSED REGULATIONS– May 4, 2021

#### 3. Free-Standing Sign –

- a. Even if the sign has two display faces, the area of only one display face and any decorative trim shall be counted in computing the maximum sign area provided:
  - The sign faces are identical.
  - The sign faces are parallel, or the interior angle formed by the faces is 45 degrees or less.
- b. The height of a free-standing sign shall be measured from average ground level at the base of the sign to the top of the structure containing the sign.

#### 6.A.5. PROHIBITED SIGNS

The following signs are expressly prohibited:

1. Any permanent sign which relates to activities occurring elsewhere than the property where the sign is located (off-premises signs) unless specifically authorized by this Section.
2. Signs attached to roofs or projecting above the roof line.
3. Any sign located or designed or constructed such that it may distract drivers or cause danger to traffic on a street by obscuring the view.
4. Any sign not firmly supported or not maintained in good condition and repair.

#### 6.A.6. SIGNS PERMITTED WITHOUT A ZONING PERMIT

The following signs are permitted in all zones without a Zoning Permit provided the sign is established and maintained in accordance with the requirements stated herein:

Type of Sign	Maximum Sign Area	Maximum Number
1. <b>Residential Use Sign</b> –Sign (wall, projecting, or free-standing) accessory to a residential use	4 SF	1 per property
2. <b>Farm Use Sign</b> - Sign (wall, projecting, or free-standing) accessory to a farm use	6 SF	1 per property
3. <b>Farm Stand Signage</b> – Temporary sign accessory to a farm stand during the period of operation.	12 SF	1 per property
4. <b>For Sale / Lease Sign</b> - Temporary sign accessory to the sale, lease, or rental of the premises, removed upon sale or lease.	6 SF	1 per property
5. <b>Construction Sign</b> - Temporary sign on the premises where construction, repair or renovation is in progress, removed upon completion of construction	6 SF	1 per property
6. <b>Yard Sale Signage</b> - Temporary signs for yard sales (displayed no more than 7 days before the event and removed within 2 days after the event)	6 SF	1 per property
7. <b>Security Signage</b> - No trespassing and/or security signage provided no advertising matter is included	1 SF	Spaced at least 50 feet apart

**6.A.7. SIGNS PERMITTED IN A RESIDENTIAL ZONE**

The following signs are permitted in a Residential Zone provided the sign is established and maintained in accordance with the requirements stated herein (signs requiring Special Exception approval may be approved by the Commission as part of the original approval of the use):

Type of Sign	Maximum Sign Area	Maximum Number	Type of Permit
1. <b>Institutional Signage</b> – Sign (wall, projecting, or free-standing) associated with an institutional use (such as charitable, religious, government, educational, institutional, or non-profit service use) located at least 5 feet from property line.	16 SF	1 per property	Special Exception

**6.A.8. SIGNS PERMITTED IN A BUSINESS ZONE**

The following signs are permitted in a Business Zone provided the sign is established and maintained in accordance with the requirements stated herein (signs requiring Special Exception approval may be approved by the Commission as part of the original approval of the use):

Type of Sign	Maximum Sign Area	Maximum Number	Type of Permit
1. <b>Business Use Signage</b> –			
a. Wall sign - 1 SF per LF of building frontage of space occupied	As indicated	1 per occupant	Zoning Permit
b. Projecting sign (in lieu of a wall sign) not projecting more than 5 feet from the face of the building and not projecting above the wall to which the sign is attached	12 SF	1 per occupant	Zoning Permit
c. Wall sign – Larger than above or more than one sign per business or occupant	As approved by PZC	As approved by PZC	Special Exception
d. Free-standing sign (in addition to wall sign) not more than 10 feet high and located at least 5 feet from property line:		1 per property	Site Plan Approval
• One (1) business	12 SF		
• Two (2) businesses	16 SF		
• Three (3) businesses	24 SF		
• Four (4) or more businesses	Up to 48 SF	1 per property	Special Exception
2. <b>Temporary Business Signage</b> – A portable sign displayed when the business is open..	6 SF	1 per business	No Zoning Permit Required
3. <b>Institutional Signage</b> – Sign (wall, projecting, or free-standing) associated with an institutional use (such as charitable, religious, government, educational, institutional, or non-profit service uses) located at least 5 feet from property line.	16 SF	1 per property	Special Exception

**6.A.9. SPECIAL PROVISIONS**

1. **Off-Premises Signage** - In the General Business zone, an off-premises sign may be approved as a Special Exception by the Commission for the purpose of providing identification and direction to uses which do not have frontage on a main street subject to the following standards and requirements:
  - a. An off-premises sign shall only be permitted at a street intersection.
  - b. The application shall include a rendering of the proposed sign and the applicant shall demonstrate to the satisfaction of the Commission that the size, location, and design of the sign is compatible with the character of the community and the location where proposed.
  - c. The Commission shall request the review and comment of:
    - The Board of Selectmen on a proposed off-premises sign located in a Town-owned right-of-way and shall not approve such a sign where opposed by the Board.
    - The Connecticut Department of Transportation (CT-DOT) on a proposed off-premises sign located in a State-owned right-of-way and shall not approve such a sign unless authorized by the CT-DOT.
  - d. The sign shall be constructed and maintained as approved by the Commission.
2. **Sign Lighting** –
  - a. Signs may be externally illuminated with light sources shielded so as to comply with the exterior lighting provisions of these Regulations (see Section 6.C).
  - b. Internally illuminated signs may only be allowed in a General Business (GB) zone and only when specifically approved by the Commission by Special Exception.
  - c. No sign lighting shall be flashing or intermittent or of variable intensity.
  - d. Sign lighting shall be limited to the hours when the use or activity is open to the public.
3. **Sign Motion** – No sign or any part thereof shall be moving whether by mechanical or other means.
4. **Event Signage** - Temporary signs advertising a major local public or semi-public event sponsored by a civic, religious, or non-profit organization shall be exempt from these Regulation provided the signs are displayed no more than 35 days before the event and removed 2 days after the event.

## 6.B. PARKING AND LOADING

### 6.B.1. PURPOSE

This Section of the Regulations is intended to require that buildings, structures and uses of land be provided with a sufficient number of off-street motor vehicle parking spaces to meet the needs of persons who may reasonably be expected to use such buildings or structures or to make such uses of land.

### 6.B.2. NUMBER OF SPACES

1. Unless modified by the Commission as provided in Section 6.B.3, off-street parking spaces as indicated in the following table shall be provided and maintained for the following uses in connection with the use, substantial change in use, construction, conversion, or increase in intensity of use of buildings or structures:

Use	Minimum Parking Spaces Required
1. Single family residence / Accessory dwelling units	2 spaces / dwelling unit
2. Multi-family residence	2 spaces / dwelling unit
3. Home-based business	1 space / employee plus 2 additional spaces when there will be customers / clients
4. Retail stores	4 spaces per 1,000 SF of GFA
5. Personal service establishments	4 spaces per 1,000 SF of GFA
6. Restaurant, night club, bar, grill, or other eating place	6 spaces per 1,000 SF of GFA
7. Offices, financial institutions, and similar business buildings	4 spaces per 1,000 SF of GFA
8. Hotel, motel, country inn or other places for transient lodging	1 space per guest room
9. Churches and places of worship, lodges, and places of public assembly	1 space per 4 seats in the portion of the building used for services
10. Convalescent homes, hospitals, etc.	2 spaces per 1,000 SF of GFA
11. Institutions, recreation facilities, clubs, and similar uses	3 spaces per 1,000 SF of GFA or as otherwise determined by the Commission
12. Uses not listed in this Section	Determined by the Commission based on a similar use in the table or other information

2. Handicap parking space shall be provided for all non-residential uses in number and design as specified by the laws and regulations of the State of Connecticut (State Building Code) and no new structure, addition, or use shall receive a Certificate of Occupancy until the required handicap parking has been provided, striped, and signed as provided by current specification.
3. On any lot developed for business, industrial or institutional use, there shall be adequate space suitably located on the lot for the loading and unloading of goods and materials. In determining the adequacy and suitability of location, the Commission shall consider the nature of the use, volume of vehicular and pedestrian traffic and the location of the principal building in relation to the street.

**6.B.3. POTENTIAL REDUCTION IN NUMBER OF SPACES**

1. **Temporary Installation Deferment** – Where an applicant is able to demonstrate that the number of parking spaces as required by this Section will not be utilized but the Commission is unwilling to grant a permanent reduction, the Commission may defer the immediate installation of up to 50 percent of the parking spaces required by this Section. The site plan shall demonstrate where and how such spaces can be provided if and when needed. The terms and conditions for completion of the parking area as determined by the Commission shall be clearly set forth in notations on the approved site plan and approved by the Commission. No above ground improvements shall be placed or constructed upon such reserve parking area.
2. **Permanent Reduction** - In the event that an applicant believes that the required parking amounts are in excess of what is needed for a proposed use, an applicant may request a permanent reduction in parking space requirements provided:
  - a. The applicant shall submit justification to the Commission for a reduction in parking space requirements for current and future uses citing actual on-site data or information from qualified sources.
  - b. The Commission may require the submission of a parking demand analysis as part of any such request for such modification to the general parking requirements.
  - c. The Commission will consider and act on this request concurrent with and as part of the full development application process.
3. **Permanent Shared Use / Mixed Use Reduction** - In developments where parking demand and/or supply may be mitigated by cooperative agreements between different properties and/or different land uses, Commission may accept a lesser number of spaces than required by these Regulations provided:
  - a. The applicant shall submit a parking demand analysis that demonstrates parking demand patterns with regard to existing and future uses,
  - b. The applicant shall submit evidence of long-term agreements (if any) documenting how parking and access will be shared among adjacent properties,
  - c. The parking demand analysis must be approved by the Commission and will serve as the basis for determination of required parking at the property.

**6.B.4. OTHER REQUIREMENTS**

1. All premises shall have parking spaces covered by an all-weather surface off the street right-of way. On any lot developed for business, industrial or institutional use, the all-weather surface shall generally be pavement although the Commission may approve parking on grass or other pervious surfaces in some low-use areas.
2. Each parking space shall be at least 10 feet wide and 20 feet long although the Commission may authorize the use of 9' by 18' spaces for pre-existing uses or upon request.
3. In any parking area with 10 or more spaces, the spaces shall be striped.
4. Each parking space shall have adequate maneuvering area (generally a 24-foot-wide aisle) and unimpeded access to a street or highway.
5. All required parking spaces shall be located on the same lot as the building served, except for non-residential parking which may be located within 500 feet of the building served.



**6.C. EXTERIOR LIGHTING****6.C.1. PURPOSE**

The purpose of This Section is to provide specific standards in regard to lighting in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to avoid unnecessary upward illumination, to avoid illumination of adjacent properties, and to reduce glare.

