

TOWN OF ESSEX
LAND USE APPLICATION
PART ONE

PLEASE CHECK THE APPROPRIATE LINE(S) AND ATTACH THE APPROPRIATE APPLICATION(S):

SPECIAL EXCEPTION	_____	VARIANCE/ APPEAL	_____
SITE PLAN REVIEW	_____	APPROVAL OF LOCATION	_____
INLAND WETLANDS PERMIT	_____	REGULATION TEXT AMENDMENT	<u> X </u>
INLAND WETLANDS PERMIT - AGENT APPROVAL	_____	ZONE CHANGE	_____
	_____	COASTAL SITE PLAN REVIEW	_____
WETLAND PERMIT TRANSFER	_____	MODIFICATION OF PRIOR APPROVAL	_____
SUBDIVISION / RESUBDIVISION	_____	SPECIAL FLOOD HAZARD AREA PERMIT	_____

PROJECT DESCRIPTION: Proposed text amendment regarding building height as it pertains to cupolas

PROJECT NAME: Building height text amendment

STREET ADDRESS OF PROPERTY: N/A

ASSESSOR'S MAP N/A LOT N/A LOT SIZE N/A DISTRICT N/A

APPLICANT The Essex Planning and Zoning Commission
_____ PHONE _____

APPLICANT'S AGENT (if any) _____
_____ PHONE _____

ENGINEER.SURVEYOR/ARCHITECT _____
_____ PHONE _____

Note:

1) TO BE ACCEPTED BY THE LAND USE OFFICE. THIS APPLICATION MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH THE REQUIRED FEE(S) AND MAP(S) PREPARED IN ACCORDANCE WITH THE APPLICABLE REGULATIONS.

2) THE SUBMITTAL OF THIS APPLICATION CONSTITUTES THE PROPERTY OWNER'S PERMISSION FOR THE COMMISSION OR ITS STAFF TO ENTER THE PROPERTY FOR THE PURPOSE OF INSPECTION.

3) I HERBY TO PAY ALL ADDITIONAL FEES AND/OR ADDRESS SUCH COSTS DEEMED NECESSARY BY THE LAND USE OFFICE AS DESCRIBED IN PART THREE OF THIS APPLICATION.

Planning and Zoning Commission

Essex Town Hall, 29 West Avenue
Essex, Ct 06426

Petition for a Text Amendment of Zoning Regulations
or
Petition for a Change to the Town's Zoning Map
PART TWO

Signature of Property Owner(s): The Essex Planning and Zoning Commission
Or Petitioner

Address: 29 West Avenue Essex, CT 06426

Application # 21-8 Date of Receipt July 27, 2021

The undersigned request a text amendment to the Essex Zoning Regulations.

This petition **requests a change in zoning regulations** and there is attached:

- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.
- 2) A complete and comprehensive statement of the reasons for any proposed changes, including any special interest the Petitioner(s) may have in such change, is attached.

This petition **requests a change to the Town's Zoning Map** and there is attached:

- 1) A map clearly showing the area to be re-classified and specifying the present classification and proposed new classification with existing and proposed boundaries.
- 2) A list, keyed to the map, of the names and addresses of the record owners of and within the area to be affected, and within 500 feet outside the area to be affected by such reclassification, and
- 3) A complete written description, by metes and bounds or courses and distances, of the location of any new zoning district boundary or boundaries proposed.

Proposed Text Amendment to the Essex Zoning Regulations
August 3, 2021 PZC Meeting
Submitted on behalf of the Planning and Zoning Commission

Current Regulation:

Section 20

BUILDING HEIGHT. The vertical distance between a horizontal plane at the highest point of a building or structure, excluding chimneys and cupolas of no more than 10 square feet (each shall not exceed 45 feet in building height), and lowest point of a building or structure which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height. Church spires, industrial storage tanks, water utility storage tanks, radio or television towers and antennas may be erected to a reasonable and necessary height notwithstanding the applicable maximum height limitations prescribed in these Regulations, provided, however, that no radio or television tower or antenna shall exceed 15 feet in height above the highest point of the highest ground elevation of the lot or 15 feet in height above the highest point of the highest building on the lot, whichever is the higher. Fences and freestanding walls shall not exceed 8 feet in height.

Proposed Regulation:

BUILDING HEIGHT. The vertical distance between a horizontal plane at the highest point of a building or structure, excluding chimneys and cupolas of no more than 10 **percent of the building area** ~~square feet~~ (each shall not exceed 45 feet in building height), and lowest point of a building or structure which is visible above existing natural grade prior to site grading. The height of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, shall be included as part of the measured height. Church spires, industrial storage tanks, water utility storage tanks, radio or television towers and antennas may be erected to a reasonable and necessary height notwithstanding the applicable maximum height limitations prescribed in these Regulations, provided, however, that no radio or television tower or antenna shall exceed 15 feet in height above the highest point of the highest ground elevation of the lot or 15 feet in height above the highest point of the highest building on the lot, whichever is the higher. Fences and freestanding walls shall not exceed 8 feet in height.

Statement of the Reasons for Proposed Changes

The current regulations in Section 20 Building Height conflict with Section 40 Height Limitation and this change remedies the situation.

Current Regulation:

40J. HEIGHT LIMITATION.

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to contain more than two stories and an attic above grade. However, spires, cupolas, towers, flagpoles, tanks and other similar structural features occupying no more than ten percent of the building area and not designed for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a special permit therefor by the Town authority having jurisdiction.

Proposed Regulation:

40J. HEIGHT LIMITATION.

No building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered in such a manner as to contain more than two stories and an attic above grade. However, spires, cupolas, towers, flagpoles, tanks and other similar structural features occupying no more than ten percent of the building area and not designed for human occupancy may be constructed, reconstructed, enlarged, extended, moved or structurally altered to a reasonable and necessary height upon the granting of a ~~special~~ **zoning** permit therefor by the Town authority having jurisdiction.

Statement of the Reasons for Proposed Changes

The current regulations in Section 20 Building Height conflict with Section 40 Height Limitation and this change remedies the situation.

The current regulations in Section 40 Prohibitions Height Limitation conflict with the zoning regulations because it does not include standards for a special permit. Instead requiring a zoning permit conforms with the regulations.