TOWN OF COLUMBIA

ZONING LAW

#2015-01

Town of Columbia Town Board

Adopted May 14, 2015

ARTICLE I. GENERAL PROVISIONS

Section 101 Title

This document shall be known and may be cited as the "Town of Columbia, New York, Zoning Local Law", and shall include this text, Schedule I and the Zoning Map, and may hereinafter be referred to as "this zoning law" or "this law."

Section 102 Purpose of Zoning Law

The purpose of this zoning law, its regulations and its zoning districts as outlined on the zoning map is to:

A. Protect and promote the public health, safety, and general welfare of the town consistent with the objectives of Town Law 263;

B. Guide future growth and development in accordance with the town's comprehensive plan which aims to encourage use of the lands and natural resources in accordance with their character and capability, thus preserving the sensitive and important environmental features in the town, such as wetlands, prime farmland, scenic views, land, air, water, forest, mineral, historic, scenic resources, topography, open space and wildlife habitat. This law acknowledges the importance of these features on the long-term economic climate of all uses in the Town of Columbia and the overall quality of life for its residents;

C. Protect the character and the social and economic stability of all parts of the town, and to encourage its orderly and beneficial development or land conservation as appropriate;

D. Protect and conserve the economic and aesthetic value of land and buildings appropriate to the districts established by this law;

E. Provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings;

F. Prevent the pollution of air, streams, ponds, and wetlands; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and sound management of the town's natural resources and agricultural areas in order to preserve the integrity, stability and beauty of the community and the value of the land;

G. Preserve the natural beauty of the town and to insure appropriate development with regard to these natural features;

Section 103 Promotion of Agriculture and Farmland

The Town of Columbia recognizes that agricultural and farming are important to the economic and cultural well being of the town. This zoning law serves, in part, to protect and encourage agricultural viability throughout the town.

Section 104 Conflict With Other Laws

Whenever the requirements of this law are at variance with the requirements of any other lawfully adopted rule, regulation, or law, the more restrictive, or that imposing the higher standard shall govern.

Section 105 Interpretation

In their interpretation and application, the provisions of this law shall be held to be the minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare.

Section 106 Validity and Separability

Should any clause, sentence, subdivision, paragraph, section, or part of this law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the clause, sentence, subdivision, paragraph, section or part so decided to be unconstitutional or invalid.

Section 107 Effective Date

This law shall take effect ten days after publication of notice of approval in a newspaper having general circulation in the town, but said law shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Town Clerk under the corporate seal of the town; and showing the date of passage and entry in the minutes.

ARTICLE II. ZONING DISTRICTS AND BOUNDARIES

Section 201 Establishment of Districts

The Town of Columbia is hereby divided into the following districts (Refer to the official town Zoning Map for district boundaries.

A. Residential and/or Agricultural District (R-A)
The entire Town of Columbia is zoned Residential and/or Agricultural, except for those areas zoned Agricultural and/or Commercial.

B. Agricultural and/or Commercial District (A-C)
   1. Land fronting State Route 28 extending from the southern boundary of the town, north to McKoons and Osley Roads, east 1/10th of a mile from Route 28, and west to the bed of the former Lackawanna Railroad.
   2. Land fronting State Route 28 extending north from a utility crossing of Route 28 sited 1.2 miles south of the Jordanville Road, *to the town line at State Route 28 and Robinson Road*, and located within 1/10th of a mile to the east and west of this section of Route 28, plus land lying within an area extending 1/10th of a mile north and south of the Jordanville Road between state Route 28 and Hugic Road.

Section 202 Zoning District Map

The boundaries of each of the zoning districts listed in Section 201 are hereby established as shown on the duly adopted Zoning Map which accompanies this law and which, with all explanatory matter thereon and amendments thereto, is hereby declared a part of this law.

A copy of the Zoning Map, including the latest amendments thereto, shall be kept up to date and filed in the Town Clerk's Office for the use and benefit of the public.

Section 203 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any district, as shown on the Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets, highways, streams or railroads, such center lines shall be construed to be such boundaries.

B. Where district boundary lines are indicated as following or approximately following plotted lot lines or other property lines as shown on the Town of Columbia Tax Map, such lot lines shall be construed to be such boundaries.

C. Where district boundary lines are shown separated from and parallel or approximately parallel to any of the features listed in paragraphs A and B above, such boundary lines shall be construed to be parallel to such features and at such distance as shown on the map

D. Where a district boundary line divides a lot of record at the effective date of this law or any subsequent amendment thereto, the regulations for the less restricted part shall extend not more than 50 feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

E. In case of uncertainty as to the true location of a district boundary line in a particular instance, the Planning Board shall make the determination on the locations of the boundary line, and such determination shall be final.

ARTICLE III. DISTRICT REGULATIONS

Section 301 Application of Regulations

Except as hereinafter provided no building, structure or land shall be used or occupied unless for a

use expressly permitted by, and in conformity with, the general and supplementary regulations specified in this law for the zoning district in which it is located.

No building shall be erected, nor existing building be moved, altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designed for the district in which such building or open space is located.

Section 302 Intent

The legislative intent of Article III is to set forth land uses or activities which are permitted in the Town of Columbia, to specify and designate the districts in which each use or activity will be permitted, with or without special conditions, or after a special permit has been granted, and to establish appropriate density, area, and other bulk regulations which will be applicable within each district.

Section 303 Schedule of Regulations

Regulations for land uses or activities permitted in the various districts, or land uses or activities requiring special permits or conditions are set forth in Appendix A, Schedule I. Regulations for lot size, yards, building height and similar density, area and other bulk requirements are set forth in the following text.

Section 304 Residential and/or Agricultural District (R-A)

A. Description

This district encompasses the majority of the land within the boundaries of the Town of Columbia.

B. Purpose

The purpose of this district is to permit or promote Residential and/or Agricultural uses.

C. Permitted Uses

1. One-family dwelling
2. Two family dwelling
3. One family manufactured home
4 Agriculture, farms, hobby farms, commercial gardening
5. Forest Management Practices
6. Wildlife Management Practices

D. Permitted Accessory Uses

The following accessory uses and structures shall be permitted only when constructed, located and operated accessory to a principally or specially permitted use in the R-A District.

1. Private garage
2. Parking
3. Farm labor dwelling
4. Farmstand
5. Home occupation-home professional office
6. Private swimming pool
7. Storage Shed (non-commercial)
8. Greenhouse (non-commercial)
9. Recreational vehicle
10. Signs (see section 427)
11. Satellite dish antennae
12. Alternative energy systems, private
13. Exterior spot lighting (see section 412c and 418)
14. Other accessory uses, provided the uses are clearly secondary to the primary use of the

lot, and provided there is no business activity.

E. Special Permit Uses
The following special uses may be permitted in an R-A District upon review and approval by the Planning Board in accordance with the general standards for all special uses found in Article VI.

1. Multi-family dwelling
2. Bed and Breakfast
3. Religious institution, school
4. Clubhouse, not operated for gain
5. Commercial greenhouse
6. Cemeteries
7. Public Parks, Playground

F. Density, Height, Area and Yard Requirements
1. Minimum lot size: 2 acres
2. Minimum frontage: 250' continuous road frontage;
3. Maximum height: 35'
4. Minimum front setback: 75' from the centerline of road or 50' from edge of road right-of-way, if said right-of-way is greater than 50 feet wide
5. Minimum side and rear setback: 25'
6. Maximum lot coverage: 25%
7. Maximum lot depth to width ratio: 4:1

Section 305 Agricultural and/or Commercial District (A-C)

A. Description

This district is comprised of land suitable for commercial development in the Town of Columbia. The district, while largely agricultural in nature, has transportation and access attributes that would support commercial development in areas most compatible with the town's Comprehensive Plan.

B. Purpose

To allow for the continuation of existing uses, while encouraging commercial development within the district.

C. Permitted Uses
1. All uses permitted under R-A Residential and/or Agricultural District.
2. Commercial greenhouse
3. Eating establishment
4. Educational institution
5. Hotel/Motel
6. Retail Establishment
7. Animal hospital
8. Light industry
9. Healthcare facility
10. Townhouse
11. Indoor recreational facility
12. Service establishments

D. Permitted Accessory Uses (See 304.D)
All Permitted Accessory uses permitted in an R-A Residential and/or Agricultural Zone

E. Special Permit Uses (See 304.E)

1. All special permitted uses allowed in the R-A Residential and/or Agricultural District
2. Convenience store/gas station
3. Motor vehicle repair facility

F. Density, Height, Area and Yard Requirements

1. Minimum lot size: 2 acres
2. Minimum frontage: 250' continuous road frontage;
3. Maximum height: 35'
4. Minimum front setback: 75' from the centerline of road or 50' from edge of right-of-way if said right-of-way is greater than 50' wide
5. Minimum side and rear setback: 25'
6. Maximum lot coverage: 20%
7. Maximum lot depth to width 4:1

Section 306 Equivalent Use

The Planning Board has the authority to determine if a use not specifically covered by this zoning law, fits under the definition of a use permitted or specially permitted by this law. If the Planning Board determines the use is not permitted under the definition of an existing use, the use shall be deemed prohibited. In such an instance, the landowner may request, in writing, that the Planning Board initiates an amendment to this law to provide for the use. The Planning Board shall act upon said request within 90 days, and may pass a resolution which will be forwarded to the town board, requesting that said use be added to the zoning law provided:

1. There is no clear intent to exclude such uses; and,

2. The proposed use is appropriate within the zoning district and would have no more adverse effects on other uses within the zoning district, or on uses in adjoining districts, than would uses of the same general character permitted in the zoning district

3. The proposed use is compatible with the Comprehensive Plan.

Upon the passage of such a resolution by the Planning Board, the Planning Board and Town Board shall proceed to act upon the proposed amendment as set forth in Section 808.

