

## Zoning Amendments

**EFFECTIVE DATE: JUNE 1, 2017**

1. The Westchester Village Zoning District (WV), does not have a minimum front setback listed in Section 5.7 of the Regulations. The prior regulations had a minimum 50 foot setback in the Westchester Commercial Zone.

### **Amend Section 5.7.7**

Minimum front side and rear Yard – Front yard setback shall be fifty (50) feet. No side or rear Yard required between abutting Lots where both are used for commercial purposes. Where a Lot abuts a strictly residential use and not a mixed or non-residential one, ten (10) feet shall be maintained, which Yard shall not be used for parking, loading or storage.

2. In the Arterial Commercial District (AC), a rear setback is not listed in Section 7.4.4.

### **Amend Section 7.4.4**

Side and Rear Yard Setback are not required for areas that are adjacent on a side or rear to another non-residential use. In the case where a non-residential use abuts an existing residential use, the setback shall be seventy-five (75) feet.

### **Amendment to Section 8.10 DESIGN AND SITE DEVELOPMENT STANDARDS:**

3. The regulations under Section 8.10.1.B Residential Lot Access under item 2 states “Driveways into a Lot shall have proper alignment and grade, not to exceed one percent (1%) in thirty (30) feet extending in from Town Roads.” The issue with only allowing 1% in the first 30 feet end up requiring the driveway to be a steeper grade further into the property. The intent of the 1% restriction is that a vehicle can pull onto a relatively level surface when exiting a road and the 30 foot length is to ensure the vehicle can get completely off the road and not impede traffic. The Town Engineer has stated he believes the increase to 3% from 1% will not have an impact but, in no case, including in a variance request, should the driveway grade ever exceed 3% in the first 30 feet. The Town Engineer does support the increase to 3% because it will allow the driveway to be on a shallower slope for the portion of the driveway that is further than 30 feet from the entrance.

Section 8.10.1.B.2 will be replaced with the following:

Driveways into a Lot shall have proper alignment and grade, not to exceed three percent (3%) in thirty (30) feet extending in from Town Roads. No Driveway shall be greater than fifteen percent (15%) Slope at any point. Any Driveway, at any point, having a grade of ten percent (10%) or more, but not exceeding fifteen percent (15%), shall be paved for the entire length of the driveway. There shall be no exceptions from this Section.

#### **Amendment to Section 3.2 for Permitted Uses in the Rural Zone.**

4. When the new regulations were adopted in 2015, Two-Family Dwelling were added to permitted uses to allow for more housing opportunities in the more rural sections of the town. Two-family housing had never been a permitted use except in the areas intended for moderate density residential housing in and near the historic village center of Colchester where service by public water and/or public sewer is expected to be available. The result of the Zoning Regulations change has allowed developers to build two-family houses in existing one-family home approved subdivisions for a higher financial return than they may receive from the construction of a one-family home. All subdivisions in the Rural Zone which are mainly composed of properties that were previously in the R-80 and R-60 Zone in the prior regulations, were approved as subdivisions of one-family homes to be constructed. Many of the residents of these subdivisions purchased their homes with the expectation that only one-family homes would be built.

Most of the municipalities surrounding Colchester have provisions in their regulations that allow for two-family housing in the more rural areas but they have restrictions such as requiring double the acreage of the minimum lot size for the district, owner occupied two-family housing or other methods which are used to allow two-family housing but also regulate that it is done appropriately. Since this is a new unforeseen result of the regulation changes that the Commission has never had to address before, it is recommended that the permitted use of two-family dwellings is removed from the Rural District Zone to give the Commission time to review and discuss a possible revision to allow two-family housing in the Rural District in an appropriate manner that would not have a possible negative impact on surrounding properties and still provide more housing opportunities in Colchester.

Section 3.2.1 – PERMITTED USES will be revised as follows:

Single-Family Dwellings and Accessory Uses to such Dwellings