**6.C.2. APPLICABILITY**

This Section applies to any outdoor lighting fixture installed, modified, or refurbished on all non-residential uses, all sites located in non-residential zones, and Special Exception uses in residential zones. Traditional seasonal lighting and temporary lighting used by police and fire departments and emergency services are exempt from these Regulations. Illumination of the United States Flag in accordance with Title 4 of the United States Code shall also be exempt from these Regulations.

**6.C.3. STANDARDS**

1. The maximum amount of illumination allowed on a property shall be determined by the lighting zone and the amount of hardscape (permanent improvements to the site including parking lots, drives, entrances, walkways, ramps, stairs, and similar impervious surfaces on the property – but not including the building area) as provided in the following table:

Zoning Districts	Lighting Zone	Allowed Lumens Per SF of Hardscape
R-1 District	LZ-1	1.25
R-2 District	LZ-0	0.50
GB District	LZ-2	2.50

From the Model Lighting Ordinance prepared by the Illuminating Engineering Society and the International Dark Sky Association (2011)

2. A lighting plan shall be considered compliant if the illumination levels generated are less than the maximum amount of illumination as calculated above. The illumination levels of a lighting plan shall be determined by summing the “initial luminaire lumens” (lamp lumens multiplied by the luminaire efficiency).

EXAMPLE			
Lamp Description	Initial Luminaire Lumens	Quantity	Total Lumens
70 W Metal Halide	3,920	3	11,760
150 W Metal Halide	9,600	1	9,600
18 W LED	1,020	3	3,060
TOTAL LUMENS PROPOSED			24,420
Lumens allowed assuming 10,000 SF of hardscape in a GB District			25,000
Since 24,420 lumens provided is below the 25,000 lumens allowed			Lighting Plan complies

From the Model Lighting Ordinance prepared by the Illuminating Engineering Society and the International Dark Sky Association (2011)

3. In the following cases, the Commission may, by Special Exception, modify the requirements of this Section provided it determines that such modification is consistent with the purpose of these Regulations:
  - a. Where an applicant can demonstrate by means of a history of vandalism or other objection means that an extraordinary need for security exists.
  - b. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas.
  - c. Where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation.
  - d. Where special lighting is indicated for historic buildings.
  - e. Where special consideration is given to maintain a uniformity with similar uses in the vicinity.
4. All exterior lights and illuminated signs shall be designed, located, installed, and directed in such a manner as to minimize direct light trespass across property lines and disability glare at any location on or off the property:
  - a. In all residential zones and areas adjacent to residential property, no direct light source shall be visible at the property line at ground level or above.
  - b. All lighting for parking and pedestrian areas shall be full cut-off type fixtures (a light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90-degree horizontal plane from the base).
  - c. All building lighting for security or aesthetics shall be full cut off or a fully shielded/recessed type, not allowing any upward distribution of light.
  - d. Lighting for signs, display, building and aesthetics shall be shielded to prevent direct glare and/or light trespass and shall, as much as physically possible, be contained to the target area.
  - e. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
  - f. Ornamental lighting to highlight flagpoles, sculptures, trees, or other aerial features is discouraged.
5. All non-essential lighting, except signs, shall be required to be turned off after business hours, leaving only the necessary lighting for site security (motion or infrared sensor lighting is encouraged).
6. The height of luminaires on private property shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 24 feet from the ground directly below the centerline of the luminaire to the lowest direct light-emitting part of the luminaire.

#### 6.C.4. LIGHTING PLAN

In order to determine compliance with these standards, lighting associated with all non-residential uses, all sites located in non-residential zones, and Special Exception uses in residential zones shall be reviewed as part of a site plan application and/or a Special Exception application, unless waived in writing by the Commission, and a lighting plan shall be submitted as part of the application showing:

1. The location, height, and type of any outdoor lighting luminaires, including building mounted fixtures.
2. The luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, the type of lamp (light emitting diode, metal halide, compact fluorescent, high pressure sodium).

## 6.D. LANDSCAPING

### 6.D.1. PURPOSE

The purpose of this section is to establish landscape standards compatible with the rural character of the Town, to retain natural vegetation for scenic and water quality purposes, and to enhance the appearance of public areas, such as parking lots.

### 6.D.2. STANDARDS AND REQUIREMENTS

For all non-residential uses, all sites located in non-residential zones, and Special Exception uses in residential zones, the portion of a lot not covered by buildings, other structures, outside storage or paved areas shall be suitably landscaped with trees, shrubs, lawns, or other landscape materials as provided below:

1. Existing suitable landscape materials shall be preserved where practical and shall be designed with new planting to reduce the visual and audio impacts, glare, and heat. Natural stands of trees and shrubs shall be preserved wherever possible. Areas not disturbed by filling, grading, excavation, or other construction activity, shall be wherever possible left as natural vegetation.
2. Landscaping shall be provided to mitigate the visual impact of the development upon the surrounding land uses and as viewed from public streets or State highways serving the site. In addition, the landscaping shall be designed to mitigate the visual impact of the proposed development upon the existing and the possible future development of the area surrounding the site.
3. In parking lots of 25 or more parking spaces, at least 10% of the parking area shall be suitably landscaped with appropriate trees, shrubs, and other plant materials, subject to approval of the Commission, based upon consideration of the adequacy of landscaping to provide a safe, convenient, and attractive parking lot.
4. A landscape buffer shall be provided between any use in a non-residential zone and an adjacent residential zone or between any non-residential or multi-family residential use and adjacent uses in a residential zone and:
  - a. Such buffer shall be at least 50 feet deep for a non-residential use and at least 20 feet deep for a multi-family residential use.
  - b. Such buffer shall be planted to provide screening and separation with continuous evergreen trees or hedges having a minimum height of five feet.
  - c. No paving is allowed within the buffer.
5. Landscape screening shall be provided for any objectionable area or view that is visible from adjacent properties or from the street, including but not limited to, loading areas, refuse storage or ground fixed mechanical equipment and acceptable screening materials shall include evergreen hedges, fences providing visual screening, masonry walls or any combination to the above materials:
6. The Commission may reduce or waive the buffer requirement and/or screening requirement when separation distance, topography, or natural vegetation already provides an effective buffer or screen or when the Commission finds that the substitution of landscape screening with appropriate embankments, fences and/or walls will accomplish the intended purpose.

## Section 6.D

### STANDARDS LANDSCAPING

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7. Clear-cutting or harvesting of trees within such buffer areas and/or screening areas, once established, is expressly prohibited without prior Commission approval.
8. Plant materials shall be nursery grown, conform to standards of ANSI 260-1 American Standards for Nursery Stock and, unless otherwise specifically requested by the applicant and authorized by the Commission, be of the following size or larger:

Plant Material	Minimum Specification
1. Large, deciduous shade trees (example: maple, oak, ash, linden)	Single stem / 3" caliper at 6" above ground
2. Ornamental deciduous trees (example: crabapple, cherry, magnolia, flowering dogwood)	Single stem / 2" caliper at 6" above the ground
3. Evergreen trees (example: pine, spruce)	Single stem / Minimum of 6' in height
4. Deciduous shrubs	18" to 24" in size
5. Broadleaf evergreen shrubs (example: rhododendron)	24" in spread or height
6. Container grown shrubs	3 gallons
7. Ground covers	2-years old
8. Vines	Five leaders of 6" length

#### 6.D.3. LANDSCAPE PLAN

1. In order to determine compliance with these standards, landscaping shall be reviewed as part of a site plan application and/or a Special Exception application, unless waived in writing by the Commission, and a landscaping plan prepared by a registered landscape architect shall be submitted as part of the application. The Commission may also require a landscaping plan for any use involving outside storage of goods, materials, or machinery.
2. The landscaping plan shall include a plant list of all landscape materials including English and Latin names, size branching height, root form (bare root or balled in burlap), quantity of each species and remarks regarding planting and care.
3. Prior to issuance of a Certificate of Zoning Compliance, the Commission may require that a financial guarantee be provided to ensure the completion of the landscape plan.

#### 6.D.4. MAINTENANCE:

1. The property owner is responsible for proper maintenance of all landscape areas approved by the Commission as part of a site plan application and/or a Special Exception application.
2. Landscaping shall be maintained in a healthy, growing condition at all times including regular weeding, mowing of grass, irrigating, fertilizing, pruning, replacement of dead or diseased plants, and other operations necessary for proper care.

## **6.E. STORMWATER MANAGEMENT**

### **6.E.1. PURPOSE**

This Section of the Regulations is intended to:

- Minimize pollution from stormwater runoff ,
- Mitigate impacts to the hydrologic system from development,
- Reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by stormwater runoff, and
- Promote the application of Low Impact Development (LID) strategies.

### **6.E.2. GENERAL STANDARDS**

1. No structure shall be used, erected, or expanded and no land shall be graded or hard surfaced unless provisions have been made and approved by the Zoning Enforcement Officer for the proper disposal of drainage water, particularly from parking areas and driveways, from areas contiguous to property lines and from low areas which tend to collect drainage water. The Commission may retain a professional engineer, at the applicant's expense, to review the proposed drainage design.
2. Said disposal shall not increase peak runoff onto nearby properties or public roadways, except as permitted by law.
3. Disposal of driveway surface water onto a public street or State highway is prohibited and cellar or groundwater interceptor drains shall not be permitted to drain onto a public street or State highway.

### **6.E.3. LOW IMPACT DEVELOPMENT REQUIREMENTS**

1. The low impact development (LID) requirements in this Section 6.E.3 shall apply to any application for subdivision approval, site plan approval, and/or Special Exception approval, where such application will result in any of the following:
  - a. Any commercial or industrial building.
  - b. Three or more new dwelling units (except that an accessory dwelling unit shall not count toward this threshold).
  - c. A new road or common driveway serving three or more lots.
  - d. One or more acres of impervious surface (including any existing impervious surface) upon project completion.
  - e. Impervious surface area after construction exceeding 30 percent of the total site area.
  - f. One or more acres of land disturbance.

Notwithstanding the above, the following activities are exempt from the LID requirements:

- Development of a single-family house and/or accessory uses on a lot which existed as of May 28, 2008.
- Forestry operations that comply with the Connecticut DEEP "2007 Connecticut Field Guide, Best Management Practices for Water Quality While Harvesting Forest Products" as amended.
- A Farm but not a Farm Brewery/Farm Winery/Farm Distillery.

## Section 6.E

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### STANDARDS

#### STORMWATER MANAGEMENT

2. Unless modified by the Commission by Special Exception as provided in Section 6.E.3.5 below, any development activity referenced in Section 6.E.3.1 above shall implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (CSQM), as amended:
  - a. Pollutant Reduction (CSQM Section 7.4).
  - b. Groundwater Recharge and Runoff Volume Reduction (CSQM Section 7.5).
  - c. Peak Flow Control (CSQM Section 7.6) for the 10-year, 25-year, and 100-year storm events.