ARTICLE IV. SUPPLEMENTARY REGULATIONS

GENERAL

Section 401 Applicability

Land uses and activities in the Town of Columbia which are regulated by this law shall be subject to additional requirements and to limitations and exceptions as set forth in this Article IV.

Section 402 Withholding Approval

The Planning Board, Zoning Board of Appeals and/or Town Board may withhold granting of approval of any use, special use, site plan, variance or other approval required under this law pending approval(s) required by federal, state, county or other town law, rule or regulation.

LOT CHARACTER

Section 403 Required Open Space or Yard

A. No area necessary under this law to satisfy area, yard, or other open space requirements in relation to any lot, building, or use shall be counted as part of required open space in relation to any other lot, building or use.
B. Every part of a required open space or yard shall be open and unobstructed, except for fences, stonewalls, trees, shrubbery and ordinary building projections of sills, chimneys, eaves, and unroofed steps, provided that such projections shall extend no more than 3 feet into the required open space or yard.

Section 404 Vision Clearance at Intersections

No obstructions to vision, such as shrubbery, brush, trees, earth, or structure, shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 30 feet distant from their point of intersection.

Section 405 Calculation of Lot Coverage

In determining percentage of coverage of a lot or size of yard, all principal buildings, roofed porches, garages, carports, other accessory buildings and parking and driveway areas shall be included.

Section 406 Corner and Through Lots

Front yard setbacks and minimum road frontages are required on both road fronts. The two remaining yards shall be designated by the applicant as to which will be the rear yard, and which will be the side yard.

Section 407 Flag Lots

Flag lots may be permitted by the Planning Board during the subdivision and site plan review process, where appropriate, to allow for the economical development of back land areas.

A. The access strip of land shall be a minimum of 66 feet wide.
B. The minimum lot area, lot width and lot depth requirements shall be met exclusive of the land contained in the access strip.
C. Minimum front, side and rear setback requirements shall be met, excluding the access strip.
D. No more than one flag lot shall be served by a single access strip.
E. Access strips shall be a minimum distance apart of at least the minimum lot width in the zoning district.
F. Access strip shall not be a right-of-way, but shall be owned in fee title by the owner of the flag parcel.

USES, GENERAL

Section 408 Height Exceptions

Height limitations for structures shall not apply to barns and silos, spires, belfries, cupolas,

chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 409 Structures to Have Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, with legal right of way width 66" wide shown on an approved subdivision plat, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 410 Off-Street Parking Requirements

The Planning Board shall review and approve all plans for parking as part of the site plan review and/or special permit process. All parking shall be appropriate for the use or uses intended, at the discretion of the Planning Board. All commercial parking is subject to review by the Planning Board via the site plan review and/or special permit review process.

Except for one-family and two-family dwellings, all off-street parking spaces are to be arranged so that backing movements take place entirely within the parking area.

A. Location of Facility

All off-street parking facilities required under this law shall be constructed on or adjacent to the site of main use or on a lot adjoining the main use. To the extent possible, parking in the rear, visibly shielded by a structure, is preferred to roadside parking.

B. Off-Street Loading Requirement

All commercial and industrial structures, erected after the adoption of this law, shall provide adequate off-street loading facilities. Such facilities shall be sufficient in size to eliminate the projection of vehicles into a road right-of-way.

Section 411 Performance Standards

No permitted accessory or specially permitted use shall be operated or designed in a manner which creates any of the following substance conditions and elements in such amounts, detectable at the property line as to adversely affect surrounding properties.

A. Emission of noxious gases which endanger health, comfort, safety, or welfare of any person, or have a tendency to cause injury or damage to property, business or vegetation, or to animals wild or domestic.
B. Vibration and Noise
C. Glare by lighting or signs, which could impair a driver's vision or shine skyward causing light pollution of the night sky.

Section 412 Sewage Disposal and Water Supply

A. Nothing in this law shall be deemed to modify or abrogate the requirements of the New York State Department of Health with regard to sewage disposal and water supply.
B. Subsurface sewage disposal systems of the septic tank/absorption field or seepage pit type are strongly preferred.

Section 413 Permit for Temporary Uses and Structures

A temporary structure may be erected on any lot upon the following conditions:

A. A permit from the Town Zoning Enforcement Officer shall be required prior to the erection of a temporary structure.
B. A structure may be erected for a maximum of one year, and may be extended for two (2) additional one year periods upon approval of the Zoning Board of Appeals upon a showing of hardship.

Section 414 Abandonment of Construction and Excavation

A. Within three months of completing a construction or demolition project, all construction materials and debris shall be removed from the site and excavation filled to normal grade.
B. Unfenced excavation shall not be permitted for a period in excess of thirty days.
C. If the owner fails to cover over or fill such excavation after 30 days notice by the Zoning

Enforcement Officer, the Town Board may order said excavation to be covered or filled and shall charge the owner of said property any costs connected therewith.

Section 415 Minimum Habitable Floor Area

A. One-family and two-family dwellings shall have a habitable floor area of at least 700 square feet per dwelling unit.
B. No multiple-family dwelling shall contain a dwelling unit in the basement unless a separate outside entranceway is provided to such dwelling unit.

USES, SPECIFIC

Section 416 Accessory Buildings

All accessory buildings or structures are subject to the following additional regulations

A. Such building shall be at least 10 feet from the principle building.
B. No accessory non-agricultural building shall exceed 20 feet in height.
C. A zoning permit is required for an accessory outbuilding greater than 140 square feet.

Section 417 Lighting

Exterior lighting shall be designed and maintained so that it is downcast and encased so as to minimize glare to surrounding properties, sky and roads.

Section 418 Farm Labor Dwelling

A farm labor dwelling shall be permitted on a farm.

Section 419 Home Occupations

Home occupations are permitted as follows:

A. The occupation must be clearly incidental to the use of the dwelling as a residence.
B. The occupation shall be carried on by the occupant of the dwelling, and employ not more than two persons who are not residents of the premises upon which the home occupation is contained.
C. There shall be no exterior display or sign except as permitted under this law, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the lot of the surrounding neighborhood.
D. The occupation shall not produce any offensive odor, noise, vibration, smoke, dust, heat, electrical interference or glare detectable to normal sensory perception outside the structure.
E. Any need for parking generated by the occupation shall be met off the street and in accordance with the regulations of this law.

Section 420 Junkyards

Junkyards shall conform to the following requirements:

A. A junkyard shall be enclosed by an opaque fence designed to obstruct its view from outside, which is at least eight feet in height, and entirely surrounds such junkyard.
B. No junkyard shall be located on a hillside of greater than 10 percent slope, on a flood plain, or within 100 feet of any stream bed.
C. Materials stored and collected shall not be stacked or piled to a height greater than the closest eight-foot opaque fence.
D. Operation of a junkyard must be in accordance with Section 136 of the New York State General Municipal Law and this Section of this Law.
E. The outdoor storage of inoperable machines, implements, or appliances, or two or more unregistered travel trailers, camping vehicles and/or uninhabitable mobile homes shall require licensing as a junkyard.
F. Inoperable agricultural equipment or machinery stored on an operating farm for future restoration or for use as a source of spare parts for other equipment in use on the farm shall not be subject to the above provisions of this Section.

Section 421 Manufactured Homes

Manufactured homes shall be subject to all the regulations pertaining to detached, one-family

dwellings, in addition to the following standards:

A. An approved skirting of concrete block or other permanent material similar to the manufactured home, properly ventilated, shall be installed to enclose the area between the floor line of the manufactured home and the ground.
B. No additions shall be made to a manufactured home except a canopy and/or porch open on three sides, or an addition made by the manufactured home manufacturer and/or built in conformance with New York State Uniform Fire Prevention and Building Code Regulations.

Section 422 Model Homes

Model homes on display for the public to visit and inspect, and not intended to be sold as is, shall be required to meet all density, height, area and yard, and off-street parking requirements.

Section 423 Public Utility and Facilities

Public utility substations shall comply with the following:

A. All structures shall be surrounded by a fence which conforms to district regulations for front, side, and rear yard set back requirements.
B. The area outside the fence shall be landscaped to a minimum of twenty (20) feet.
C. Equipment shall be stored only in an enclosed structure or concealed by fencing of landscaping.
D. Utility poles and attendant lines are permitted as necessary, in all districts.

Section 424 Parking, Storage or Use of Recreational Vehicles and Equipment

A. Recreational vehicles and equipment may be parked or stored on any parcel of land provided they comply with the front, side and rear setback requirements of the district, and further that they not be parked closer to the front lot line than the principal building.
B. No recreational vehicle or equipment shall be used for living, sleeping, or housekeeping in excess of 14 days per month, unless parked on an approved campground.

Section 425 Signs

A. General Provisions

The following provisions shall apply to all signs located in all zoning districts in the Town of Columbia.

1. Signs shall be constructed of durable material, maintained in good condition, and shall not be allowed to become dilapidated, faded, peeled, blistered.
2. No sign shall be designed or located in such a manner as to: impair public safety; restrict motor vehicle clear vision; be confused with any traffic sign or signal; or prevent free access to any door, window or fire escape.
3. No sign shall obstruct or block the view of any residential dwelling or block the signage of a neighboring business.
4. Signs may be illuminated by a steady light provided the lighting does not directly illuminate nor cause excessive glare upon adjacent properties and public highways. All signs shall meet the standards set forth in Section *417* Lighting.
5. No flashing or oscillating lights or signs that move or appear to move are permitted unless necessary for public safety and welfare.
6. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.
7. No freestanding sign shall exceed 25 feet in height above grade level, nor shall any sign be located on the roof of any building or structure.
8. No sign shall be erected within a public right-of-way. All signs shall be set back at least 10 feet from all property lines and the public road right-of-way line. No sign shall overhang property lines or public rights-of-way.
9. No sign shall be erected on a public utility pole or traffic control structure.
10. None of the standards in this Section shall apply to road name and traffic control signs erected by the New York State Department of Transportation, Herkimer County Highway Department, or the Town of Columbia Highway Department. Other signs

necessary for public safety and welfare shall also be exempt.

