

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: Amending Section 45: Accessory Dwelling Units to ensure compliance with Public Act 21-29.

PROJECT NAME: Proposed Text Amendment Re: Section 45 Accessory Dwelling Units

STREET ADDRESS OF PROPERTY: N/A

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

APPLICANT: The Essex Planning and Zoning Commission
_____ PHONE _____

APPLICANT'S AGENT (if any) Carey Duques- contact for the PZC
_____ PHONE: (860) 767-4340 Ext 115

ENGINEER.SURVEYOR/ARCHITECT: N/A
_____ 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):
Or Petitioner

Brey Duques on behalf of PZC

Address:

Essex Town Hall
29 West Ave, Essex, CT 06426

Application #

PZC 22-08 Date of Receipt 3/15/22

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- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.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.

Planning and Zoning Commission
Essex Town Hall, 29 West Avenue
Essex, CT 06426

This text amendment is being proposed to bring the Town into compliance with Public Act 21-29; specifically pertaining to Accessory Dwelling Units. The attached document shows track changes reflecting the proposed changes.

EFFECTIVE - 1994
AMENDED – JUNE 1, 1999
AMENDED – NOVEMBER 15, 2017
AMENDED – DECEMBER 1, 2018
PROPOSED AMENDMENTS – FEBRUARY 2022

SECTION 45

ACCESSORY DWELLING UNITS

45. PURPOSE. The purpose of this section is to allow private property owners to create housing alternatives in the form of accessory dwelling units across the Town of Essex. Accessory dwelling units, as permitted in this section represent a method of increasing residential densities in established neighborhoods without negatively impacting established community character.

*45A. DISTRICTS. An attached accessory dwelling unit shall be permitted in the following districts; Village Residence District (VR), Rural Residence District (RU), Rural Residence – Multifamily (RUM), Essex Village District (EV), River Road Residential (RRR). Where these districts are superimposed by other districts in the Town of Essex, and unless expressly prohibited in these overlay districts, accessory dwelling units shall be permitted in these districts.

45A.1. Accessory dwelling units proposed within a principal structure or within new or existing detached accessory structures shall be permitted with a zoning permit ~~as long there are no external changes to the principal structure. A site plan review is required where external changes to the principal structure are proposed.~~

~~45A.2. Accessory dwelling units within new or existing detached accessory buildings shall be permitted via a site plan review.~~

45B. DEFINITIONS. The following terms and words shall have the meaning hereto assigned to them;

45B.1. ACCESSORY DWELLING UNIT. An accessory dwelling unit may be deemed under these regulations as a leased or rented dwelling unit whether or not there is compensation and shall include a separate kitchen and bathroom facility. This use is accessory to a principal single family residential use.

45B.2. LIVING AREA. The area of a family dwelling designed for human occupancy other than area set aside for other uses such as attic, garage, storage and basement areas.

45C. REQUIRED LOT CHARACTERISTICS.

45C.1. The lot shall conform to the minimum lot width and area requirement for the zone in which the property is located or be legally nonconforming.

45C.2. New construction for accessory dwelling units, whether detached from principal structure or involving structural additions or modifications to the principal structure, must conform to all regulatory setbacks and coverage requirements of these regulations.

45C.3. Parking and access from the public right -of -way shall serve both the principal and accessory dwelling units, and shall not be distinguishable as separate facilities;

45C.4. No additional curb cut shall be created to serve an accessory dwelling unit;

45C.5. Adequate off -street parking as required by these Regulations shall be provided and such parking shall not be located in the front yard setback;

~~45C.6. Where practicable, parking areas for the accessory apartment shall be located to the rear of the principal building.~~

45D. ACCESSORY DWELLING UNIT CHARACTERISTICS

45D.1. Where any portion of an existing principal building has been continuously used for human occupancy, that portion of the building may be converted to an accessory dwelling unit provided that the conversion shall not increase any nonconforming characteristic.

45D.2. An existing enclosed and attached garage area shall not be considered as a portion of a building used for human occupancy with respect to this regulation.

45D.3. No accessory dwelling unit shall be located in a basement unless one wall opens to grade;

45D.4. ~~A detached accessory dwelling unit may only be located in detached structures that also function as a garage or barn.~~ A detached accessory dwelling unit may be located in an existing, functioning garage or barn structure that meets a minimum 15 foot side and rear setback and the minimum front yard setback required for any building used for human occupancy in the district where such building is located. A new, detached functioning garage or barn structure with a proposed accessory dwelling unit must meet the required setbacks of the district. ~~The living area of the accessory dwelling unit shall not exceed the garage or barn's gross floor area.~~

45E. MISCELLANEOUS

The accessory dwelling unit shall conform to the following:

45E.1. The living area for ~~a detached~~ accessory dwelling unit shall ~~be a minimum size of 400 square feet but shall not exceed 850 square feet.~~ ~~The living area for an attached accessory dwelling unit shall be a minimum of 400 square feet but shall not exceed 850 square feet,~~ or 30% of the combined assessed living area of the principal use and the accessory dwelling unit, whichever is less;

~~45E.2. An accessory dwelling unit shall have a maximum of one (1) bedroom;~~

45E.3. Be self-contained, with separate cooking, sanitary, and sleeping facilities for the exclusive use of the occupant(s);

45E.4. When located as part of the principal dwelling an accessory dwelling unit and the principal dwelling shall be separated by at least one wall that is common to the interior of both dwellings. ~~A door providing interior access between the accessory and principal dwelling units must be provided. In the Rural Residence Multifamily District (RUM) an interior door is optional and shall not be required.~~

45E.5. Except as permitted in section 80A.2.U of these regulations, only one accessory dwelling unit shall be permitted for each lot and no accessory dwelling unit shall be approved as part of a two-family dwelling or any multi-family use;

~~45E.6. In the case of an accessory dwelling unit in a residential zoning district, the owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit;~~

45E.7. Accessory dwelling units and the principal building/unit shall meet the requirements of the Building and Public Health Codes;

~~45E.8. Upon establishment of the accessory dwelling unit, the building shall maintain the exterior appearance and style (roof line, roof pitch, building materials, window style and spacing, etc.) of the principal use;~~

~~45E.9. Upon establishment of the accessory dwelling unit, the building shall have any secondary entrance incorporated into the principal use to reflect the architectural style of the existing structure;~~

45E.10. No family dwelling may be purposely used for the renting of rooms to transients (that is, persons residing on the premises for less than 180 consecutive days).

45F. PROCEDURES - SUBMISSION OF APPLICATION.

45F.1. An application for ~~Site Plan Review~~Zoning Permit for an accessory dwelling unit under this section shall be made pursuant to Section ~~121~~ 118 ~~(including the Appendix "A" Application Checklist) of these regulations. Prior to the issuance of the Memorandum of Decision a notarized affidavit to verify that the owner of the property (if in a residential district) is one of the occupants of the subject dwelling shall be submitted to the Commission;~~

45F.2. No certificate of occupancy shall be issued for a building or use pursuant to this Section 45 without certification in writing from the Zoning Enforcement Agent, the Town Sanitarian, the Town Building Inspector, and the Town Fire Marshal that the building or use is in conformity with the requirements of these zoning regulations and the Public Health, Building, and Fire Code requirements. ~~A copy of the Memorandum of Decision containing the condition that the owner is one of the occupants shall be filed on the land records by the owner;~~

~~45F.3. The zoning permit for an accessory dwelling unit automatically terminates 90 days after change of ownership of the property. A new zoning permit shall be issued upon determination of zoning compliance and upon submission of a new affidavit by at least one the new natural owner(s) of the property.~~