In the design of a stormwater management system, design professionals may utilize low impact development techniques as contained in the Connecticut Stormwater Quality Manual, as amended.

3. For any development activity referenced in Section 6.E.3.1 above, the application shall contain a report and drawings including an executive summary, drainage area maps, calculations, descriptions, maintenance plan (including identification of the party responsible for maintenance), and other data sufficient to demonstrate compliance with these standards.
4. The following note shall be placed on the design plans for each project requiring stormwater treatment or storm water detention facilities and such plans shall be filed in the town land records.

*"This property contains a stormwater treatment facility that is a condition of approval to develop the property and it shall be maintained by the property owner for the entire life of the project. The facility shall not be altered, except for maintenance as described in the facility's maintenance plan, without the approval of the regulatory agency granting the project approval."*

5. The Commission may, by Special Exception, modify the requirements of this Section provided that adequate information has been submitted by a professional engineer to evaluate the request and the Commission has received a report from a professional engineer hired by the Commission at the applicant's expense (in accordance with Section 8.H.5) providing a positive recommendation regarding the modification.
6. By filing a land use application with the Town of Colebrook, the property owner shall be deemed to have consented to inspections and remedial work by the Town or its agents following reasonable notice under the circumstances.

#### 6.E.4. MAINTENANCE

1. The ability of any stormwater facility to treat or detain stormwater shall not be removed or diminished without the approval of the Commission.
2. The responsible party shall be identified as part of the application and such party shall be responsible for:
  - a. Inspecting stormwater facilities on a regular basis as outlined in the maintenance plan.
  - b. Performing routine maintenance in a timely manner in accordance with the approved plan and permit conditions.
  - c. Identifying and performing non-routine maintenance on an as-needed basis.
  - d. Submitting a signed statement to the Colebrook land use office once per year indicating that the stormwater facility has been properly maintained and is functioning as intended. The Town may require that the statement be signed by a Licensed Professional Engineer or Landscape Architect.
3. Failure to perform maintenance in accordance with the plan and permit conditions shall constitute a violation of the land use approval granted, and may result in enforcement action as authorized by applicable law, including the use of financial guarantees to remedy any such violation.

## **6.F. SOIL EROSION AND SEDIMENT CONTROL**

### **6.F.1. PURPOSE**

This Section of the regulations is intended to prevent or minimize soil erosion and sedimentation as part of any development activity within Colebrook.

### **6.F.2. GENERAL REQUIREMENTS**

1. All development shall establish, implement, and maintain soil erosion and sediment controls in effective condition in accordance with the publication entitled “Connecticut Guidelines for Soil Erosion and Sediment Control”, as amended.
2. Erosion and sediment control measures and facilities shall be in place prior to the start of development.
3. During development, the Zoning Enforcement Officer may inspect the site at any time to review sediment and erosion control measures, ensure compliance with any approved Control Plan, and ensure that control measures and facilities have been properly performed, installed, and maintained.

### **6.F.3. CONTROL PLAN REQUIRED**

1. A soil erosion and sediment control plan (“Control Plan”) prepared in accordance with “Connecticut Guidelines for Soil Erosion and Sediment Control”, as amended, shall be required in conjunction with any application for development when the cumulative disturbed area is more than 1/2 acre except that a single-family dwelling that is not a part of a subdivision of land shall be exempt from the requirement to submit a Control Plan.
2. The Control Plan shall identify 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 principles, methods, technology, and practices as found in the “Connecticut Guideline for Soil Erosion and Sediment Control”, as amended.
3. All development with an approved Soil Erosion and Sediment Control Plan shall establish, implement, and maintain such soil erosion and sediment controls in effective condition in accordance with such approved Control Plan.
4. Alternative principles, methods, and practices from those found in the Connecticut Guideline for Soil Erosion and Sediment Control, as amended, may be used with prior approval of the Commission.
5. The Commission may require a financial guarantee to guarantee completion of the proposed erosion and sediment control measures.

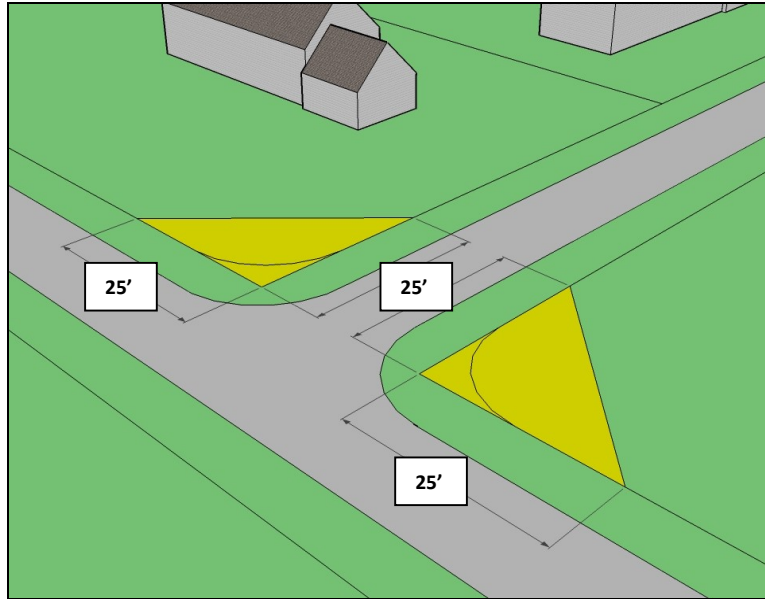
## **6.G. FENCES AND WALLS**

1. The yard requirements of these Regulations shall not be deemed to prohibit any retaining wall or any fence, wall, or other barrier to contain noise or provide screening provided that:
  - a. No wall or fence shall exceed six feet in height measured above the natural grade within a required setback unless specifically approved by the Commission.
  - b. Other provisions of this Section are complied with
2. A fence in excess of six feet in height measured above the natural grade shall:
  - a. be considered a structure requiring a Zoning Permit, and
  - b. comply with all setbacks.
3. A fence or wall within 15 feet of a street line shall:
  - a. Not require a Zoning Permit if less than 3 feet high.
  - b. Obtain a Zoning Permit if 3 feet to 6 feet tall, and
  - c. Obtain approval from the Commission if more than 6 feet tall.
4. A fence or wall within 15 feet of a street line shall not be installed in such a way as to present an unsafe obstruction to vision from any street intersection or existing driveway.
5. Within the R-1 Residential District, village district review is required if the fence is visible from the street. )
6. All walls and fences shall be subject to the requirements of Section 6.G.



**6.H. ACCESS AND SAFETY**

1. On a corner lot, no planting, structure, fence, walls, or other obstructions to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and points 25 feet distant from that point of the intersection.



2. As part of any application to the Commission, the applicant shall demonstrate to the Commission's satisfaction that the location of any points of ingress and egress relative to existing roadways and intersections and the safety of and operation of such driveways relative to overall traffic flow will not create a hazard or a threat to public safety.
3. As part of any application to the Commission, the applicant shall demonstrate to the Commission's satisfaction that the accessibility of emergency vehicles and equipment will be adequate and appropriate .
4. As part of any application to the Commission, the applicant shall demonstrate to the Commission's satisfaction that the internal circulation system, including the arrangement of off-street parking facilities, will provide safe and convenient access to all structures, uses, parking spaces and loading spaces.
5. As part of any application to the Commission, the applicant shall demonstrate to the Commission's satisfaction that the grade of exit or entrance drives is appropriate and will not create a hazard or a threat to public safety.

**6.I. JUNK**

1. Junkyards are prohibited.
2. The outdoor accumulations or storage of trash, rubbish, debris, building materials, inoperable motor vehicles, and parts of motor vehicles or construction equipment in such a manner as to be generally visible from the street or adjoining property is prohibited in all zoning districts.
3. Not more than one unregistered vehicle per residence is allowed except that operational farming equipment located on an operating farm and pertaining to the farming operation shall not be subject to this limitation.

**6.J. WATER PROTECTION****6.J.1. PURPOSE**

This Section of the Regulations is intended to address activities which pose a potential threat to water supply and/or quality.

**6.J.2. STANDARDS**

1. Road salt storage and loading facilities are prohibited except in weathertight buildings.
2. Disposal of waste in sanitary landfills and dumps is prohibited.
3. Disposal of septage in lagoons is prohibited.
4. New underground fuel storage is prohibited.
5. No part of a subsurface sewage disposal system shall be located closer than 100 feet from any surface watercourse, or the minimum distance required by the State Health Code, whichever is greater.
6. All areas designated for the loading, handling, or storage of toxic wastes, including areas where motor vehicles may be repaired or serviced, shall have a ground or floor surface designed to collect and contain accidental spills of toxic materials.
7. Uses identified as posing a "substantial risk" or a "major threat" to ground water quality by the Connecticut Department of Energy and Environmental Protection in "*Protecting Connecticut's Groundwater -A Guide to Groundwater Protection for Local Officials*" (1984) shall not be permitted including but not limited to furniture stripping, photo processing, beauty salons and major appliance repair.
8. A use involving the storage, use of, and/or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to groundwater quality based upon the type of use, the amount and type of hazardous materials involved and the adequacy of plans submitted by the applicant for hazardous material use, storage, and disposal.

## 7. SPECIAL PROVISIONS

### 7.A. DIMENSIONAL EXCEPTIONS

#### 7.A.1. POSSIBLE EXCEPTIONS TO LOT AREA REQUIREMENTS

*See Section 5.H for Interior Lots*

*See Section 5.I for Estate Lots Served by A Common Driveway*

*See Section 5.L for Open Space Developments*

1. For lots which legally existed prior to May 28, 2008 (date of establishment of buildable area requirements) as evidenced by deed recorded in the office of the Town Clerk:
  - a. Such lot shall not be considered a non-conforming lot with regard to the buildable area requirement,
  - b. New structures (or the expansion of existing structures) may be constructed outside the buildable area provided a Special Exception is obtained from the Commission.
  - c. In deciding on the Special Exception, the Commission may impose such conditions that most closely conform to the buildable area requirements.
2. For any lot, the Commission may, by Special Exception, allow structures and septic systems outside of the buildable area if the placement will result in less grading and other disturbances to the natural environment or preserve a scenic view or significant natural feature.

#### 7.A.2. EXCEPTIONS TO SETBACK REQUIREMENTS

*See Section 5.L for Open Space Developments*

**7.A.3. EXCEPTIONS TO HEIGHT LIMITATION**

1. The provisions of these Regulations limiting the maximum height of buildings shall not restrict the height of a chimney, flagpole, or a radio or television antenna accessory to a permitted use provided such height is not greater than 50 feet.
2. The provisions of these Regulations limiting the maximum height of buildings shall not restrict the height of a church spire, tower or belfry, or water tank provided such height is not greater than 75 feet.
3. The provisions of these Regulations limiting the maximum height of buildings shall not restrict the height of a radio tower or wind turbine accessory to a permitted use provided such height is not greater than 100 feet.