B. Specific Signs
The following signs are permitted in any district:

1. Professional residence-office and home occupation signs not exceeding six (6) square feet per face.
2. Directional signs shall be permitted in all districts and shall be no larger than six (6) square feet per face.
3. Temporary signs, including, but not limited to, directional signs for meetings, conventions and other assemblies, signs advertising the sale or rental of land or buildings, signs listing the architect, engineer, or contractor and/or owner on premises where construction, renovation or repair is in progress, political posters, not-for-profit promotional signs, private sales or similar signs are permitted subject to the following requirements.

    a) Signs advertising the sale or lease of property shall not exceed six (6) square feet in area. No more than one per realty firm "for sale" or "for rent" sign is allowed per property.
    b) Other temporary signs shall not exceed twelve (12) square feet in area.
    c) All temporary signs shall be removed within 14 days of the event advertised thereon or of the completion of the construction, renovation, or repair.
4. Window signs and wall signs shall not exceed 50 percent of the total display window area or total aggregate wall area.
5. Residential or farm identification name plates not exceeding one per property and four square feet in area.
6. One sign per entrance identifying a residential development and shall not exceed eight (8) square feet.
7. School, church, or other institutional identification signs shall not exceed one per public road frontage and twelve (12) square feet in area.
8. Business, retail, service and industrial identification signs shall be limited to one on-premise sign per public road frontage, not exceeding 32 square feet per face.
9. All existing signs, at the time of enactment of this regulation, shall be allowed to remain as long as they are properly maintained and their use remains current, pursuant to Section 705.

C. Signs Along State Roads
The following signs are permitted in any district provided they meet the standards set forth by New York State Department of Transportation (NYSDOT) for signs located along the right- of-way of state roads. Applicants proposing to locate signs along a state highway or road must contact NYS DOT to ensure that their proposed sign meets state regulations.

D. Permit Required
A sign permit, issued by the Zoning Enforcement Officer, is required for the erection or alteration of all signs within the Town of Columbia except for residential and farm identification nameplates, temporary signs, trespass and posted signs, and window signs.

Section 427 Swimming Pools

A. Accessory to Single-Family Dwellings
Swimming pools, whether permanent or portable, having a depth of at least two (2) feet, shall meet the setback requirements of 305F. Swimming pools shall comply with NYS Uniform Code concerning swimming pools and regulations.

B. Accessory to Residential Developments
Swimming pools accessory to cluster subdivisions, seasonal dwellings, or multi-family dwellings, shall be of permanent construction and shall be located not closer than 50 feet from any side or rear lot line, not closer than 50 feet from any dwelling unit, and shall meet the front setback requirement of the zoning district in which it is located.

C. Non-Residential

Swimming pools that are part of non-residential uses, whether commercial or noncommercial, such as hotels, motels, clubs, campgrounds, day-use recreational facilities or institution, shall be of permanent construction and shall be located not closer than the setback requirements for the district in which it is located.

D. Abandoned or Unused Pool

Abandoned pools are not exempt from the requirements of this law.

Section 428 Fences

Fences constructed between lots shall be wholly within the property of the lot, with the decorative side facing the adjacent property. Fencing may not exceed 8 feet in height.

ARTICLE V. SPECIAL USE PERMITS

Section 501 Purpose

It is the purpose of this article to provide regulation for the issuance of special use permits pursuant to Town Law 279. Special Use permits allow the Town to assure a proposed project is in harmony with zoning and the Comprehensive Plan and will not aversely affect a neighborhood. Special Use Permits differ from Site Plan Reviews (Article VI) in that Site Plan Reviews are generally more detailed reviews of larger commercial or industrial uses, and or land use proposals.

Section 502 Administration

The Planning Board will administer the review and issuance of Special Use Permits under and pursuant to Town Law 274.

Section 503 Procedure

A. An application for a special use permit shall be submitted to the Planning Board.
B. An application for a special use permit shall contain the following:
   1. Name of applicant and relationship to owner.
   2. Name of owner, if not applicant.
   3. Description of property, including address, tax map number and legal description.
   4. Existing zoning classification.
   5. Site plan prepared in accordance with Article VI of this law if required.
   6. Proposed use for which special use permit is requested.
   7. Signature of applicant and owner.
   8. Names and addresses of owner of properties within five hundred (500) feet of boundary lines of property or portion therefore for which special use permit is requested.
C. Additional Notice. In addition to the notice requirement of Town Law 274, the applicant shall mail a notice of the public hearing on the application to owners of properties located within five hundred (500) feet of the boundary lines of the property or portion thereof for which the special use permit is requested.
D. Expenses. The applicant shall pay all expenses incurred by the town in connection with the application, including but not limited to publication and mailing of the notice of public hearing, recording of public hearing, SEQRA review, and such other expenses as are incurred by the Planning Board.
E. A separate application shall be required for each special use.
F. Ineligibility for Special Use Permit. No special use permit shall be issued to an applicant or for a property which is in violation of this law or any other federal, state or local land use law or regulation.

Section 504 Standards Applicable to All Special Use Permits

In addition to the criteria and factors required to be considered under Town Law 274-6, the Planning Board shall consider the following:

A. The compatibility of the proposed special use with nearby properties and future appropriate development and use of nearby properties.
B. Traffic generated by the special use and whether it can be adequately and safety served by the existing and proposed roads.
C. The effect the special use will have on community aesthetics.
D. The effect of the special use on community facilities and utilities.
E. The propensity of the special use to affect nearby properties by reason of dust, odor, noise, fumes, vibration, excessive lighting, water pollution, or solar access.
F. The compatibility of the special use with the Comprehensive Plan.

Section 505 Conditions

The Planning Board, in granting a special use permit, shall impose such conditions, safeguards and restrictions upon the proposed development as may be deemed necessary in the public interest to secure compliance and compatibility with the provisions of this law.

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Conditions may include, but are not limited to, the following:

A. The hours of operation
B. Access to the subject property
C. Protection of surface and groundwater
D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners
E. Adequate sewer and water supplies
F The location, size, height, design of building, walls, fences, landscaping and buffer yard
G. Timing or phasing of development
H. Siting of utilities
I. Control of smoke, dust, vibration, noise and odor
J. Bonding as required to ensure standards are met and plans are implemented
K. Solid and liquid waste control and removal

Section 506 Expiration and Revocation

A. Expiration. A special use permit shall expire:

1. Six (6) months after the use for which the permit was issued has been discontinued, unless the permit was for a seasonal use, when the period of discontinuance shall be twelve (12) months, or,
2. Twelve (12) months after the issuance of the permit where the use for which the permit was issued has not been undertaken.

B. Extension. The planning board may extend a special use permit otherwise expiring under subparagraph A, upon application by the permittee made prior to such expiration. Such extension may be granted for an additional period of up to twelve (12) months.

C. Revocation

1. A special use permit may be revoked by the Planning Board for a material violation of the terms of such permit or for a violation by the permittee of any provision of this law or other federal, state or local land use law or regulation.
2. Procedure.
    a. Notice of violation and intent to revoke shall be mailed by ordinary mail to the permittee.
    b. Such notice shall set forth
        (1) The name of the permittee and the address of the property subject to the special use permit.
        (2) The violation(s) of the permit, law(s) or regulation(s).
        (3) A date by which such violation(s) must be cured, which date shall be at least thirty (30) and not more than sixty (60) days from the date such notice is mailed.
        (4) A date by which the permittee shall request a hearing before the Planning Board on the violation(s), which date shall be fifteen (15) days from the date the notice is mailed, and
        (5) A statement that failure to cure the violation(s) or request a hearing within the time limits above set forth shall result in revocation of the permit.

ARTICLE VI. SITE PLAN REVIEW

Section 601 Purpose

It is the purpose of this Article to provide regulations for site plan review pursuant to Town Law Section 274-a.

The principal areas of concern are:

A. The balancing of landowners' rights to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances.
B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads.
C. The adequacy of waste disposal methods and protection from pollution of surface or groundwater.
D. The protection of historic and natural environmental features on the site under review and in adjacent areas.

Section 602 Applicability

Site Plan Review shall be required for all uses Appendix A, Schedule I, unless specifically exempted from Site Plan Review. No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be issued; no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Board. The introduction of new materials or processes not previously associated with an existing use is also subject to site plan review.

Section 603 Exceptions from Site Plan Review

Site Plan Review shall not be required for:

A. The construction or enlargement of any single-family or two-family dwelling, or building accessory to such dwelling.
B. The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture.
C. The construction or alteration providing for not more than two hundred (200) square feet total floor area after construction.
D. Home Occupations
E. Ordinary repair or maintenance of existing structures or uses.
F. Temporary structures related to the sale of agricultural products.

Section 604 Procedure

A. Prior to the submission of a formal site plan, a presubmission conference may be held wherein the applicant shall meet in person with the Planning Board to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the town's requirements in matters relating to the development of the site.

B. Within six (6) months following the presubmission conference, five (5) copies of the zoning permit and/or site plan and any related information shall be submitted to the Town Clerk, accompanied by a fee in accordance with the schedule of fees of the Town of Columbia, payable to the Town Clerk. If the application is not submitted within this six-month period, another presubmission conference may be required.

C. The Planning Board shall certify on each site plan or amendment whether or not the application is complete in accordance with Section 606 as directed, Submission Requirements, and whether the plan meets the requirements of all zoning law provisions other than those of this Article, such as setbacks, number of parking spaces, etc. The Zoning Enforcement Officer shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant.

D. Upon acceptance, the Planning Board may, at its discretion, will hold a public hearing on

the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of said completed application. The Planning Board shall give notice of the hearing in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing. In addition, the applicant shall mail such notice to all owners of properties located within five-hundred feet (500') of the boundary lines of the property for which site plan approval is requested. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with an affidavit of mailing.

