

Application PZC 2023-002 Proposed Amendments to Land Development (Zoning) Regulations

Applicant: Colchester Planning & Zoning Commission

Prepared by: Demian A. Sorrentino, AICP, CSS, Planning Director

Initial Draft 3/1/23

Second Draft 3/8/23

Final Draft for Public Hearing 3/15/23

Approved 4/19/23, Notice Published 4/28/23, Effective Date 5/5/23

EXISTING REGULATIONS:

3.2 PERMITTED USES

The following uses are permitted in the RU District:

1. Single-Family Dwellings and Accessory Uses to such Dwellings;
2. Agricultural uses as permitted in Section 8.9;
3. Home Occupation;
4. Membership Clubs that relate to outdoor activities;
5. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings.
6. Two-Family Dwellings provided the property is on an arterial or Collector Road, and has at least 600 feet of frontage, lot size of at least 160,000 square feet, front setback of 100 feet and side and rear setbacks of 50 feet.

3.4 RURAL USE DISTRICT DESIGN STANDARDS

1. Minimum Lot Sizes

Land to be developed for residential uses in the RU District may be developed under the following development options:

4.2 PERMITTED USES

The following uses are permitted in the SU subject to all applicable requirements of these Regulations:

1. Single-Family and Two-Family residential development.
2. Publicly owned recreation area, such as a park or playground;
3. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings;
4. Home Occupation.

5.3.1 PERMITTED USES IN THE TC DISTRICT

The following uses are permitted in the TC District, subject to all applicable requirements of these Regulations:

1. Residential Uses:
 - a. Single-Family and Two-Family Residential Development;
 - b. Multi-Family Residential Development, subject to the requirements of Section 8.1, in which no building shall contain more than eight (8) dwelling units;
 - c. Structures and Uses Accessory to Residential Development.
2. Commercial development except auto-related uses (sales, service, repair) and oil, propane sales/service;
3. Office development except construction/landscaping service that stores equipment and materials. Administrative offices of construction/landscaping operations are permitted.
4. Service Development;
5. Religious facilities and Educational Institutions;
6. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings. Other day care and nursery school uses are permitted through the approval of a Special Permit.
7. Municipal facilities;
8. Hotel/Motel;
9. Mixed uses, provided that the ground floor of a mixed-use building (any combination of retail, office, and residential) shall be occupied by non-residential uses only. Parcels registered as historic can utilize rear sections of the ground floor for residential uses.

5.7.2 PERMITTED USES IN THE WV DISTRICT

The following uses shall be permitted in the Westchester Village (WV) District, subject to all applicable requirements of these Regulations:

1. Single-family, two-family or multi-family residential development and associated accessory structures and uses;
2. Commercial use development except oil, propane sales/service;
3. Professional service and office development;
4. Personal services and establishments;
5. Automobile service/repair.

15.3 SITE PLAN - CLASS 1

A Site Plan Class 1 shall be required for Single-Family and Two-Family Dwellings and Accessory Buildings. Site Plans Class 1 are also required for any proposed change in use, Addition or accessory Building to any other principal Building, or minor modifications to a previously approved site plan, provided that the use is subordinate and customarily incidental to the principal use and provided that:

1. Such building does not exceed twenty-five percent (25%) of the Floor Area of the existing buildings or fifteen hundred (1500) square feet, whichever is less.
2. Such building or site improvement conforms to all requirements of the district in which it is located.
3. The Zoning Enforcement Officer may refer any Site Plan Class 1 application to the Commission for review and determination of the proper application process.
4. Copies of the Site Plan Class 1 shall be submitted to the Zoning Enforcement Officer at the required scale on sheet size prescribed by the Zoning Enforcement Officer and shall show the following:

1. Boundaries, dimensions and area of the property.
2. Locations of all existing and proposed Buildings and uses, including but not limited to Driveways, parking areas, and abutting Streets, and locations of light and telephone poles or other utility appurtenances.
3. Dimensions of all Yards, as required by these Regulations
4. Location and description of water supply and sewage disposal facilities.
5. Square footage of proposed structure and number of stories.
6. Wetland and/or Floodplain limits.

20.4 DEFINITIONS

FLOOR AREA: Any enclosed portion of a structure or Building with a finished ceiling to floor height of not less than seven (7) feet, excluding any area above the first floor stairway, and excluding cellar, basement, porch, garage and utility areas and areas in an Accessory Building.

ACCESSORY BUILDING: A detached subordinate Building, the use of which is incidental to and customary in connection with the principal Building or use, and which is located on the same Lot with such principal Building or use. An Accessory Building shall be one which is not attached to the principal Building by any covered porch, breezeway, or other roofed structure.

ACCESSORY USE: A customary use, clearly incidental and subordinate to the principal Building or land use and which is located on the same Lot with the principal Building or land use.

PROPOSED REGULATION AMENDMENTS:

3.2 PERMITTED USES

The following uses are permitted in the RU District:

1. Single-Family Dwellings ~~and Accessory Uses to such Dwellings~~;
2. Two-Family Dwellings provided the property is on an arterial or Collector Road, and has at least 600 feet of frontage, lot size of at least 160,000 square feet, front setback of 100 feet and side and rear setbacks of 50 feet;
3. Accessory Buildings and Accessory Uses to Residential Development;
4. Agricultural uses as permitted in Section 8.9;
5. Home Occupation;
6. Membership Clubs that relate to outdoor activities;
7. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings.