**7.A.4. OTHER DIMENSIONAL EXCEPTIONS**

1. *(Reserved)*

**7.B. NON-CONFORMING CONDITIONS****7.B.1. NON-CONFORMING LOTS**

A legal non-conforming lot may be used, and a structure thereon may be constructed, reconstructed, enlarged, extended, moved, or altered, provided that the use or structure shall conform to all other requirements of these Regulations.

**7.B.2. NON-CONFORMING USES**

1. A legal non-conforming use of land, where no structure is involved, may be continued, provided that:
  - a. It shall not be enlarged or increased, nor moved, nor extended to occupy more land than at the effective date of these Regulations.
  - b. Any structure erected in connection with the non-conforming use shall be in conformity with these Regulations.
2. If a non-conforming use of land is changed to a conforming use, the non-conforming use shall be considered abandoned and the future use of the land shall be in conformity with these Regulations.
3. Legal non-conforming uses of structures, or of structures and land in combination:
  - a. A structure, the use of which is non-conforming, shall not be enlarged, extended, altered, reconstructed, or moved, unless the use therein is changed to a conforming one.
  - b. A legal non-conforming use may be extended only throughout those parts of the structure which were manifestly arranged or designed for such use at the effective date of these Regulations. No such use shall be extended to occupy any land outside such building.
  - c. A non-conforming use may be changed to a conforming use or, subject to the approval of a Special Exception, to another non-conforming use determined by the Commission to be less non-conforming than the present non-conforming use. If there is no present use, the basis shall be the immediate prior use, not any past or potential use. In making this determination, the Commission shall find that:
    - i. The proposed use by its nature shall not generate a greater volume of traffic nor a more intense type of traffic.
    - ii. The proposed use is more suitable to the site and the neighborhood than the present use, based upon the recommendations in the Town Plan of Conservation and Development.
  - d. If a non-conforming use of a structure is changed to a conforming use, or if the structure is moved any distance for any reason, then its future use shall be in conformity with these Regulations.
  - e. Any structure legally non-conforming, in use, which is damaged or destroyed by fire, flood, explosion, act of God or the public enemy, may be restored and the use continued, but not to any greater extent than in the previously existing structure.
4. If a non-conforming use of structures, or of structures and land in combination is changed to a conforming use, the non-conforming use shall be considered abandoned and the future use of the land shall be in conformity with these Regulations.

## Section 7.B

### SPECIAL PROVISIONS

#### NON-CONFORMING CONDITIONS

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PROPOSED REGULATIONS– May 4, 2021

#### 7.B.3. NON-CONFORMING STRUCTURES

1. A non-conforming structure shall not be enlarged except in conformity with these Regulations.
2. A non-conforming structure damaged or destroyed by fire, flood, explosion, act of God or the public enemy may be restored and used as before. Restoration of non-conforming structures shall not further reduce established setbacks nor increase their cubic contents, or the lot area occupied.
3. A non-conforming structure which is moved for any reason and for any distance shall thereafter conform to the regulations for the zone in which it is located.

## 8. PROCEDURES

### 8.A. ZONING PERMIT / CERTIFICATE OF ZONING COMPLIANCE

#### 8.A.1. APPLICABILITY

1. Until the Zoning Enforcement Officer has issued a Zoning Permit or a Certificate Of Zoning Compliance which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals:
  - a. No building, structure or part thereof shall be constructed, reconstructed, altered, extended, enlarged, moved, gutted, or occupied;
  - b. No building or land shall be first occupied or used;
  - c. No use of an existing building or land shall be changed;
  - d. No Building Permit, including a permit for a building foundation, shall be issued; and
  - e. No use of an existing structure shall be undertaken or changed.
2. No Zoning Permit will be issued for any lots within a subdivision or resubdivision until a financial guarantee has been posted in accordance with the Colebrook Subdivision Regulations securing the subdivision improvements, or in lieu thereof, the subdivision improvements have been completed to the satisfaction of the Commission.
3. A Zoning Permit application shall not be needed for interior alterations, provided there is no change of use.

#### 8.A.2. APPLICATION PROCEDURES AND REQUIREMENTS

1. **Application Form** - An application for a Zoning Permit shall be made on a form to be furnished by the Commission.
2. **Plan Requirements** - An application for a Zoning Permit shall be accompanied by plans and/or other information sufficient to demonstrate compliance with the requirements of these Regulations.

For a single-family dwelling or a permitted accessory structure or use, the application shall include a plot plan or survey showing property owner and adjacent owners, size, and location of buildings (existing and proposed), sanitary sewage facilities, water supply, proposed driveway locations, proposed use of property and such other information as the Zoning Enforcement Officer may deem reasonably necessary to determine and provide for the enforcement of these Regulations.

For uses other than single family dwellings or permitted accessory structures and uses, the Zoning Permit application shall be accompanied by a site plan. Such site plan shall conform to the specifications of Section 8.C of these Regulations and shall be reviewed and approved by the Zoning Enforcement Officer before a Zoning Permit is issued.

3. **Location Verification** –
  - a. After the foundation has been completed and prior to any additional construction thereon, the Zoning Enforcement Officer may order the submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the foundation on the site.
  - b. Such order shall be in writing and shall state the reasons such survey is warranted.
  - c. No building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the Zoning Enforcement Officer or the Commission as complying with the Zoning Permit and all applicable provisions of the Zoning Regulations.
  - d. Failure to submit a certified plot plan may result in a demolition order for that portion of the building in violation of these Regulations.
  - e. Upon confirmation that the location of said foundation is in compliance with these Regulations and any permit issued therefore, additional construction may proceed.
4. **Final “As Built” Survey** - Prior to the issuance of a Certificate of Zoning Compliance, the Zoning Enforcement Officer and/or the Commission may require an "as-built" survey to ensure compliance with these regulations. Such "as-built" survey shall:
  - a. Be prepared at the same scale as the Site Plan or Sketch Plan by a surveyor registered and licensed to conduct business in Connecticut;
  - b. Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan or Sketch Plan;
  - c. Include a certification as to substantial compliance with the approved Site Plan or Sketch Plan; and,
  - d. List or show all deviations from the approved Site Plan.
5. The Zoning Enforcement Officer shall submit all "as-built" drawings which substantially deviate from the plan approved by the Commission to the Commission for its determination of acceptance or need for amendment to the Commission's approval.

#### **8.A.3. ISSUANCE OF ZONING PERMIT / CERTIFICATE OF ZONING COMPLIANCE**

1. **Issuance** –
  - a. When the Zoning Enforcement Officer and/or the Commission finds, from written application, submitted plans and/or other written and/or graphic information submitted, that a proposed building, structure, or use will conform with the requirements of these Regulations or with a variance granted by the Zoning Board of Appeals, a Zoning Permit (for the proposed building structure, or use) shall be issued.
  - b. When the Zoning Enforcement Office and/or the Commission finds, from written application, submitted plans and/or other information, that a building, structure, or use conforms with the requirements of these Regulations or with a variance granted by the Zoning Board of Appeals, a Certificate of Zoning Compliance (for an existing building, structure, or use) shall be issued.
2. Pursuant to CGS Section 8-3(g), no Zoning Permit will be issued until a decision by the inland wetlands agency, if applicable, has been rendered.
3. Pursuant to CGS Section 8-3(f):
  - a. No Building Permit shall be issued until a Zoning Permit has been issued.
  - b. No Certificate of Occupancy shall be issued until a Certificate of Zoning Compliance has been issued.
4. No Zoning Permit shall be issued for a use requiring Special Exception approval unless such Special Exception has been approved by the Commission.



5. **Temporary Certificate** - If the site improvements cannot be completed because of weather, or if an alteration does not require the vacating of the premises, or if a portion of a building or development is ready for occupancy before the completion of the entire building or development, or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed 180 days, provided that a portion of the posted financial guarantee shall be retained in an amount sufficient to cover the cost of completing the remaining site improvements or, if necessary, a new financial guarantee shall be posted. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Zoning Enforcement Officer and/or the Commission shall then release the financial guarantee.
6. **Void If Information Not Correct** - In the event that any Zoning Permit or Certificate Of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit or Certificate Of Zoning Compliance shall be null and void and shall be revoked.
7. **Notice of Issuance** - In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
  - a. A description of the building, use or structure and its location,
  - b. The identity of the applicant, and
  - c. A statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.

#### 8.A.4. EXPIRATION

1. Unless a shorter time period is specified in these Regulation, any Zoning Permit issued under these Regulations shall automatically expire two (2) years from the date of issuance unless:
  - a. A Certificate of Zoning Compliance has been issued,
  - b. A valid building permit is in effect and is being diligently pursued to completion based on the excavation and construction of a basement, cellar or foundation and the actual placing of construction materials in their permanent position and fastened in a permanent manner, or
  - c. The **Zoning Enforcement Officer** renews the Zoning Permit for one additional period not to exceed twelve (12) months when it has determined that the use, building and/or site development authorized by the Zoning Permit is in conformity with these Regulations.

**8.B. PRE-APPLICATION REVIEWS****8.B.1. OVERALL APPROACH**

1. The Commission recommends that, prior to the submission of an official application, the applicant present a pre-application plan for informal consideration by the Zoning Enforcement Officer.
2. Under extra-ordinary circumstances, a potential applicant may request a pre-application discussion with the Commission and the Commission may allow the submission of a pre-application plan for informal consideration by the Commission.
3. The optional pre-application plan is recommended to facilitate consideration of factors and problems that may be associated with a particular proposal before the applicant proceeds with preparation of official maps, plans and documents required for formal consideration by the Zoning Enforcement Officer and/or Commission.
4. Neither the pre-application plan nor the informal consideration by the Zoning Enforcement Officer and/or Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.
5. In accordance with CGS Section 7-159b, such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or the Commission or other official having jurisdiction to review the proposed project.

## **8.C. SITE PLAN APPLICATION**

### **8.C.1. PURPOSE**

A Site Plan is intended to provide the Commission with information that will enable it to determine that the proposed building, use, or structure is consistent with the requirements of these Regulations.

### **8.C.2. APPLICABILITY**

A Site Plan application shall be submitted:

1. For any activity designated in the Regulations as requiring Site Plan approval.
2. For any activity designated in the Regulations as requiring Special Exception approval.

### **8.C.3. SUBMISSION REQUIREMENTS**

1. A Site Plan application shall be submitted to the Commission or its agent and shall include a completed application form and the appropriate fee.
2. A Site Plan application shall be accompanied by plans and other information sufficient to demonstrate compliance with the requirements of these Regulations (ten printed sets and one electronic PDF set).
3. The Commission may, in accordance with the requirements of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.