E. If SEQRA review is required, the time limitations of paragraph (H) of this Section shall not apply until the conclusion of the SEQRA process.

F. If referral to the County Planning Board is required under Section 239-m of the General Municipal Law, the concurring vote of a majority plus one of the Planning Board shall be necessary to override County Planning Board recommendations of approval with modifications or disapproval. In the event that the County Planning Board recommends modifications or disapproval of a referred matter and the Planning Board acts to the contrary, the Planning Board shall file a report of its final action with the County Planning Board within seven (7) days after final action.

G. The Planning Board shall, within 62 days of the public hearing, if one is held, or within 62 days of the date of the meeting at which the site plan was submitted, either:
   1. Approve the site plan if the Planning Board finds that the plan meets the requirements of this law and any other applicable rules and regulations; or
   2. Conditionally approve the site plan upon the applicant making changes or modifications to the plan, said conditions to be set forth in writing by the Board; or
   3. Disapprove the site plan, the reasons for such action to be set forth in writing by the Board.

   Failure to act within the required time shall be deemed approval. For extension of time to be considered the application must be with the written consent of the applicant. Said agreement shall be recorded in the minutes.

H. Review of amendments to an approved site plan shall be acted upon in the same manner as the review of an original plan.

Section 605 Enforcement

A. The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. The Zoning Enforcement Officer may suspend any permit or license when work is not performed as required.

B. Any Special Permit or Site Plan issued under this Article shall lapse within one year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to Chapter 274-a of the Town Law shall be included within the one-year time limit.

C. The Planning Board may adopt additional detailed design guidelines and performance standards, as it deems necessary by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing. Such standards and guidelines shall not become effective until approved by the Town Board.

D. No topsoil, trees, shrubs or other vegetation shall be removed from the site until a site plan has been approved for the property in question.

Section 606 Submission Requirements

A. Items required for approval may include:

1. Name of the project, boundaries, location maps showing site's location in the town, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the engineer, architect and/or landscape architect.
3. Name and addresses of the owners of all properties located within five hundred feet (500') of the boundary lines of the property for which site plan approval is requested.
4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses, and the location and use of structures within five hundred feet (500') of the site.
5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
6. The location of all present and proposed public and private ways, parking area, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, and walls. Location, type, and screening details for all waste disposal containers shall also be shown.
7. The location, height, intensity and type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties and skyward must also be shown.
8. The location, height, size, materials, and design of all proposed signage.
9. The location of all present and proposed utility systems including:
   a) Sewage or septic system.
   b) Water supply system.
   c) Telephone, cable and electrical systems.
   d) Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales
10. Soil logs, soil profile analysis (deep test pits), percolation tests and storm water run-off calculations.
11. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, run-off, raising or lowering of the water table, and flooding of other properties,as applicable.There shall be pre-and post-drainage calculations for the site done by a certified engineer calculating the change, if any, in runoff from the site. Runoff shall be mitigated so as not to disturb neighboring properties.
12. Existing and proposed topography at a five-foot (5') contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year flood plain, the area will be shown, and baseflood elevations given. Areas within site where ground removal or filling is required with approximate volume in cubic yards shall be indicated.
13. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features, including size and type of plant material, and erosion control measures. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
14. Zoning district boundaries within one hundred feet (100') of the site's perimeter shall be drawn and identified on the plan.
15. Traffic flow patterns within the site, entrances and exits, loading and unloading area, curb cuts on the site and within one hundred feet (100') of the site.
16. A detailed traffic study to include:
    a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hours traffic level
    b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site
    c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
17. For new construction or alterations to any existing building, a table containing the following information must be included:
    a) Area of building to be used for a particular use such as retail operation, office, storage, etc.
    b) Maximum number of employees

c) Maximum seating capacity, where applicable
d) Number of parking spaces existing and required for the intended use

18. Elevation plans at a scale of ¼" = 1' for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.

B. The Planning Board may waive such requirements of Section 606 A, or parts thereof, when such requirements are not necessary in the interest of the public health, safety, and general welfare, of where otherwise inappropriate.

C. Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one inch (1") equals twenty feet (20') or less, on standard 24"x36" sheets, with continuation on 8 1/2 "x11" sheets as necessary for written information.

D. An Environmental Assessment Form (if and as required by the New York State Environmental Quality Review Act (6 NYCCR 617) shall be submitted with the application.

Section 607 Standards for Review

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Pursuant to Section 605, paragraph C., detailed design guidelines and performance standards may be adopted by the Planning Board to guide decisions with respect to these objectives, and to help ensure consistency in the review of applications.

A. Legal

Conformance with the provisions of all applicable federal, state and local rules and regulations.

B. Traffic

Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

C. Parking

Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic.

D. Public Services

Reasonable demands placed on public services and infrastructure.

E. Pollution Control

Adequacy of methods of sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.

F. Nuisances

Protection of abutting properties and town amenities from any undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.

G. Existing Vegetation

Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

H. Amenities

The applicant's efforts to integrate the proposed development into existing landscape through design features, such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.

I. Town Character

The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding area and the natural landscape.

ARTICLE VII. NONCONFORMING LOTS, STRUCTURES AND USES

Section 701 Intent

It is the intent of this Article to permit nonconforming lots, structures, and uses to continue until they area removed, but not to encourage their survival. Therefore, lots, structures and uses of land and/or structures which lawfully existed at the time of enactment of these regulations and which would be prohibited or restricted under the terms of this law may continue subject to the following provisions.

Section 702 Nonconformities

A. Nonconforming Lot

A lot which legally existed at the time of adoption or amendment of this law which fails to meet the requirements for depth, width, frontage, area or other dimensional requirements that are applicable in the zoning district.

B. Nonconforming Structure

A structure, building or sign which legally existed at the time of adoption or amendment of this law and which is used for a permitted use, but fails to meet the requirements that are applicable in the zoning district for size, dimensions or setbacks.

C. Nonconforming Use

A use of land, premises, building or structure, legally existing at the time of adoption or amendment of this law, but fails to meet the requirements for a permitted use, a permitted accessory use or special permit use applicable to the zoning district in which such use is located.

Section 703 General Provisions

A. Construction Approved Prior to Enactment of This Law

Nothing contained in this law shall require any change in plans, construction or designation of use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of such permit.

B. Transference

Rights granted to nonconforming lots, structures and uses pursuant to this Article shall remain with the land when title is transferred. Nonconforming Uses are not unlawful.

C. Illegal Nonconformance

No unlawful use of property existing at the time of adoption or amendment of this law shall be deemed a nonconforming use; no unlawful structure existing at the time of adoption or amendment of this law shall be deemed a nonconforming structure; no unlawful lot existing at the time of adoption or amendment of this law shall be deemed a nonconforming lot.

D. District Changes, Amendments

Whenever the boundaries of a zoning district are changed so as to transfer an area from one district to another district of a different classification, or whenever the text of this law is changed, the provisions of this Article shall also apply to any lot, structure or use made nonconforming by district change or law amendment.

E. Existing Special Uses Deemed Conforming

Any use lawfully existing at the time of adoption or amendment of this law, in the zoning district in which such use is classified herein as a special use, shall, without further action, be deemed a conforming use; provided any extension of or addition to such use shall require a special use permit and if applicable, site plan review.

F. Cessation of Nonconformity

If a nonconforming lot, structure or use shall cease to be nonconforming for a period of

more than three (3) years, such nonconformity shall not be reestablished, and such lot, structure or use shall thereafter conform to the regulations and provisions of this law for the district in which such lot, structure or use is located. Any period of time that such cessation of nonconformity is involuntary as found by the Planning Board shall not be counted.

Section 704 Nonconforming Lots

A. For any lot nonconforming because of insufficient width, side yard requirements shall be reduced in accordance with the following standards:

Width of Lot at Front Yard Setback Line (Feet)	Minimum Side Yard Width (Feet)
Less than 55	5
55 but less than 65	8
65 but less 75	10
75 but less than 85	12
85 but less than 100	15
More than 100	20

B. Depth or Area

For any lot nonconforming because of insufficient depth or area (acreage) front setback requirements shall not apply for additions to existing buildings located on such lot; provided no such addition shall be located closer to the front property line than the main structure.

C. Subdivision

A nonconforming lot may be subdivided if every part of such lot is purchased by the owners of adjoining properties to increase the dimensions of such adjoining properties. Otherwise, the dimensions of a nonconforming lot may not be reduced.

Section 705 Nonconforming Structures

A. Nonconforming structures may be enlarged or altered provided such construction will not result in the increase of any nonconformity in height, setback, land coverage or other dimensional requirement; all new construction shall conform to height, setback, size, land coverage and other applicable dimensional requirements.
B. Nothing in this Article shall prevent normal maintenance and repair of any nonconforming building or structure.
C. No nonconforming structure shall be moved to another location where such building or structure would also be nonconforming.
D. Any nonconforming structure may be restored or reconstructed after being destroyed or damaged by fire, accident or other act of God.

Section 706 Nonconforming Uses

A. Nonconforming Use of Land

Where the nonconforming use of a building is not involved, the nonconforming use of land may be continued on the following conditions:

1. That no such nonconforming use shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that lawfully occupied by such use at the time of the adoption or amendment of this law, unless specifically allowed by other provisions hereof.
2. That no such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land lawfully occupied by such nonconforming use at the time of adoption or amendment of this law.
3. That, if such nonconforming use of land or any portion thereof ceases for any reason for any continuous period of more than one year, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this law.
4. That no nonconforming use of land shall be changed to another nonconforming use.

B. NonConforming Use of Structures

The Planning Board may grant a special use permit allowing nonconforming use of a structure to be changed to another nonconforming use.

