

Land Use and Development Code Amendment: Private Way Standards

Council Order #23-171

**Town of Gorham
Planning Board
April 1, 2024**

ITEM 4 Land Use and Development Code Amendment – Private Way Standards – Public Hearing: proposed amendment to the Land Use and Development Code to add definitions and standards for back lots and private ways.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council	Order #23-171 (Also listed as order #24-41 in the March Council Minutes)	11/2023; 3/12/2024
Town Council Ordinance Committee		2/2024
Planning Board Public Hearing		4/1/2024

The Planning Board refers to staff notes during the review process; however, it should be noted that staff recommendations are noncommittal, and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Carol Eyerman, Town Planner; Damon Yakovleff, Assistant Town Planner; Tom Poirier, Community Development Director

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1. Overview

The Town Council and its Ordinance Committee have reviewed, edited and requested that the Planning Board review the following ordinance amendments. Currently the town ordinance requires a single-family house lot in the rear of an existing house to provide a 50-foot right of way created through the use and approval by the Planning Board of a one lot private way. The private way standard requires that the owner/developer provide the Planning Board with engineered and surveyed plans for review and approval. Staff is recommending that the town consider lessening the requirements for single lot “private ways” which are very similar to a driveway.

Backlots and driveways to those lots go hand-in-hand, so staff recommended language for both. In addition, the private way standards need to be amended to remove the 1-lot private way performance standards. The following are recommended ordinance amendments for both.

2. Proposed Amendments to Chapter 1 Zoning Regulations Section 1-5

Additions are underlined; deletions are ~~struck out~~

Chapter 1 Zoning Regulations

Section 1-5 DEFINITIONS

Driveway – A driveway is a paved or gravel way for vehicular, bicycle or pedestrian traffic extending from a road or street to an adjacent property line(s) for the purpose of providing access to a single legal lot.

Back Lot - A lot without the legally required road frontage developed in accordance with Chapter 1 Section 1-1 D 8.

Chapter 2 Section 2-5 K Standards for Driveways

Driveways.

A. Driveways providing access to lots containing a single-family dwelling and no more than one (1) accessory dwelling unit, or one (1) two-family structure:

(1) Driveways shall be located no less than forty (40) feet from any street intersection. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications as described herein, except as recommended by the Director of Public Works or their designee.

(2) For collector and higher order streets, there shall be adequate driveway turnaround space on each lot so that no vehicle need back out onto a street to leave the lot.

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(3) Driveways shall be so located, designed and constructed as to meet the requirements for sight distance under this section.

(4) All driveway edge of pavement shall be at least five (5) feet from any side or rear lot line for single-family lots and for attached housing units. Common use of driveways by adjacent landowners is encouraged, and in the case of a common driveway this requirement does not apply.

(5) Each single-family lot or attached housing unit shall have only one driveway curb cut along its street frontage.

Chapter 1 Section 1-1 D 8 Standards for Back Lots

Back lots. One back lot may be created from any lot of record which conforms to the lot requirements herein.

(1) The back lot and front lot each contain no more than one principal structure, each principal structure containing no more than two dwelling units. Primary uses are limited to single family, single family with accessory dwelling unit, or two-family dwellings for both the front lot and back lot.

(2) Both the front lot and back lot conform to the minimum lot area and minimum lot area per dwelling unit as stated herein.

(3) The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district.

(4) The back lot has perpetual deeded access to a publicly accepted street or a private road. This access shall be obtained by extension of the back lot to the public street or through provision of an easement of the minimum driveway width required for the number of dwelling units on the back lot plus side setbacks.

(5) The creation of the back lot does not make the front lot nonconforming, or more nonconforming, as to frontage.

(6) The back lot and front lot share the same driveway entrance to the public street, if the access to the back lot is via a deeded right-of-way or is located on an arterial or collector roads. This requirement may be waived by the Town Engineer when the Engineer makes findings that a combined driveway is not feasible due to the traffic safety concerns, terrain, or natural resource impact.

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(7) A twelve (12) foot wide driveway shall service a single-family dwelling, or a sixteen (16) feet wide driveway shall serve a two family or single family dwelling with ADU, constructed with a minimum of twelve (12) inches of subbase gravel and a minimum of three (3) inch base gravel.

(8) Street numbering, as assigned by the Addressing Officer, is clearly visible at the public street in accordance with the Town Code and state requirements.

(9) Any dwellings on the back lot shall connect to public sewer or water when a public sewer or water line is located in the public street giving access to the back lot.

(10) Underground utilities shall be required for all newly constructed dwelling units on back lots. The Town Engineer may waive the requirement for provision of underground utilities for projects where underground installation will create an undue burden based on natural features or resource constraints.

Chapter 2 Section 2-5

H. STANDARDS FOR PRIVATE WAYS

The Planning Board may approve the use of private ways to provide access to individual lots of land provided that the following conditions are met:

- 1) An approved private way may serve a combination of dwelling units/lots identified below:

~~1 lot gravel private way — 1 lot with a single family house~~

2-6 gravel private way – up to 6 lots, with no more that 6 total dwelling units served by the private way

7-10 paved private way – up to 10 lots, with no more than 10 total dwelling units served by the private way

25 dwelling unit paved private way – up to 25 lots, with no more than 25 total dwelling units served by the private way

Note: The enclosed Tables I, II, and III also show the removal of the one – lot private way standards.

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SUGGESTED MOTIONS:

RECOMMENDATION FOR ADOPTION:

Move to send the proposed Land Use and Development Code Amendment to implement standards for back lots and driveways to the Planning Board's (Ordinance Sub-committee or Comp Plan Implementation Sub- Committee for review and recommendation)

OR

TO FORWARD TO COMMITTEE:

Move to send the proposed Zoning Map Amendment to Land Use and Development Code Amendment to implement standards for back lots and driveways to the Town Council with a recommendation for adoption.