### **8.C.4. PROCEEDINGS**

1. The date of receipt for the Site Plan application shall be determined in accordance with Section 8.H.2.
2. An incomplete Site Plan application may be denied in accordance with Section 8.H.3.
3. If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Site Plan application is filed with the Commission.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.H.6.2.
5. Notification to water companies may be required in accordance with the requirements of Section 8.H.6.3.
6. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8.H.6.4.

## Section 8.C

### PROCEDURES

#### SITE PLAN APPLICATION

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PROPOSED REGULATIONS– May 4, 2021

7. Unless an alternative timeframe is provided by CGS Section 8-7d, whenever a Site Plan application is required in conjunction with another application requiring a public hearing (such as a Special Exception application or a Zone Change application):
  - a. The time period for acting on the Site Plan application shall coincide with the time period for acting on the related application, and
  - b. A decision on the Site Plan application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
8. Unless an alternative timeframe is provided by CGS Section 8-7d, whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
9. Unless an alternative timeframe is provided by CGS Section 8-7d, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth (35th) day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The Commission may hold a public hearing on a Site Plan application except that any such hearing shall not alter or change the timeframes in Section 8.C.4.8 of these Regulations.
11. In accordance with CGS Section 8-3(g), a Site Plan shall be presumed approved unless a decision to deny or modify it is rendered within the applicable time period specified above.
12. The applicant may, at any time prior to action by the Commission, withdraw such application.
13. To assist with its consideration of an application for Site Plan approval, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
14. If the Commission requires additional technical assistance in evaluating an application, the expense of such additional technical assistance shall be paid by the applicant.

**8.C.5. CONSIDERATIONS**

1. On a Site Plan application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
  - a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
  - b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.
2. On a Site Plan application involving notice to adjoining municipalities under Section 8.H.6.2 or notice to water companies under Section 8.H.6.3 or notice to DEEP under Section 8.H.6.4, the Commission shall give due consideration to any report or testimony received.
3. On a Site Plan application involving a “village district” established in accordance with CGS Section 8-2j, the Commission shall review the application with the village district considerations as enumerated in Section 8.H.9 of these Regulations.
4. Before the Commission approves a Site Plan application, it shall determine that the application is in conformance with these Regulations.
5. A Site Plan may be approved with modifications by the Commission or denied only if it fails to comply with the standards set forth in these Regulations.
6. In approving a Site Plan application, the Commission may impose conditions deemed necessary to protect public health, safety, welfare, convenience, and/or property values.
7. In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase shall be capable of independent existence without the completion of succeeding phases.
8. As provided in CGS Section 8-3(g), the Commission may, as a condition of approval of a site plan or modified site plan, require a financial guarantee in accordance with Section 8.H.7 to ensure:
  - a. The timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and
  - b. The implementation of any erosion and sediment controls required during construction activities.
9. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.

## Section 8.C

### PROCEDURES

#### SITE PLAN APPLICATION

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PROPOSED REGULATIONS– May 4, 2021

10. When a financial guarantee in accordance with CGS Section 8-3 is required by the Commission, the applicant shall provide a cost estimate of improvements to be guaranteed, together with a description of the basis for the estimate.
11. When a financial guarantee is provided, the financial guarantee shall be held by the Commission and the Commission shall not release the financial guarantee until it has determined that all of the improvements subject to the guarantee have been satisfactorily completed.
12. The Commission may require an "as built" A-2 survey of the lot showing the location of the buildings and improvements to determine compliance with the approved Site Plan.
13. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation unless such Site Plan application will remedy such violation.

#### 8.C.6. ACTION DOCUMENTATION

1. Whenever it grants or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.
2. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. Within fifteen (15) days after approval or denial of a Site Plan, the Commission shall cause notice of such decision to be published in accordance with CGS Section 8-7d (such as a newspaper having a substantial circulation in Colebrook or on the Town website, if permissible by law). In any case where such notice is not published by the Commission, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
4. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period, as set forth in Section 8.C.8 below, expires.

**8.C.7. FOLLOWING APPROVAL**

1. Following approval of a Site Plan application and expiration of the appeal period, one (1) “mylar” of each approved plan shall, unless not required by the Commission, be submitted by the applicant to the Zoning Enforcement Officer for signature by the Chairman:
  - a. Each such plan shall bear the seal and signature of the appropriate professional(s) which prepared the drawing.
  - b. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission and state the date on which the five-year period for completing all work in connection with such Site Plan, as set forth in Section 8.C.8 below, expires.
  - c. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity.
2. Following signature by the Chairman, such plans shall be filed at the applicant’s expense in the Town Clerk’s Office within ninety (90) days after the expiration of the appeal period or conclusion of any appeal and failure to file such plans in the required time frame will render the approval null and void.
3. Any plans to be filed in the Town Clerk’s Office shall be accompanied by an electronic file of the map in PDF format.
4. Such plans shall be so filed before any Zoning Permits are issued for the activities shown on the approved plan.
5. All site improvements shall be carried out in strict compliance with the Site Plan approved by the Commission. Minor amendments to the approved Site Plan may be approved only in writing by the Zoning Enforcement Officer upon the written request of the applicant. All other amendments or modifications to the Site Plan shall require the approval of the Commission.
6. All conditions and improvements shown on the approved Site Plan shall continue in force as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

**8.C.8. EXPIRATION AND COMPLETION**

1. All work in connection with a Site Plan shall be completed within the time periods as set forth in Section 8-3 of the General Statutes. All extensions and requests therefor shall also be governed by the provisions of said Section 8-3.
2. The Commission may condition the approval of such extension on a determination of the adequacy of any financial guarantee in accordance with Section 8.H.7 or other surety.

**8.D. SPECIAL EXCEPTION APPLICATION****8.D.1. APPLICABILITY**

1. A Special Exception application shall be submitted for any activity designated in the Regulations as requiring Special Exception approval.
2. All Special Exception uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case.

**8.D.2. SUBMISSION REQUIREMENTS**

1. A Special Exception application submitted to the Commission or agent shall include a completed application form and the appropriate fee.
2. Each application for a Special Exception shall be accompanied by detailed plans unless the Commission or its designee finds that there are no physical changes proposed to the site or any building or structure and the submission of detailed plans is not necessary for the Commission to evaluate the proposal (ten printed sets and one electronic PDF set).
3. Each application for a Special Exception shall be accompanied by an operations / management describing in sufficient detail how the proposed use will be operated and managed so that the Commission can determine whether the proposed use complies with these Regulations (ten printed sets and one electronic PDF set).
4. The Commission shall not be required to hear an application relating to the same request or substantially the same request, more than twice in a twelve-month period.
5. Notwithstanding the basic submission requirements, the Commission may require the submission of such additional information as the Commission deems necessary to determine compliance of the proposed use with these Regulations.

**8.D.3. PROCEEDINGS**

1. The date of receipt of the Special Exception application shall be determined in accordance with Section 8.H.2.
2. An incomplete Special Exception application may be denied in accordance with Section 8.H.3.
3. If a Special Exception application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the Commission.
4. The Commission shall hold a public hearing on the Special Exception application and publish a legal notice in accordance with the requirements of Section 8.H.6.1 of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.H.6.2.



6. Notification to water companies may be required in accordance with the requirements of Section 8.H.6.3.
7. Notification to the Department of Energy and Environmental Protection (DEEP) may be required in accordance with the requirements of Section 8.H.6.4.
8. The Commission shall process the Special Exception application within the period of time provided under CGS Section 8-7d such as:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application,
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing, and
  - d. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
9. Unless an alternative timeframe is provided by CGS Section 8-7d, if an application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

#### 8.D.4. SPECIAL EXCEPTION CRITERIA

In considering an application for a Special Exception, the Commission may use the following criteria to evaluate the application with respect to suitability and appropriateness and/or may determine that some factors may not be applicable to certain types of applications:

##### 1. Zoning Purposes

Whether the proposed use or activity is consistent with the purposes of these Zoning Regulations.

##### 2. Environmental Protection and Conservation

Whether the use or activity will materially impair the natural environment of the nearby area or the community and whether appropriate consideration has been given to the protection, preservation, and/or enhancement of natural, scenic, historic, or unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

##### 3. Overall Compatibility

Whether the proposed use will serve a community need or convenience and whether the proposed use will have a detrimental effect on neighboring properties or the development of the district.

##### 4. Suitable Location For Use

Whether the nature, scope, size, and intensity of the operations involved with the use or resulting from the proposed use and the location of the site are such that the use will be in harmony with the appropriate and orderly development in the district in which it is located.

**5. Appropriate Improvements**

Whether the design elements of the proposed development (such as location, type, size and height of buildings and other structures, parking, access, landscaping, screening, lighting, signage, etc.) will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and desirable future character of the neighborhood in which the use is located.

**6. Suitable Transportation Conditions**

Whether the streets, driveways and other travel ways are or will be of such size, condition, and capacity (width, grade, alignment, sight lines, and visibility) to adequately accommodate the traffic volume and parking demand to be generated by the particular proposed use and not create problems.

**7. Adequate Public Utilities and Services**

Whether the provisions for water supply, sewage disposal, waste management, storm water drainage, and emergency access conform to accepted engineering practices, comply with all standards of the appropriate regulatory authorities, and will not unduly burden the capacity of such facilities.

**8. Long Term Viability**

Whether adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

**9. Nuisance Avoidance**

Whether the use, configuration, design and/or hours of operation are appropriate in order to control noise, light, odors, parking visibility, unsightly appearance, erosion, water contamination and storm-water runoff on the site and in relation to the surrounding area and whether the proposed activities will unreasonably disturb the peace and tranquility of nearby properties.

**10. 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 Plan of Conservation and Development, as amended.

**11. Mitigation**

Whether adequate provisions have been made to moderate or mitigate neighborhood impacts by limiting the intensity of use of the property (including, without limitation, such considerations as the area devoted to the use, the number of people involved in the use, the number of events or activities proposed, the hours of operation, etc.) or by modifying the location or configuration of the proposed use.

**8.D.5. DECISION CONSIDERATIONS**

1. Special Exception uses are declared to possess such special characteristics that each shall be considered on an individual basis subject to the standards and requirements of these Regulations.
2. The applicant shall bear the burden of demonstrating that the applicable Special Exception criteria in Section 8.D.4 of these Regulations are addressed.
3. Before the Commission approves a Special Exception application, it shall determine that the application:
  - a. Has satisfied the applicable Special Exception criteria in Section 8.D.4 of these Regulations, and
  - b. Is in conformance with other applicable provisions of these Regulations, and
  - c. Is in harmony with the purposes and intent of these Regulations.
4. For a Special Exception application involving an activity regulated pursuant to CGS Section 22a-36 to 22a-45, inclusive, the Commission shall:
  - a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
  - b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.
5. On a Special Exception application involving notice to adjoining municipalities under Section 8.H.6.2 or notice to water companies under Section 8.H.6.3 or notice to DEEP under Section 8.H.6.4, the Commission shall give due consideration to any report or testimony received.
6. In granting a Special Exception, the Commission may determine whether and to what extent permitted uses may be undertaken and stipulate such conditions as are reasonable and necessary to:
  - a. Protect or promote the public health, safety, or welfare;
  - b. Protect or promote public convenience or property values; or
  - c. Enhance overall neighborhood compatibility.
7. The Commission shall not approve any Special Exception for any property on which there exists a zoning violation unless such Special Exception application will remedy such violation.