1. Procedure and Criteria. The procedure and criteria for issuance of a special use permit under this section shall be the same as required generally under this law for issuance of a special use permit.
2. Additional requirements.
    a. In addition to the requirements for issuance of a special use permit, the Planning Board may also require site plan review.
    b. In considering criteria for issuing a special use permit under this section, the Planning Board shall consider in addition to the criteria generally applicable for issuance of a special use permit, the comparative effect in a change of nonconforming uses.

D. Maintenance and Repair

Maintenance and repair work required to maintain a structure housing a nonconforming use in sound condition shall be permitted.

E. Extension of Nonconforming Use

A nonconforming use may be extended throughout a structure which was manifestly arranged or designed for such use at the time of adoption or amendment of this law.

F. Damage and Restoration

If a building or structure or part thereof containing a nonconforming use has been damaged opartially destroyed by any cause, such nonconforming use may be reconstructed or restored with the same or less floor area and cubic content, and with the same or improved site layout as that of the original structure. This paragraph shall only apply if the damage exceeds 33 percent of the value of the structure at the time of damage.

Section 707 Manufactured Homes

A nonconforming manufactured home that, is removed from a lot, shall only be replaced with a manufactured home meeting the requirements of this law and the construction standards of the New York State Uniform Fire Prevention and Building Code.

ARTICLE VIII. ADMINISTRATION

Section 801 Enforcement

The duty of administering and enforcing the provisions of this law is hereby conferred upon the Enforcement Officer. He shall be appointed by the Town Board and receive compensation as the Town Board shall determine.

Section 802 Duties and Procedures of the Zoning Enforcement Officer

A. Administer the Zoning Law

The Enforcement Officer shall review all applications for zoning permits and, if the requirements of this law are met, he shall issue a zoning permit.

If the applicant's plans do not meet the zoning requirements, the zoning enforcement officer must deny the application.

B. Referral to the Zoning Board of Appeals

Upon an appeal to the Zoning Board of Appeals of a decision of the Zoning Enforcement Officer for an interpretation or a variance, the Zoning Enforcement Officer shall notify the Secretary of the Zoning Board of Appeals of the request and forward all necessary supporting information.

C. Referral to Town Planning Board

An application for a Special Permit, change of zoning district or use that requires a Site Plan Review shall be forwarded by the Zoning Enforcement Officer to the Secretary of the Town Planning Board along with all supporting information.

D. Compliance

The Zoning Enforcement Officer shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures; discontinuance of illegal construction. The Zoning Enforcement Officer shall take such other action authorized by this law to ensure compliance with or prevent violation of its provisions.

E. Report to Town Board

The Zoning Enforcement Officer shall submit a quarterly report to the Town Board describing and enumerating actions taken and Zoning Permits issued.

F. Public Record

The Zoning Enforcement Officer shall file all reports and decisions with the Town Clerk.

G. Inspections

The Zoning Enforcement Officer shall have the authority and duty to inspect property, buildings and structures, whether or not a permit has been issued or an application for a permit made, as is necessary to ensure compliance with this law.

Section 803 Permits Required

The Codes Enforcement Officer shall not issue a Building Permit unless and until the Zoning Enforcement Officer has issued a Zoning Permit or determined that a Zoning Permit is not required. No use or structure shall be established, erected nor land developed until a Zoning Permit has been issued by the Zoning Enforcement Officer who shall issue such permits in accordance with regulations in this Code.

A. Pre-application Conference with Zoning Enforcement Officer and/or Planning Board

A pre-application conference with the Zoning Enforcement Officer and/or the Planning Board is authorized for all applicants seeking permits for nonresidential uses or nonfarm uses.

B. Application and Fees

An application for a Zoning Permit shall be in writing, signed by the owner, and filed with the Town Clerk along with proper fees, on such form or forms as are prescribed by the Planning Board. The application shall contain at minimum the following:

1. Name of applicant and relationship to owner.
2. Name of owner if not the applicant.
3. Description of property, including address, tax map and legal description.
4. Zoning district.
5. Plot plan or site plan.
6. Proposed use.
7. Such other information as determined to be necessary by the Zoning Enforcement Officer and/or Planning Board.
8. Contact information for landowner and applicant

C. Action

The Zoning Enforcement Officer shall make and file his/her decision within 20 working days from the day of filing a completed application. Such decision shall be either to grant or deny a permit.

1. Denial

Where the proposed construction, alteration or use of a structure or lot is in violation of any of the provisions of this law or if a Special Permit or site plan approval is required, the permit shall be denied. Such denial shall be in writing, dated with proof of delivery, and mailed to the applicant. Such denial shall be the basis for an appeal.

2. Grant of Permit

Where the Zoning Enforcement Officer determines that an application for a zoning permit is complete and that the proposed construction, alteration or use of a structure or lot is in compliance with the provisions of this law, and required no other permit, review or approval under this law, or any law, rule or regulation incorporated under this law, he or she shall issue the zoning permit.

D. Expiration

A zoning permit shall expire twelve (12) months after issuance where the project or use for which the permit was issued has not substantially been undertaken.

E. Extension

The Zoning Enforcement Officer may extend a zoning permit otherwise expiring under subparagraph D, upon application by the permittee made prior to such expiration. Such extension may be granted for an additional period up to twelve (12) months. An extension beyond the extension period granted by the Zoning Enforcement Officer must be approved by the Zoning Board of Appeals.

F. Exceptions

1. Farm Structures: No Zoning Permit shall be required for any farm building or use. Farm owners are encouraged, however, to abide by the spirit of this law in the design, siting and operation of their buildings
2. Maintenance and Repair: No Zoning Permit shall be required for normal maintenance and repair, painting, interior decoration, landscaping or the construction of a structure, such as a utility shed or animal shelter, where the total floor area is 140 square feet or less.

G. Fees

All fees shall be paid at the office of the Town Clerk upon filing an application. Fees shall be in accordance with the Town of Columbia standard fee schedule.

Section 804 Certificate of Compliance

A. Applicability

1. No land shall be occupied or used and no building or structure hereafter erected, altered or extended shall be used or changed in use until a Certificate of Compliance shall have been issued by the Zoning Enforcement Officer.
2. A request for a Certificate of Compliance shall be made in writing to the Zoning Enforcement Officer who shall act upon such request within ten (10) business days.
   a. If the Zoning Enforcement Officer determines that the use and/or project for which the zoning permit was issued complies with the permit, this law and all laws, rules and regulations incorporated in this law, he or she shall issue a Certificate of Compliance.
   b. If the Zoning Enforcement Officer determines that the use or project fails to conform to the permit for which such use or project was issued, this law, or any law, rules or regulations incorporated in this law, he or she shall deny a Certificate of Compliance.
   c. The decision of the Zoning Enforcement Officer shall be in writing and mailed to the applicant. The applicant may appeal the decision of the Zoning Enforcement Officer to the Zoning Board of Appeals.

3 The Zoning Enforcement Officer shall maintain a record of all Certificates of Compliance and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

4. The Codes Enforcement Officer shall not issue a Certificate of Occupancy unless and until the Zoning Enforcement Officer has issued a Certificate of Compliance.

C. Temporary Certificate of Compliance

Upon a request in writing by the permittee, the Planning Board may direct the Zoning Enforcement Officer to issue a temporary Certificate of Compliance upon such terms and conditions as the Planning Board shall determine necessary to ensure completion and compliance of the use or project. Such conditions may include financial guarantees.

Section 805 Zoning Board of Appeals

A. Creation, Appointment and Organization

A Zoning Board of Appeals is hereby established and shall consist of three members appointed in accordance with Section 267 of the Town Law. The Town Board shall designate a chairman, and from its membership the Board of Appeals shall appoint a secretary and shall prescribe rules for the conduct of its affairs. No person who is a member of the Town Board or Planning Board shall be eligible for membership on the Zoning Board of Appeals.

B. Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed by Town Law Section 267 and by this law, which are more particularly specified as follows:

1. Interpretation: Upon appeal from a decision by the Zoning Enforcement Officer, to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
2. Appeals for Variances: Upon denial of a zoning permit by the Zoning Enforcement Officer, the Zoning Board of Appeals shall hear requests for variances.
3. Area Variances: Area variances may be granted where setback, frontage, lot size, density or yard requirements of this law cannot be reasonably met. In making decisions, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Zoning Board of Appeals shall also consider:
   a) Whether an undesirable change will be produced in the character of the neighborhood

or a detriment to nearby properties will be created by granting of the area variance;

b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
c) Whether the requested area variance is substantial;
d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it deems necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health safety and welfare of the community.

4. Use Variances: Use variances may be granted by the ZBA for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

No such variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that:

a) Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
b) That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
d) That the alleged hardship has not been self-created.
e) Procedure:
   1) All applications for variances shall be in writing on a form or forms prescribed by the Zoning Board of Appeals and signed by the landowner.
   2) Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted;
   3) Upon receipt of the completed application, the Zoning Board of Appeals shall:
      i) Schedule a public hearing within 62 days
      ii) arrange publication of notice of public hearing in the Town's official newspaper
      iii) Notify all landowners adjacent to the applicant's parcel
      iv) All use variances submitted to the Zoning Board of Appeals shall be referred to the Planning Board for review as to the conformance with the objectives of the Comprehensive Plan. No decision shall be made by the Zoning Board of Appeals until such Planning Board review has been completed and a report issued. If the Planning Board fails to issue its report within 30 days, the Zoning Board of Appeals shall assume that a favorable report has been issued.
      v) Refer application to the County Planning Board as required by General Municipal Law Section 239.
      vi) Determine whether a SEQRA review is required
   4) Within 62 days of the public hearing, the Zoning Board of Appeals shall render a decision. If matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals' findings and decision shall be mailed to the County Planning Board.

Section 806 Planning Board

A. Creation, Appointment and Organization

A Planning Board is hereby established and shall consist of five members appointed in accordance with Section 271 of the Town Law. The Town Board shall designate a chairman, and the Planning Board shall, from amongst its members choose a secretary and vice-chairman. The Planning Board shall prescribe rules for the conduct of its affairs. No person who is a member of the Town Board shall be eligible for membership on the Planning Board.