3.4 RURAL USE DISTRICT DESIGN STANDARDS

1. Minimum Lot Sizes Area

The minimum lot area for the RU district shall be 80,000 square feet. Land to be developed for residential uses in the RU District may be developed under the following development options:

4.2 PERMITTED USES

The following uses are permitted in the SU District subject to all applicable requirements of these Regulations:

1. Single-Family and Two-Family residential development;
2. Accessory Buildings and Accessory Uses to Residential Development
3. Publicly owned recreation area, such as a park or playground;
4. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings;
5. Home Occupation;
6. Agricultural uses as permitted in Section 8.9.5.A

5.3.1 PERMITTED USES IN THE TC DISTRICT

The following uses are permitted in the TC District, subject to all applicable requirements of these Regulations:

1. Residential Uses:
 - a. Single-Family and Two-Family Residential Development;
 - b. Multi-Family Residential Development, subject to the requirements of Section 8.1, in which no building shall contain more than eight (8) dwelling units;
 - c. ~~Structures and Uses~~ Accessory Buildings and Accessory Uses to Residential Development.

2. Commercial development except auto-related uses (sales, service, repair) and oil, propane sales/service;
3. Office development except construction/landscaping service that stores equipment and materials. Administrative offices of construction/landscaping operations are permitted.
4. Service Development;
5. Religious facilities and Educational Institutions;
6. Family day care homes, as defined by CGS Section 19a-77(a)(3) and licensed pursuant to CGS Section 19a-87b, are permitted in all Single-Family, Two-Family or Multi-Family Dwellings. Other day care and nursery school uses are permitted through the approval of a Special Permit.
7. Municipal facilities;
8. Hotel/Motel;
9. Mixed uses, provided that the ground floor of a mixed-use building (any combination of retail, office, and residential) shall be occupied by non-residential uses only. Parcels registered as historic can utilize rear sections of the ground floor for residential uses.

5.7.2 PERMITTED USES IN THE WV DISTRICT

The following uses shall be permitted in the Westchester Village (WV) District, subject to all applicable requirements of these Regulations:

1. Single-family, two-family or multi-family residential development ~~and associated accessory structures and uses;~~
2. Accessory Buildings and Accessory Uses to Residential Development.
3. Commercial use development except oil, propane sales/service;
4. Professional service and office development;
5. Personal services and establishments;
6. Automobile service/repair.

15.3 SITE PLAN - CLASS 1

A Site Plan Class 1 shall be required for Single-Family and Two-Family Dwellings and Accessory Buildings. Site Plans Class 1 are also required for any proposed change in use, Addition or accessory Building to any other principal Building, or minor modifications to a previously approved site plan, provided that the use is subordinate and customarily incidental to the principal use and provided that:

1. For an accessory building on the same lot as a single-family or two-family dwelling:
 - A. a Site Plan Class 1 may be approved by the Zoning Enforcement Officer provided that the footprint of such accessory building does not exceed seventy-five percent (75%) of the footprint of the associated primary building or one thousand (1000) square feet, whichever is less.
 - B. the Commission may, after review of a Site Plan Class 1, authorize an accessory building having a footprint greater than seventy-five percent (75%) of the footprint of the associated primary building or one thousand (1000) square feet, when such building is situated on the property in such a way as to minimize visibility from the street and to minimize any adverse impacts on neighboring properties.
2. For any other accessory building, building addition or site improvement, such accessory building, building addition or site improvement does not exceed twenty-five percent (25%) of the Floor

Area of the ~~existing buildings~~ associated primary building or fifteen hundred (1500) square feet, whichever is less.

3. Such building or site improvement conforms to all requirements of the district in which it is located.
4. The Zoning Enforcement Officer may refer any Site Plan Class 1 application to the Commission for review and determination of the proper application process.
5. Copies of the Site Plan Class 1 shall be submitted to the Zoning Enforcement Officer at the required scale on sheet size prescribed by the Zoning Enforcement Officer and shall show the following:
 1. Boundaries, dimensions and area of the property.
 2. Locations of all existing and proposed Buildings and uses, including but not limited to Driveways, parking areas, and abutting Streets, and locations of light and telephone poles or other utility appurtenances.
 3. Dimensions of all Yards, as required by these Regulations
 4. Location and description of water supply and sewage disposal facilities.
 5. Square footage of proposed structure and number of stories.
 6. Wetland and/or Floodplain limits.

20.4 DEFINITIONS

FLOOR AREA: Any enclosed portion of a structure or Building with a finished ceiling to floor height of not less than seven (7) feet, excluding any ~~area above the first floor stairway, and excluding~~ cellar, basement, porch, garage ~~and or~~ utility areas ~~and areas in an Accessory Building~~.

FOOTPRINT (BUILDING): The area of ground that is occupied by a building as measured along the perimeter of exterior walls or the building foundation, excluding any porches, decks, patios or similar appurtenances.

ACCESSORY BUILDING: A detached subordinate Building, the use of which is incidental to and customary in connection with the principal Building or use, and which is located on the same Lot with such principal Building or use. An Accessory Building shall be one which is not attached to the principal Building by any covered porch, breezeway, or other roofed structure.

ACCESSORY USE: A customary use, clearly incidental and subordinate to ~~the a principal~~ ~~Building or land~~ use and which is located on the same Lot ~~with the principal Building or~~ as a principal ~~land~~ use.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE: The primary or predominant use of any lot or parcel.