**8.D.6. ACTION DOCUMENTATION**

1. The Planning and Zoning Commission shall approve, disapprove, or approve with conditions the proposed Special Exception.
2. Whenever it acts on a Special Exception application, the Commission shall state upon its record the reason(s) for its decision.
3. In granting a Special Exception, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:
  - a. Periodic review and renewal of the Special Exception by the Commission to determine continuing compliance therewith.
  - b. Conservation restrictions necessary to protect and permanently preserve unique natural site features.
  - c. A financial guarantee in accordance with the provisions of Section 8.H.7.
4. Whenever it acts on a Special Exception application, the Commission may:
  - a. Establish a condition that commencement of the use or construction begin within a certain time frame.
  - b. Require a financial guarantee in accordance with Section 8.H.7 of these Regulations in an amount and in a form satisfactory to the Commission, based upon a cost estimate of improvements provided by the applicant, to ensure satisfactory completion of site improvements other than buildings.
5. Any decision to grant a Special Exception shall:
  - a. State the name of the owner of record,
  - b. Contain a description of the premises to which it relates,
  - c. Identify the Section of the Regulations under which the Special Exception was granted,
  - d. Specify the nature of the Special Exception, and
  - e. State the conditions of approval, if any.
6. Within 15 days of the approval of a Special Exception, the Commission shall file with the Building Inspector and Zoning Enforcement Officer one print of the approved plans, with the approval noted thereon, and a copy of the Commission's resolution including any conditions pertaining to the approval.
7. The Commission shall send, by certified mail, a copy of any decision on a Special Exception application to the applicant within fifteen (15) days after such decision is rendered.
8. The Commission shall cause notice of the approval or denial of the Special Exception application to be published within fifteen (15) days after such decision is rendered in accordance with CGS Section 8-7d (such as a newspaper having a substantial circulation in Colebrook or on the Town website if permissible by law).
9. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**8.D.7. FOLLOWING APPROVAL**

1. A Special Exception granted by the Commission shall become effective only upon the filing of a copy, certified by the Commission, in the land records of the Town at the applicant's expense, in accordance with the provisions of CGS Section 8-3d.
  - a. A Special Exception shall expire if the Special Exception approval is not filed in the Town of Colebrook's land records within one (1) year after approval.
  - b. A Special Exception shall expire if any maps and/or plans associated therewith are not updated to incorporate any modifications and/or conditions of approval and then submitted for the Chairman's signature within one (1) year following approval of the Special Exception. However, an extension of not more than six months may be granted by the Commission upon written request by the applicant prior to the expiration date.
2. Following approval of a Special Exception application, one (1) "mylar" of each approved plan shall, unless not required by the Commission, be submitted by the applicant to the Zoning Enforcement Officer for signature by the Chairman and:
  - a. Each such plan shall bear the seal and signature of the professional(s) which prepared the drawing.
  - b. Each such plan shall contain a signature block where the Chairman of the Commission can indicate the approval of the Commission.
  - c. At least one (1) sheet shall bear a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity.
3. A Special Exception shall authorize only the particular use or uses specified in the Commission's approval.
4. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations. The Zoning Enforcement Officer or the Commission shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission may, following a duly advertised public hearing, rescind, and revoke such Special Exception.
5. An approved Special Exception may be amended or modified, provided that application shall be made in the same manner as the original application:
  - a. Amendments to the Special Exception which the Commission finds to be minor in nature, do not substantially alter the Special Exception, and will not adversely affect adjacent properties or the neighborhood, may be approved by the Commission without another public hearing.
  - b. Amendments to the Special Exception which would substantially alter the Special Exception or increase the existing building coverage or gross floor area of the use may be approved by the Commission only after a public hearing and subject to the same procedures for approval of a Special Exception.
6. The Special Exception uses as set forth in these Regulations are deemed to be permitted uses in their respective districts when the Special Exception is granted by the Commission, subject to compliance with the requirements and standards set forth in this Section in addition to all other requirements of these Regulations.
7. Unless otherwise established by the Commission, a Special Exception, along with any conditions and safeguards attached thereto, shall remain with the property as long as the use allowed by the Special Exception has not been abandoned. Such conditions and safeguards shall continue in force regardless of any change in ownership of the property.

**8.E. TEXT AMENDMENT APPLICATION****8.E.1. APPLICABILITY**

A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.

**8.E.2. SUBMISSION REQUIREMENTS**

1. A Text Amendment application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a text amendment application made on its own initiative or as a result of a petition submitted by residents.
2. A Text Amendment application shall clearly indicate the wording of the existing and proposed text and any other supporting information, including reason(s) for the proposed amendment (ten printed sets and one electronic PDF set).
3. When required by the Commission, an environmental impact statement relating, but not limited, to the possible effects of the proposed amendment shall be submitted.
4. The Commission shall not be required to hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

**8.E.3. PROCEEDINGS**

1. The date of receipt for the Text Amendment application shall be determined in accordance with Section 8.H.2.
2. An incomplete Text Amendment application may be denied in accordance with Section 8.H.3.
3. The Commission shall hold a public hearing on the Text Amendment application and:
  - a. Shall cause a legal notice to be published in accordance with the requirements of Section 8.H.6.1 of these Regulations.
  - b. May publish the full text of such proposed regulation in such notice.
4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
  - a. Such notice shall be made by certified mail, return receipt requested.
  - b. Such notice shall be made not later than thirty (30) days before the public hearing.
  - c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.H.6.2.
6. The Commission may refer any application to amend these Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.
7. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
8. The Commission shall process the Text Amendment application within the period of time provided under CGS Section 8-7d such as:
  - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
  - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
  - e. These provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

#### **8.E.4. DECISION CONSIDERATIONS**

1. The Commission shall act upon the changes requested in such Text Amendment application.
2. On a Text Amendment application involving notice to adjoining municipalities under Section 8.H.6.2 or notice to a regional planning agency under CGS Section 8-3b:
  - a. Any report received from those agencies shall be made a part of the record of such hearing.
  - b. The Commission shall give due consideration to any report or testimony received.
3. In making its decision the Commission shall:
  - a. Consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and these Regulations), and
  - b. Take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
4. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
  - a. Protecting the public health, safety, welfare, or property values, and
  - b. Attaining the purposes of these Regulations.
5. In accordance with CGS Section 8-3(b), such text change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the land affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

**8.E.5. ACTION DOCUMENTATION**

1. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.
2. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.
3. As part of approving a Text Amendment application:
  - a. The Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Colebrook before such effective date, or
  - b. If an effective date is not so specified, the text amendment shall become effective upon publication in accordance with CGS Section 8-7d (such as a newspaper having a substantial circulation in Colebrook or on the Town website if permissible by law).
4. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.
5. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published within fifteen (15) days after such decision is rendered in accordance with CGS Section 8-7d (such as a newspaper having a substantial circulation in Colebrook or on the Town website if permissible by law).
6. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**8.E.6. FOLLOWING APPROVAL**

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.



## **8.F. ZONE CHANGE APPLICATION**

### **8.F.1. APPLICABILITY**

A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

### **8.F.2. SUBMISSION REQUIREMENTS**

1. A Zone Change application shall be submitted to the Commission or agent and shall include a completed application form and the appropriate fee. The Commission shall not be required to pay a fee for a zone change application made on its own initiative or in response to a petition submitted by residents.
2. A Zone Change application shall be accompanied by one (1) map at an appropriate indicating existing and proposed zone boundaries (ten printed sets and one electronic PDF set).
3. When required by the Commission, an environmental impact statement relating, but not limited, to the possible effects of the proposed amendment shall be submitted.
4. The Commission shall not be required to hear a Zone Change application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

### **8.F.3. PROCEEDINGS**

1. The date of receipt for the Zone Change application shall be determined in accordance with Section 8.H.2.
2. An incomplete Zone Change application may be denied in accordance with Section 8.H.3.
3. The Commission shall hold a public hearing on the Zone Change application and shall publish a legal notice in accordance with the requirements of Section 8.H.6.1 of these Regulations.
4. In accordance with CGS Section 8-3b, the Commission shall give written notice to the regional planning agency when any portion of the land affected by a map change is located within five hundred (500) feet of the boundary of another municipality and:
  - a. Such notice shall be made by certified mail, return receipt requested.
  - b. Such notice shall be made not later than thirty (30) days before the public hearing.
  - c. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.H.6.2.

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#### ZONE CHANGE APPLICATION

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6. The Commission may refer any application to amend the zoning map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to such department or agency.
7. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
8. The Commission shall process the Zone Change application within the period of time provided under CGS Section 8-7d:
  - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
  - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
  - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
  - d. The applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
  - e. These provisions shall not apply to any action initiated by the Commission regarding a zoning map change.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

#### 8.F.4. DECISION CONSIDERATIONS

1. The Commission shall act upon the changes requested in such Zone Change application.
2. On a Zone Change application involving notice to adjoining municipalities under Section 8.H.6.2 or notice to a regional planning agency under CGS Section 8-3b:
  - a. Any report received from those agencies shall be made a part of the record of such hearing.
  - b. The Commission shall give due consideration to any report or testimony received from such agencies.
3. Changes in zone district boundaries:
  - a. Should be in harmony with the Plan of Conservation and Development for Colebrook, as amended.
  - b. Shall, where possible, constitute logical extensions of like or compatible districts.
  - c. Follow property lines or geo-physical features ,where appropriate.
4. Except where a proposed zone change is to extend an existing zoning district, no area of land having less than 300 feet of frontage on one street shall be changed from one zoning district to another zoning district except by the affirmative vote of two-thirds of the Commission.
5. Before approving any Zone Change application, the Commission shall determine that the proposed regulation change:
  - a. Is in accordance with the Plan of Conservation and Development,
  - b. Is suitable for the intended location,
  - c. Will aid in protecting the public health, safety, welfare, or property values, and
  - d. Will aid in attaining the purposes of these Regulations.
6. In accordance with CGS Section 8-3(b), such zone change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the land affected by such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

**8.F.5. ACTION DOCUMENTATION**

1. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:
  - a. The reason(s) for its decision.
  - b. Its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. As part of approving a Zone Change application:
  - a. The Commission shall establish an effective date for the zoning map change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Colebrook before such effective date, or
  - b. If an effective date is not so specified, the zoning map change shall become effective upon publication in accordance with CGS Section 8-7d (such as a newspaper having a substantial circulation in Colebrook or on the Town website, if permissible by law).
3. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.
4. The Commission shall cause notice of the approval or denial of the Zone Change application to be published within fifteen (15) days after such decision is rendered in accordance with CGS Section 8-7d (such as a newspaper having a substantial circulation in Colebrook or on the Town website if permissible by law).
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

**8.F.6. FOLLOWING APPROVAL**

1. A zoning map change approved by the Commission shall be filed in the office of the Town Clerk before the effective date.
2. When a zone boundary is changed by the Commission, such change shall:
  - a. Be made on the Zoning Map, and
  - b. Be noted with an entry on the Zoning Map as follows: "Amended to (date)," such date to be the effective date of the boundary amendment.