B. General

In all cases where this law requires authorization and approval of plans by the Planning Board, no Zoning Permit shall be issued by the Zoning Enforcement Officer except upon authorization of and in conformity with the plans approved by the Planning Board.

C. Site Plan

The Town of Columbia hereby authorizes the Planning Board to review and approve, to approve with modification, or to disapprove site plans.

D. Special Permits

The Planning Board is further authorized to issue Special Permits upon determination that the public health, safety and welfare shall be served and neighboring properties will not be injured.

Section 807 Violations

A. Complaint of Violations

Any person may file a complaint in regard to a violation of this law or any permit or certificate issued hereunder. Such complaint shall be in writing, signed, and shall be filed with the Zoning Enforcement Officer who shall record such complaint, investigate and report thereon to the Town Board within ten (10) business days of filing.

B. Notice of Violation

If the Zoning Enforcement Officer, after examination and inspection determines that there exists a violation of any provision of this law, or of any rule or regulation adopted pursuant thereto, or any permit or certificate issued hereunder, he/she shall serve a written notice of violation. Such notice of violation shall inform the recipient of:

1. The nature and details of such violation.
2. The date by which the violation must be remedied or removed, which date must be not less than fifteen (15) nor more than thirty (30) days from the date such notice is served.
3. A statement that the violation and/or time specified for compliance may be appealed to the Zoning Board of Appeals. Such appeal shall be in writing and received by the Zoning Enforcement Officer within the period set for remediation or removal of the violation. The Zoning Board of Appeals may extend the time for remediation or removal of the violation for such additional period as it deems appropriate, not to exceed six (6) months.

C. Stop Work Order

In case of violation and noncompliance with the terms of the notice of violation, the Zoning Enforcement Officer may require suspension of work until the conditions in violation have been remedied.

D. Abatement of Violation

In addition to issuing a stop work order, the Zoning Enforcement Officer may take action at law, or in equity, to prevent unlawful construction or to restrain, correct or abate the violation, or to prevent the illegal occupancy of a building, structure or premises; or to prevent illegal act, conduct a business in or about any premises, shall be written in addition to penalties otherwise prescribed by law.

Section 808 Amendments

A. Initiation of Amendments

The Town Board may, from time to time, amend, modify, supplement or revise the provisions of this law and the zoning district boundaries shown on the Zoning Map referred to in the law, after public notice and hearing. Amendments to the provisions of this law may be initiated by the Town Board, the Planning Board or by petition of one or more residents or property owners of the town. An amendment to the zoning district boundaries contained on the Zoning Map may be initiated by the Town Board, the Planning Board or by the owner or owners of property which is the subject of the proposed amendment. All proposed amendments to the provisions of this law and the Zoning Map shall be referred to the Planning Board for recommendation, which will be forwarded to the Town Board prior to public hearing and consideration.

B. Application Procedure

An amendment to this law or the Zoning Map, except those initiated by the Town Board or Planning Board, shall be initiated by submission of a completed application on a form or forms prescribed by the Town, including an application fee, which will be established from time to time by resolution of the Town Board.

For an amendment to the Zoning Map, the following information shall accompany the application form.

1. A legal description, street address and county tax map number of the subject property, together with a map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
3. The existing and proposed zoning district designation *for* the subject property.
4. A written description of how the requested rezoning meets the criteria outlined in subparagraph D.

For an amendment to the Zoning Law, the following information shall accompany the application form.

1. A general written description of the proposed amendment, including a statement addressing how the amendment meets the criteria outlined in subparagraph E.

If requested by the Town Board or the Planning Board, an Environmental Impact Statement (EIS) in accordance with the New York State Environmental Quality Review Act (SEQRA) shall be submitted for any proposed amendment to the Zoning Law or the Zoning Map.

C. Amendment Procedure; Public Hearing and Notice

1. Upon initiation of an amendment, consideration of the proposed amendment shall be scheduled before the Planning Board.

2. The Planning Board shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Town Board.

   In the case of an amendment to the Zoning Map, the Planning Board shall consider the criteria contained in subparagraph D below in making its finding and recommendation.

3. Following receipt of the findings and recommendation of the Planning Board, the Town Board shall conduct a public hearing and consider the proposed amendment. In the case of an amendment to the text of this law, the Town Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Zoning Map, the Town Board shall approve or deny the amendment, based on its consideration of the criteria contained in subparagraph D below.

D. Criteria for Amendment to the Zoning Map

In considering any petition for an amendment to the Zoning Map, the Planning Board and Town Board shall consider the following criteria in making its findings, recommendations and decision.

1. Consistency with recent development trends in the area shall be considered.

2. Compatibility of the site's physical, geological, hydrological and other environmental features with the list of uses permitted in the proposed zoning district.

3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

5. The capacity of utilities and Town services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Town.

6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

7. The apparent demand for the types of uses permitted in the requested zoning district in the Town in relation to the amount of land in the Town currently zoned and available to accommodate the demand.

8. The boundaries of the requested rezoning district are reasonable in relationship to the surroundings and construction on the site will meet the dimensional regulations for the zoning district listed in the appropriate Schedule of Regulations.

9. If a rezoning is appropriate, there may be a zoning classification for the property which is more appropriate, from the Town's perspective, than the zoning district requested.

10. If the request is for a specific use, there may be a need for rezoning the land more appropriately than amending the list of permitted or special uses in the current zoning district to allow the use?

11. The requested rezoning will not create an isolated and unplanned spot zone.

12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

13. Other factors deemed appropriate by the Planning Board and Town Board.

E. Criteria for Amendments to the Zoning Law Text

The Planning Board and Town Board shall consider the following criteria for initiating amendments to the Zoning Law text or responding to a petitioner's request to amend the law text.

1. The proposed amendment would correct an error in the law.

2. The proposed amendment would clarify the intent of the law.

3. Documentation has been provided from Town Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the law.

4. The proposed amendment would address potential legal issues or administrative problems with the Zoning Law based on recent case law in New York State.

5. The proposed amendment would promote compliance with changes in other Town Laws and County, State or Federal regulations.

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6. The proposed amendment is supported by the findings of reports, studies or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

7. Other criteria as determined by the Planning Board or Town Board which would protect the health and safety of the public, protect public and private investment in the Town, and enhance the overall quality of life in the Town.

Section 809 Penalties

A. Penalty for Offense
Violations of this law shall be punishable by penalties as provided in Town Law Article 16. Each week during which a violation continues shall ***each*** be deemed a separate offense, which shall not preclude a civil proceeding against the violator for damages or to compel compliance.

B. Justice Court
The Justice Court of the Town of Columbia shall have original and trial jurisdiction over the proceeding filed, charging a violation of this law. A person violating this law may be subject to a civil penalty enforceable and collectable by the Town in an amount up to $350 for each offense.

TOWN OF COLUMBIA ZONING LOCAL LAW
APPENDIX A

SCHEDULE I: TYPES OF USES AND DISTRICTS

P - Permitted SP - Special Use Permit X - Not Permitted

	Districts	
	R-A	A-C
Residential Uses		
One-Family Dwelling	P	P
Two-Family Dwelling	P	P
Manufactured Home	P	P
Multi-Family Dwelling	SP	SP
Manufactured Home Park	SP	SP
Condominiums	SP	P*
Townhouse Dwellings	SP	P*
Agricultural, Natural Resource		
Commercial Agriculture	P	P
Farm	P	P
Hobby Farm	P	P
Commercial Gardening	P	P
Forest Management	P	P
Wildlife Management	P	P
Public Use		
Educational Institution	SP	P*
Health Care Facility	X	P*
Public Facilities/Utilities	SP	SP
Public Parks/Programs	P*	P*
Religious Institution	SP	SP
Cemetery	SP	SP
Commercial Uses		
Animal Hospital	X	P*
Bed and Breakfast	SP	SP
Business/Professional office	X	P*
Campground/Summer Camp	SP	SP
Club/Non-Profit	SP	SP
Eating and Drinking Establishment	X	P*
Hotel/Motel	X	P*
Indoor Recreational Facility	X	P*
Light Industry	X	P*
Motor Vehicle Repair Shop	X	SP
Retail Establishment	X	P*
Service Establishment	X	P*
Junk Yard	SP	SP

* Site Plan Required

APPENDIX B- DEFINITIONS

A. General

For the purpose of this law, the following terms and words shall be interpreted as follows:

1. The word "person" includes an individual, a firm, association, organization, partnership, trust, company, agency, society, corporation or any other similar entity.
2. Words used in the present tense include the future tense.
3. The singular includes the plural and the plural includes the singular.
4. The words "shall" and "must" are mandatory.
5. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.
6. The word "lot" includes the words plot or parcel.
7. In case of absence or difference of meaning or implication between the text of this law and any caption or definition herein, the text shall govern.
8. A word or term not otherwise defined herein shall have the meaning ascribed by the New York State Fire Prevention and Building Code and/or State Environmental Quality Review Act.

B. Definition of Key Terms

Accessory Structure - Any structure which is subordinate to and which use is incidental to the use of the principal structure located on the same lot. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the principle structure.

Accessory Use - Use which is customarily and clearly incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

Acre - For the purpose of calculating lot area under this law, an acre shall be considered to consist of 43, 560 contiguous square feet.

Agricultural - The use of a parcel of land for agricultural purposes, including tilling of the soil, dairying, pasture, apiculture, arboriculture, horticulture, floriculture, aquatic farming, harvesting of trees and animal husbandry. It includes the necessary accessory uses and structures for packing, treating, and storing of products, produce and equipment, provided that the operation of any such accessory use shall be secondary to that of normal agricultural activities.

Alteration - A change or rearrangement in the structural parts of a building or structure, or an enlargement, whether by extending to a side or by increasing the height or the moving from one location to another.

Alternative Energy Systems - Structures, equipment, devices, or construction techniques used for the production of heat, light, cooling, electricity, or other forms of energy, from solar, wind, water and other sources.