## 8.G. ZONING BOARD OF APPEALS

### 8.G.1. POWERS AND DUTIES

The Zoning Board of Appeals (ZBA) shall have all the powers and duties prescribed by Chapter 124 of the Connecticut General Statutes, prescribed by these Regulations, or conferred by general law.

1. **Appeals** - The ZBA shall have the authority to hear and decide upon any appeal where it is alleged that there is an error in the order, requirements, decision, or determination of any official charged with the enforcement of these Regulations. No question of hardship shall be involved in such an appeal, and the action of the ZBA thereon shall be limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of these Regulations.
2. **Variances** – Except as provided below, the ZBA shall have the authority to vary or adjust the strict application of these Regulations in only those cases where the unusual size, shape or topography of a lot or other unusual physical conditions pertaining to it or to any building situated thereon make it impossible to strictly apply a specific provision of these Regulations to such lot without resulting in exceptional difficulty or unusual hardship, so that substantial justice shall be done and the public health, safety and welfare secured. The Board shall not grant a variance:
  - a. In the case of Special Exceptions (Section 8.D), Procedures (Section 8) and special density exemptions pursuant to CGS Section 8-2g.
  - b. Which permits or extends a use which is otherwise not permitted by these Regulations.
3. **Other Matters** - To hear and decide all matters upon which it is required to pass under any provisions of these regulations or the Connecticut General Statutes.

### 8.G.2. APPEALS

1. All appeals to the ZBA from an order, requirement, decision, or determination of any official charged with the enforcement of these Regulations shall be taken within thirty (30) calendar days of such order, requirement, decision, or determination.
2. Such appeals shall be made in writing on a form prescribed by the ZBA and shall be accompanied by a filing fee to cover the cost of processing the appeal.
3. No appeal shall be granted that would alter, revise, or otherwise change any of the conditions attached to the granting of a Special Exception by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

**8.G.3. VARIANCES**

1. All applications for variances shall be submitted in writing in a form prescribed by the ZBA. The ZBA may deny an application for incomplete information having been submitted.
2. The Board may require the filing of a survey prepared by a land surveyor licensed to practice in Connecticut when the variance is dimensional in nature or such survey is integral to the understanding of the application.
3. The date of receipt for the Variance application shall be determined in accordance with Section 8.H.2.
4. The ZBA shall hold a public hearing on all appeals and applications for variances, shall decide thereon, and shall give notice of the date of the public hearing on the application and on its decision in accordance with the provisions of the Connecticut General Statutes.
5. To assist with its consideration of an appeal or application, the ZBA may refer such appeal or application to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.
6. The applicant may, at any time prior to action by the Board, withdraw such application.
7. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.
8. No variance shall be granted by the ZBA unless it makes the following findings:
  - a. A peculiar or unique characteristic of the property (which shall be recorded in the minutes of the Board) is such that the literal enforcement of the zoning regulations would result in exceptional or unusual hardship other than a financial hardship or loss of financial advantage;
  - b. The nature of the hardship (which shall be recorded in the minutes of the Board) is not a self-inflicted hardship which is the result of an action by the applicant or by someone other than the applicant such as a previous owner of the property, nor is the hardship a result of conditions which the applicant can alter, but prefers not to change;
  - c. The applicant has demonstrated that he or she has pursued all other alternatives available under these Regulations; and .
  - d. The applicant has demonstrated that the granting of the requested variance will have no adverse effect on the surrounding properties with regard to health, safety, welfare, or property values, and that the variance is consistent with the general purpose of these Regulations.
9. Whenever the ZBA grants a variance, it shall include in its minutes as part of the record:
  - a. The specific provision of these Regulations which was varied,
  - b. The extent of the variance,
  - c. The reason for its decision, including the findings in Section 8.G.3.8, and
  - d. The specific hardship upon which its decision was based.
10. In exercising any of its authority, the ZBA may attach any conditions and safeguards as may be required to protect the public health, safety, and general welfare, and to ensure ongoing compliance with these Regulations. Violation of such conditions and safeguards shall be deemed to be a violation of these Regulations.

## Section 8.G

### PROCEDURES

#### ZONING BOARD OF APPEALS

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11. Any variance granted by the ZBA shall become effective upon its filing by the applicant in the office of the Town Clerk and in the Town land records.
12. Any variance granted by the ZBA which is not recorded within one year from its effective date shall be null and void.
13. If the ZBA denies a variance, it shall not be required to hear an application for the same variance or substantially the same variance for a period of six months after the date of denial, unless the circumstances associated with the application have substantially changed. A change in ownership of property or any interests therein shall not be deemed a substantial change.
14. No variance shall be granted that would alter, revise, or otherwise change any of the conditions attached to the granting of a Special Exception by the Commission, if such conditions are more restrictive than otherwise provided for in these Regulations or if such conditions do not refer to specified standards in these Regulations.

#### 8.G.4. USE VARIANCES

1. In addition to complying with all the requirements contained in Section 8.G.3, no use variance shall be granted by the ZBA which would permit:
  - a. A use prohibited either implicitly or explicitly by these Regulations;
  - b. The expansion of a non-conforming use;
  - c. The number of dwelling units on a lot to exceed the maximum allowed in the district in which the lot is located; or,
  - d. A use otherwise allowed by Special Exception in the district in which the use is located.
2. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
3. The use variance granted shall be the minimum variance necessary to allow a reasonable use of the property.
4. Prior to a public hearing on any application for a use variance, the applicant and/or the ZBA shall transmit the application materials (such as 11x17 plans and a PDF copy) to the Commission for its review and comment. Any report submitted by the Commission to the ZBA shall be read into the record of the public hearing of the subject application.

**8.G.5. FLOODPLAIN VARIANCES**

1. Any floodplain variance request shall be reviewed in relation to the requirements of sub-part 7.0 (“Variance Procedures”) of Section 4.B of these Regulations.
2. In addition to complying with all the requirements contained in Section 8.G.3, no floodplain variance shall be issued by the ZBA unless:
  - a. The ZBA finds based on evidence in the record and recorded in the minutes that there will be no increase in the flood levels during the base flood discharge with the burden of proof lying with the applicant, subject to review by a professional engineer retained by the Town at the applicant’s expense and the Planning and Zoning Commission;
  - b. The owner of the property shall have submitted a sworn affidavit indicating that he or she acknowledges that:
    - i. Construction in the floodplain will result in increased premium rate for flood insurance
    - ii. Construction below the base flood level increases the risk to life and property;
    - iii. The Town of Colebrook assumes no liability for any damage or loss of life relating to the granting of the variance or subsequent construction; and
    - iv. The owner, successor and assigns agree to hold the Town of Colebrook harmless from any and all claims which might result from granting the variance
3. No floodplain variance shall be effective until filed on the Land Records along with the sworn affidavit provided in Section 8.G.5.1.

## **8.H. PROCEDURAL REQUIREMENTS**

### **8.H.1. APPLICATION SUBMITTAL REQUIREMENTS**

1. Applications to the Planning and Zoning Commission or the Zoning Board of Appeals shall be submitted to the Zoning Enforcement Officer or agent.
2. Applications shall be submitted on forms obtained from the Zoning Enforcement Officer or agent for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Planning and Zoning Commission or the Town of Colebrook shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant or an authorized agent.
6. Applications shall be signed by the owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.
7. Applications should be submitted at least 10 days prior to a regularly scheduled or special Commission meeting.

### **8.H.2. DATE OF RECEIPT**

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Planning and Zoning Commission or the Zoning Board of Appeals shall be:

1. The day of the next regularly scheduled meeting of the Planning and Zoning Commission or the Zoning Board of Appeals immediately following the day of submission of the application to the Zoning Enforcement Officer or agent, or
2. Thirty-five (35) days after submission, whichever is sooner.

### **8.H.3. INCOMPLETE APPLICATIONS**

1. Each application shall be reviewed by the Zoning Enforcement Officer or agent to determine whether the application is substantially complete.
2. An application requiring approval from the Planning and Zoning Commission or the Zoning Board of Appeals shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.



**8.H.4. SEQUENCE OF HEARINGS**

Where a proposed development or activity requires multiple applications, the Planning and Zoning Commission or the Zoning Board of Appeals may conduct any public hearings simultaneously or in the order they deem appropriate.

**8.H.5. CONSULTATIONS**

1. On any application, the Planning and Zoning Commission or the Zoning Board of Appeals may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. The Planning and Zoning Commission may, at the applicant's expense, retain a civil engineer, a traffic engineer, an environmental professional, an architect, a landscape architect, a professional land use planner, and/or other consultant(s) to review, comment, and guide its deliberations on any application.
3. Prior to actually retaining such outside consultant(s), the Commission shall make findings that the nature and intensity of the proposal may have a significant impact on Colebrook and that:
  - a. Town staff will not be able to complete a technical review of the application in a timely fashion, or
  - b. That the proposal is of such a nature as to require expertise not available from staff.
4. The Commission or Zoning Enforcement Officer shall estimate the projected expenses for reviewing, evaluating, and processing the application based upon information received from the potential consultant(s) and shall notify the applicant of such supplemental fee estimate.
5. The applicant shall submit funds sufficient to cover the basic application fee plus the cost of the consultant review within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.
6. Should the estimate of supplemental funds prove inadequate, the Commission or Zoning Enforcement Officer shall recalculate the projected expenses for reviewing, evaluating, and processing the application and notify the applicant of such supplemental fee estimate.
7. The applicant shall submit funds sufficient to cover the supplemental fee estimate within fifteen (15) calendar days of being notified by the Zoning Enforcement Officer and the application shall be deemed incomplete until the fee(s) have been submitted.
8. Any portion of the estimated processing fee not expended by the Town on the project shall be refunded to the applicant upon completion of the review, evaluation, and processing of the application.
9. No permits shall be issued until all processing fees are paid.

**8.H.6. NOTICE PROVISIONS****8.H.6.1. Notice by Newspaper**

1. When a public hearing is required by these Regulations or scheduled by the Planning and Zoning Commission or the Zoning Board of Appeals, the Zoning Enforcement Officer or agent shall cause notice of the hearing to be published in accordance with CGS Section 8-7d (such as a newspaper having a substantial circulation in Colebrook or posted on the Town website, if permissible by law) or as otherwise provided by law.
2. Such notice shall, if published in a newspaper, be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing or as otherwise provided by law.