Animal Hospital - An establishment operated by a licensed veterinarian which provides for the

diagnosis medical and surgical care of sick or injured animals and regularly houses them on the premises overnight or for extended periods for treatment.

Animal Husbandry - The care and breeding of domestic animals, including but not limited to cattle, hogs, horses, poultry and sheep. For purposes of this law, operation of a kennel shall not be considered animal husbandry. Animals kept for educational or cultural projects are exempted.

Bed and Breakfast - An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee. Meals may or may not be provided. Tourist homes, and inns are included; however, rest homes or homes for the aged are not.

Building - A structure wholly or partially enclosed with exterior walls and a roof, affording shelter to persons, animals or property.

Building Permit- Authorization issued by the town codes enforcement officer to move, erect or alter a structure within the town.

Bulk Storage - The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent release to distributors or retail dealers or outlets. In addition, the definition includes all storage of more than 1100 gallons, if the product is to be used on site and is not for resale.

Business and Professional Offices - Offices in which an occupation or vocation requiring advanced study in a specified field is practiced and is licensed by appropriate legal authority.

Campground - A parcel of land used or intended to be used to provide two or more sites for the parking of travel trailers, placement of tents or other temporary or movable sleeping accommodations.

Car Wash - A structure designed or intended primarily for the washing of automobiles, including conveyor, drive through and self-service.

Cemetery - Property used for the interring of the dead. Such definition shall include humans and pets.

Certificate of Compliance - A written document issued by the town zoning enforcer showing compliance with a zoning permit and this law.

Church - See "Religious Institution".

Club – A non-profit association of persons who are bona fide members, which owns or uses a building or land, the use of which is restricted to members and their guests.

Cluster Subdivision - A development for single family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Commercial Garden – Business whose principle activity is to raise flowers, plants, shrubs, trees or produce for sale on the site, including inside or outside storage, growing or display.

Commercial Recreation - Business whose principle activity is to provide a structure or facilities for use by the public for a fee.

Commercial Storage - Business whose principle activity is to provide a structure or set of structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

Comprehensive Plan- The long-range development policy for protecting the natural resources of the town and allowing for growth which is compatible with the town's resources and character.

Condominium - A building or group of buildings, in which dwelling units are owned individually; and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Convenience Store- A retail store selling items commonly found in a food store, as well as other products, including, but not limited to, gasoline, quick take out/eat-in food, and lottery tickets.

Cul-de-Sac - The turnaround at the end of a dead-end street.

Cultural Recreation - Establishment promoting social and intellectual advancement such as a library, museum, art gallery, concert hall and theater, excluding movie house and drive-in movie theater.

Development Limitations - Existing natural and manmade elements relating to land, water, air, plant, animal, people and community character affecting the suitability of particular areas for development.

Dish Antenna - Any concave, circular or dish-shaped device designed for receiving communication or television signals from space, but does not include conventional television, radio and amateur radio antennas.

Drive In Use - An establishment, which by design, physical facilities, service or by packaging procedure, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Dwelling - A building designed or used as living quarters, including seasonal homes, modular homes, and manufactured homes, exclusive of hotels, motels, rooming houses or tourist homes.

Dwelling, Farm Labor - A one unit dwelling occupied by one family, members of which are employed on the farm.

Dwelling, Multiple Family - A dwelling designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, One Family – A detached dwelling unit, other than a manufactured home or temporary portable housing, designed for exclusive year-round occupancy by one family only.

Dwelling, Townhouse - A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside; no unit is located over another unit; and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Two-family - A detached building designed for year-round occupancy by two families living independently of each other, other than a manufactured home, recreational vehicle, camp or rooming house.

Dwelling Unit - A building or entirely self-contained portion thereof containing housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrances or other hallways or porches and no cooking or sanitary facilities in common with any other dwelling unit. A dormitory, hotel, inn, nursing home or similar structure shall not be deemed to constitute a dwelling unit.

Eating and/or Drinking Establishment - An establishment which includes structures primarily used for the sale of prepared food or beverages for public consumption.

Educational Institution - An institution, either public or private providing full-time day instruction and a course of study which meets the requirements of the New York State Education Law or a nursery, day care or kindergarten which meets all pertinent requirements set by the New York State Education Law and or the New York State Health Code.

Family - One or more persons related by blood, marriage or adoption occupying a dwelling unit and living as a single, non-profit housekeeping unit.

Farm - Not less than 10 acres of land, used in the preceding two years for the production for sale of crops, livestock and livestock products with an average gross sales value of ten thousand ($10,000) or more. Includes land which otherwise satisfies the requirements for eligibility for an agricultural value assessment.

Farm, Hobby - An agricultural operation where the keeping of animals is primarily for the enjoyment and/or consumption of food for the household and where any income generated is not more than ½ of the household's total income.

Farmstand- A seasonal temporary structure of 150 square feet or less which provides protection from the elements and promotes the sale of agricultural products where adequate parking and traffic safety are ensured.

Financial Guarantee - A financial security in an amount sufficient to guarantee the installation of basic public improvements. Such improvements may include, but are not limited to, public water supply, sewage disposal systems, storm drains and sewers, roads, pavements markings, traffic signs and signals and sidewalks. Acceptable financial securities must be approved by the Town Attorney and the Town Board and may be in one of several forms, including, but not limited to, a performance bond executed by a surety company, a certified check and irrevocable letter of credit drawn in favor of the Town.

Flag Lot - A lot not meeting the required frontage along a public or private road and where access to this road is by a narrow strip of land.

Flea Market - An occasional or periodic market held in an open area or structure where individuals or groups of individual sellers offer goods for sale to the public.

Flood Plain - An area of land susceptible to being inundated by water as defined and mapped in Local Law No. 2, 1996, as amended.

Floor Area - For residential units, floor area is all heated and ventilated and thereby habitable areas within the dwelling unit, including basement and habitable attic space.

Forest Management - Management of natural vegetation for timber harvesting, firewood, wildlife habitat improvement, and water quality.

Garage, Private - An accessory building or part of a principal building used for the storage of one or more motor vehicles provided that no business, occupation or service is conducted for profit herein. A carport or similarly covered area for the storage or housing of one or more automobiles, with or without walls, but not fully enclosed, is part of this definition.

Garage, Public - Any garage, other than a private garage, operated for gain or available on a rental basis for the storage of motor vehicles.

Greenhouse, commercial- An establishment where the principal activity is the selling of plants, flowers, shrubs or trees (raised/gown on site).

Habitable Floor Area - The total number of square feet of floor space within a building, which is enclosed and usable for human occupancy or the conduct of business. Unheated basements and attached garages are excluded.

Health Care Facility - A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital,

public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, and home health care agency.

Height - The vertical distance measured from the elevation of the finished grade to the high point of a structure.

Home Occupation - An occupation or other subordinate use of a nonresidential nature which is conducted within a dwelling unit, or building accessory thereto, which is clearly incidental and accessory or secondary to the use of the property for residential purposes.

Hotel - A facility offering transient lodging accommodations to the general public and providing additional service such as restaurants, meeting rooms, and recreation facilities.

Indoor Recreational Facility- A structure where recreational activities can be enjoyed by participants for a fee. All activities take place inside of the building; i.e. there are no activities occurring outside of the building.

Industry, Heavy- A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storing or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light- Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semi-finished products may be temporarily stored outdoors pending shipment. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Such uses include warehousing, fabrication and assembly businesses. It also includes "clean" industries like corporate offices for major industries including, but not limited to, medical, pharmaceutical, or insurance businesses.

Junkyard - Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase or sale, disassembly, packing, sorting, salvage, buying, selling or exchange of waste paper, rags, scrap metal or other discarded or scrap goods, materials, machinery; or two or more unregistered, inoperable motor vehicles. Automobile junkyards, as defined in the General Municipal Law, Section 136, shall be included within this definition.

Kennel - a place for the non-medical care and/or breeding of four or more dogs.

Lot - A designated parcel, tract or area of land established by plat, subdivision, or other legal means, to be used, developed or built upon as a unit.

Lot Area - The total area included within lot lines and as determined by the most recent official records or recordings on the town tax maps or by survey calculation.

Lot Corner - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage - The percentage of the lot area that is covered by the buildings or improved areas on the lot.

Lot Depth - The minimum distance from the road right-of-way line of a lot to the rear lot line of such lot.

Lot Line - Any boundary of a lot. Any lot line or not a rear line not a front line shall be deemed a side line.

Lot Line, Front - The front of a lot shall be construed to be the portion adjacent to or nearest the road. On corner lots and through lots, all sides adjacent to roads shall be considered front yards.

Lot Line, Rear - The lot line generally opposite the street line.

Lot Line, Through - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Width - The distance between side lot lines at the front building line as prescribed by the front setback regulations.

Manufacturing - Any process whereby the nature, size or shape of non-agricultural articles or raw materials are changed or where articles are assembled.

Mineral Extraction - Operations extracting gravel, rock, stone, sand, fill, topsoil or minerals from the surface or below the ground for sale as an industrial or commercial operation, but does not include the process of grading a lot preparatory to the construction of a building.

Mixed Use Building - A building or structure with two or more different uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment.

Manufactured Home – A structure, transportable in one or more sections, which in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and/or electrical systems contained therein. A modular home is NOT a manufactured home for purposes of this zoning law.

Manufactured Home Park - A parcel of land under single ownership which has been specifically planned and improved for the long term placement (over 30 days) of three or more manufactured homes for non-transient use.

Motel - A building or group of buildings providing individual sleeping accommodations complete with bathrooms for travelers. Each lodging unit has direct access to the outside and a parking spot.

Motor Vehicle Repair Facility - A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles and operated for gain.

Non-Conforming Building, Use or Lot - A building, structure, use of land or lot, lawfully existing at the time of enactment of this law, which does not conform to the regulations of the district or districts in which it is located.