**8.H.6.2. Notification to Abutting Municipalities**

1. In accordance with CGS Section 8-7d(f), the Planning and Zoning Commission or the Zoning Board of Appeals shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
  - a. Any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
  - b. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
  - c. A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
  - d. Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Zoning Enforcement Officer or agent of the application, petition, request, or plan.
3. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

**8.H.6.3. Notification to Water Companies**

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Planning and Zoning Commission or the Zoning Board of Appeals concerning any project on any site that is within:
  - a. An aquifer protection area provided such area has been delineated in accordance with CGS Section 22a-354c, or
  - b. The watershed of a water company provided such water company or said commissioner has filed a map with the Commission or the Board and on the Colebrook land records showing boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Zoning Enforcement Officer or agent.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Zoning Enforcement Officer or agent or the application shall be considered incomplete:
  - a. A copy of the complete package of information, and
  - b. Proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

**8.H.6.4. Notification of DEEP**

1. If any portion of the property which is the subject of the application is located within a “shaded area” identified on the most current Natural Diversity Database maps for Colebrook, the applicant shall notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the pending project.
2. A report from DEEP shall be a required for any application for a Site Plan or a Special Exception for property located within a “shaded area” identified on the most current Natural Diversity Database maps for Colebrook.
3. Any application submitted without a DEEP report shall be considered incomplete (see Section 8.H.3).

**8.H.7. FINANCIAL GUARANTEE**

1. Where a financial guarantee or performance guarantee is required by any Section of these Regulations, an itemized estimate of the cost of improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Commission's Engineer for approval.
2. As provided in CGS Section 8-3(g), the Commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided:
  - a. Such other financial guarantee is in a form acceptable to the Commission, and
  - b. The financial institution or other entity issuing any letter of credit is acceptable to the Commission.
3. Where a financial guarantee is provided, it shall be in one of the following forms and the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any financial guarantee:
  - a. Cash deposited with the Town.
  - b. Certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC.
  - c. Bank deposit (such as a passbook savings account or a statement savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC.
  - d. Irrevocable letter of credit naming the Town as sole beneficiary provided that:
    - i. Such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that;
      - Such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
      - The long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service.
    - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town, and
    - iii. If and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the financial guarantee.
  - e. Other form of financial guarantee acceptable in form and substance to the Town.
4. As provided in CGS Section 8-3(g), such financial guarantee may, at the discretion of the person posting such financial guarantee, be posted at any time before all approved site improvements are completed, except that the Commission may require a financial guarantee for erosion and sediment controls prior to the commencement of any such site improvements. No certificate of occupancy shall be issued before a required financial guarantee is posted or the approved site improvements are completed to the reasonable satisfaction of the Commission or its agent.

5. No portion of any required financial guarantee shall be released by the Commission until:
  - a. A release has been requested, in writing, by the applicant,
  - b. The applicant's engineer or surveyor has certified to the Town, in writing, that an appropriate level of improvements in relation to the requested release have been satisfactorily completed in accordance with approved plans,
  - c. If such release is a final release, the applicant's engineer or surveyor has submitted a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with approved plans, and
  - d. The appropriate Town Official or another qualified person acceptable to the Commission has confirmed, in writing, that the appropriate level of improvements in relation to the requested release have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied.
6. In accordance with CGS Section 8-3, if the person posting a financial guarantee requests a release of all or a portion of such financial guarantee, the Commission shall, not later than sixty-five days after receiving such request:
  - a. Release any such financial guarantee or portion thereof, provided the Commission is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed, or
  - b. Provide the person posting such financial guarantee with a written explanation as to the additional work that must be completed before such financial guarantee or portion thereof may be released.
7. Before the release of a financial guarantee, the Commission:
  - a. Shall require the applicant to submit "as-built" drawings in accordance with Section 8.H.7.5; and,
  - b. May, as provided in CGS Section 8-3(g), require that the applicant provide a financial guarantee or payment to finance the maintenance of roads, streets, retention or detention basins or other improvements (including vegetative cover and plantings) approved with such site plan for up to one year after the date on which such improvements have been completed to the reasonable satisfaction of the Commission or its agent or accepted by the municipality.
8. Any cost of collecting a financial guarantee, including without limitation, attorney's fees, bank fees, and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released accordance with this Section.

#### **8.H.8. BENEFICIARIES OF A TRUST**

Any person who makes an application to the Commission or Board pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner (s) of such real property or the beneficiary(ies) of the trust.

**8.H.9. VILLAGE DISTRICT CONSIDERATIONS****8.H.9.1. Design Considerations**

1. Within the Village District Overlay Zone, special attention shall be paid to protecting the distinctive character, landscape, and historic structures.
2. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the village district is encouraged. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
3. All applications submitted within the Village District Overlay Zone shall be reviewed against the standards and criteria included in the CGS Section 8-2j, as contained elsewhere in these Regulations, and specifically the following:
  - a. The proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale, and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification;
  - b. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification;
  - c. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif;
  - d. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged;
  - e. The applicant shall provide information within the application indicating that the proposed building(s) architecture is compatible with the existing architecture of buildings within 200 feet of the site in question within the Village District Overlay Zone; and
  - f. The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.
4. In addition, new development in the Village District Overlay Zone shall be designed to achieve the following compatibility objectives:
  - a. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
  - b. Proposed streets and or driveway shall be connected to the existing road and driveway network within the Village District Overlay Zone, wherever possible;
  - c. Pedestrian access shall be provided to connect with adjacent sidewalks, uses, and buildings;
  - d. Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting;
  - e. Locally significant features of the site such as distinctive buildings, specimen trees, or sight lines or vistas from within the district shall be integrated into the site design;
  - f. The landscape design shall complement the district's landscape patterns;
  - g. The accessory features and structures common in the Village District shall be continued in a uniform architectural theme throughout the proposed development and shall be compatible with their surroundings (including exterior signs, colonial style site lighting, white picket fences, brick paver walks, etc.); and,
  - h. The scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

**8.H.9.2. Design Guidelines**

1. **Overall** - These design guidelines are intended to aid in maintaining and enhancing the character and quality of the buildings and public spaces in the village district areas in Colebrook in order to accomplish the design considerations in Section 8.H.9.1 of these Regulations.

**As used in these guidelines:**

**The word "shall" means that the relevant standard, criterion, or action must be followed unless the applicant demonstrates to the Commission's satisfaction that it would be unreasonable or undesirable to do so.**

**The word "should" means that the relevant standard, criterion, or action will generally be required, but the applicant may offer, and the Commission may approve, an alternative standard, criterion, or action if the Commission finds that the alternative would better fulfill the overall goals set forth in these guidelines.**

2. **Building Design**

- a. Proposed buildings shall promote basic design elements and relationships that will help maintain and enhance a harmonious "New England"-type architectural character.
- b. Applicants should avoid long and large unarticulated structures that are uninviting and do not contribute to a harmonious "New England"-type architectural character.
- c. Applicants should maintain proportions between building height, length, and width consistent with prevailing architectural customs in Colebrook.
- d. The public face of the building should present a clear, well-defined, and balanced façade.
- e. Applicants should provide a well-defined front facade with the main entrance clearly visible and identifiable from the primary public vantage points or public right-of-way.
- f. Applicants should align buildings so that the relationships between buildings and the street (such as front facades and major roof ridges) is either parallel or perpendicular, not oblique or diagonal.
- g. Rooflines should be simple, functional, and reflective of "New England"-type architectural character the broader community building stock.
- h. Building materials should be durable and functional and the use of color and texture should be reflective of local style and character.
- i. Applicants shall coordinate all exterior elevations of the building (color, materials, architectural form, and detailing) to achieve continuity.
- j. Building equipment, storage, and service areas should be integrated into the site plan and architectural composition in ways that minimize adverse impacts.

**3. Site Design**

- a. The overall design of the site shall provide for a safe, logical approach and entry to all buildings and site use areas for vehicles and pedestrians.
- b. Applicants should minimize conflicts between pedestrians (sidewalks) and vehicles (curb cuts).
- c. Applicants should locate all delivery areas toward the rear of the site concealed from the public right-of-way.
- d. The overall design of the site should integrate parking into the site design providing a positive visual element rather than the dominating one.
- e. The overall design of the site should minimize the safety hazards and visual impacts of service equipment and supporting structures.
- f. Planting material should be used in a logical, orderly manner that defines spatial organization and relates to buildings and structures.
- g. Applicants shall use indigenous plants and avoid unusual or exotic cultivars.
- h. Site lighting shall provide the functional and esthetic benefits of exterior lighting while mitigating the potential for nuisance.
- i. To ensure that light sources are not visible off site, light sources shall be directed down toward the ground surface, lighting fixtures shall have opaque hoods over all light elements, and all fixtures shall have sharp cut off shields.
- j. Fences, walls, and hedges should generally be residential in scale, character, and materials, and architecturally compatible with the main structure.
- k. Site drainage should protect the health and safety of the public and promote ecologically sensitive approaches.
- l. Bicycle racks are strongly encouraged and may be required by the Commission in an appropriate location.
- m. Electric car charging stations are encouraged and may be required by the Commission in an appropriate location.
- n. Parking spaces should generally be located to the side and rear of buildings in order to enhance the desired pedestrian-friendly character and streetscape. Parking spaces located between buildings and the street are discouraged unless they enhance the desired pedestrian-friendly character and streetscape (i.e., shared on-street spaces, etc.).



**4. Signage**

- a. Applicants shall integrate any existing and/or proposed signage into the overall design insuring that it complements its surroundings.
- b. Applicants shall avoid visual competition with other signs in the area and repetitious signage information on the same building frontage.
- c. Signage should reflect the character of the architecture, site, and neighborhood without occurring at the expense of individual expression and creativity.
- d. Signage should be integrated with the ground plane by using complimentary plant materials as part of the overall planting plan.
- e. Sign lighting should be used judiciously and specifically to illuminate useful information.

**8.H.9.3. Procedures**

1. The Commission shall utilize one or more Village District consultants and such Village District consultants shall be:
  - a. A registered architect or an architectural firm,
  - b. A licensed landscape architect,
  - c. A planner who is a member of the American Institute of Certified Planners, or
  - d. A design review board provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners.
2. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.
3. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
4. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
5. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
6. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the Connecticut Trust for Historic Preservation, the Office of the State Archeologist, and/or The University of Connecticut College of Agriculture and Natural Resources.
7. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

## Section 8.H

### PROCEDURES

#### PROCEDURAL REQUIREMENTS

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PROPOSED REGULATIONS– May 4, 2021

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# NOTES

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Technical Assistance in the Preparation of these Regulations Provided By