Nursery or Greenhouse - See Commercial Gardening.

Open Space - An area between buildings, or between a building and a boundary line of the parcel, that is situated for recreation, gardening or other outdoor activities conducive to the principal lot use and size. Such space must be free of automobile traffic, parking and undue hazards as well as being readily accessible to all those whom it shall be used by.

Outdoor Recreation - Any recreational use particularly oriented to and utilizing the outdoor character of a parcel, including, but not limited to, snowmobile, trail bike, jeep and all-terrain vehicle trails; bicycle trail, horse trail, playground, picnic area or similar use in which no major physical alternation to the land occurs.

Parking Space - An off street paved or unsurfaced space which is accessible and available for the parking of one motor vehicle.

Permitted Use - For the purpose of this law, any use which is allowed in a zoned district.

Planning Board - The Town of Columbia Planning Board.

Public Facilities and Utilities - All village, town, city, county, state and Federal government owned buildings and land including, but not limited to, town halls and highway department garages. In addition are telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations, telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government on a public utility.

Public Parks and Recreational Facilities - Land in public ownership set aside for public use which may or may not have developed recreational facilities, such as playgrounds, tennis courts, horse and bike trails, baseball fields, picnic areas, swimming pool, and/or lavatories.

Recreational Vehicles and Equipment - Includes boats and boat trailers, pick-up campers or coaches (designed to be mounted on automotive or truck vehicles), motorized dwellings, travel trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Religious Institution - A structure where people regularly congregate to participate in or conduct religious services or meetings or other related activities. Such institutions shall have proof from the Internal Revenue Service that they qualify as a non-for-profit institution in order to fit the definition herein.

Restaurant- An establishment where the primary activity is the selling of unpackaged food to the customer in a ready-to-consume state where the customer usually consumes these foods while seated at a table or counter within the building. May also include the legal dispensing of alcoholic beverages in conjunction with and secondary to the primary activity.

Retail Trade - An enclosed establishment engaged in selling goods or merchandise to the general public, for personal or household consumption and rendering services incidental to the sale of such goods.

Roads - A public or private way which affords the principal means of access to abutting properties.

Road Right-of-Way - The right-of-way line of a road as indicated by usage, dedication, or by deed of record.

Sanitary Landfill - Publicly operated solid waste disposal in which the waste is spread in thin layers, compacted, and covered with soil at the end of each day.

School- See educational institution.

Service Establishment - Establishments providing services or entertainment, as opposed to products, to the general public, including personal, business, repair, educational, and other personal convenience services.

Service Station - An establishment available to the general public operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, fueling, or equipping of automobiles or other motor vehicles.

Setback, Front - The required open space extending across the entire width of the lot between the road center line and the front of the main building.

Setback, Rear - The required open space extending across the entire width of the lot between the rear lot line and the back of the main building.

Setback, Side - The required open space extending from the rear setback line and the front setback line between the side lot line and the side of the main building.

SEQRA - State Environmental Quality Review Act.

Shopping Center - Two or more commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign - Any material, object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, announcement, direction, advertisement or any other similar message.

Sign Area - The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure, unless the support is used to form an integral background for the display. The structure supporting the sign shall be excluded unless the structure is designed in such a way to form an integral background for the display.

Sign Face - The area or display surface used for the message.

Site Plan - A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, rights of way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

Site Plan Review - A review and approval process, conducted by the Planning Board, whereby site layout and design plans are reviewed utilizing criteria stated in the law and as authorized by Town Law.

Stable, Private - See Farm, Hobby.

Special Use Permit - A permit issued by the Planning Board for a use, or approving a structure which is not a principally permitted use in this law, but which use or structure is found not to be injurious to the health, safety and general welfare of the neighborhood or town.

Structure - Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Subdivision - The division of a lot, tract, or parcel of land into *two* or more lots, tracts, parcels or divisions of land for any purpose.

Substantial Improvement - Any extension, repair, reconstruction, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure, either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred. The term does not include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Telecommunication Tower- A structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it.

Use - The specific purpose or activity, for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

Variance - Permission to depart from the literal requirements of the law.

Variance, Area - A departure from the area setback, frontage, coverage, size or other requirements of the applicable zoning district, or a departure from any provision of this law except use.

Variance, Use - A variance granted for a use or structure that is not permitted in the zoning district.

Warehousing - Storage facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.

Watershed Area - That area in which all of the surface runoff is concentrated into a particular body of water.

Wholesaling - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wildlife Management - Management of natural wildlife and associated habitats with the intent of enhancing such and no-for-profit.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line.

Yard, Front - An open, unoccupied space on the same lot with a building, between the front setback line and the front lot line, and extending the full width of the lot.

Yard, Rear - An open space, unoccupied except for accessory buildings on the same lot with a building, between the rear setback line and the rear lot line and extending the full width of the lot.

Yard, Side - An open space, unoccupied except for accessory buildings on the same lot with a building, situated between the building and the side lot line, and extending from the front yard to the rear yard.

Zero Lot Line - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning Board of Appeals - The Town Zoning Board of Appeals.

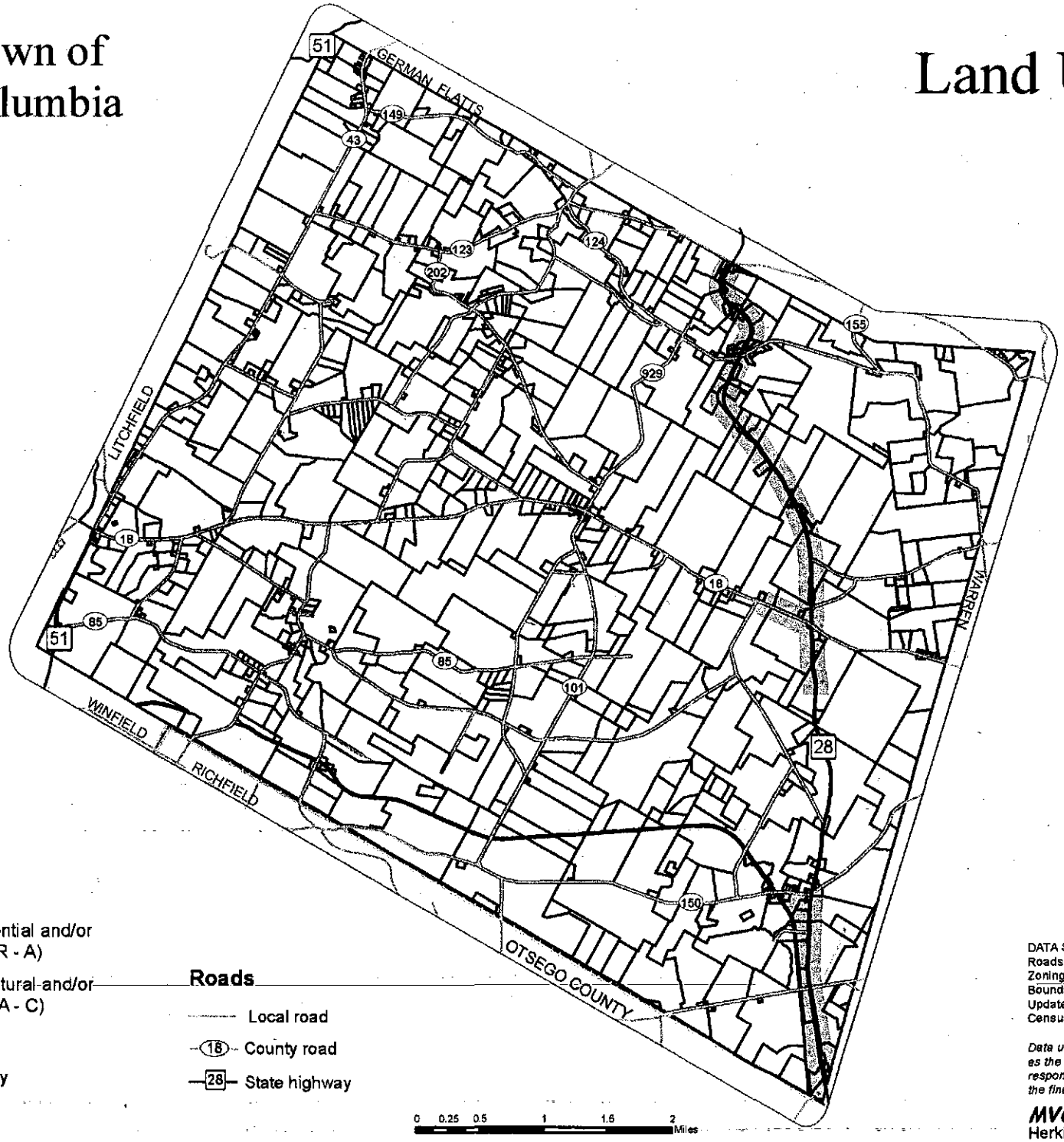
Zoning District - An area within the Town for which the regulations and requirements governing land use and structures upon it are uniform.

Zoning Enforcement Officer (ZEO) - An individual appointed by the Town Board and given the responsibility to oversee and enforce the zoning law.

Zoning Permit- Authorization issued by the Zoning Enforcement Officer which indicates a proposed land use conforms to the zoning laws.

Town of Columbia

Land Use



Tax parcels

Zoned Residential and/or Agricultural (R - A)

Zoned Agricultural and/or Commercial (A - C)

Herkimer County

Roads

Local road

(18) County road

[28] State highway

0 0.25 0.5 1 1.5 2 Miles

DATA SOURCES: Herk/Onelda Planning -- Roads 2005, tax parcels 2006
Zoning -- Article II. Zoning Districts and Boundaries, Section 201
Updated 2011
Census 2000/CUGIR -- Boundaries

Data used for all mapping is only as accurate as the source provided. MVGIS is not responsible for the use or interpretation of the final map products.

MVGIS
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