

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<br>- AGENT APPROVAL | _____ | ZONE CHANGE                      | _____    |
|  | _____ | COASTAL SITE PLAN REVIEW         | _____    |
| WETLAND PERMIT TRANSFER                    | _____ | MODIFICATION OF PRIOR APPROVAL   | _____    |
| SUBDIVISION / RESUBDIVISION                | _____ | SPECIAL FLOOD HAZARD AREA PERMIT | _____    |

PROJECT DESCRIPTION:

Text Amendment to Section 60.A.2 (H) of the Essex Zoning Regulations  
making family day care homes an as of right use requiring a zoning  
permit only not a special exception.

PROJECT NAME: Text Amendment to Section 60 A.2 (H)

STREET ADDRESS OF PROPERTY \_\_\_\_\_

ASSESSOR'S MAP \_\_\_\_\_ LOT \_\_\_\_\_ LOT SIZE \_\_\_\_\_ DISTRICT \_\_\_\_\_

APPLICANT Town of Essex PZC PHONE \_\_\_\_\_

APPLICANT'S AGENT (if any) Casey Dwyer 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.

**TOWN OF ESSEX**  
**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

Carey Dykes on behalf of PZC

Address:

Application #

23-12

Date of Receipt

10/3/23

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.

## **Petition for a Text Amendment of the Zoning Regulations**

### **Application #23-12**

The proposed text amendment is to ensure the Town complies with Public Act 23-142 by December 1, 2023. Specifically an amendment needs to be made to the sections of the zoning regulations that pertains to licensed family and group child care homes in residences requiring that:

- No zoning regulation shall treat any family child care or group child care home in a manner different from a single or multifamily dwellings.
- Zoning regulations shall not prohibit the operation in a residential zone of any family child care home or group child care home located in a residence or require any special zoning permit or special zoning exception from such operation.

Section 60A.2(H) is recommended to be amended to not require a special exception for “Family Day Care Home for up to 6 children and operated by a resident of the dwelling...”

If there are other sections that need to be amended for compliance with PA 23-142 those will be listed and discussed at the public hearing.



# STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT  
Intergovernmental Policy and Planning Division

September 12, 2023

To: Chief Executive Officers

From: Martin L. Heft, Undersecretary

RE: Compliance with PA 23-142 by December 1, 2023

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Public Act 23-142 made changes to laws on zoning for licensed family and group child care homes located in residences, requiring that:

- No zoning regulation shall treat any family child care home or group child care home, located in a residence and licensed by the Office of Early Childhood pursuant to chapter 368a, in a manner different from single or multifamily dwellings.
- Zoning regulations shall not prohibit the operation in a residential zone of any family child care home or group child care home located in a residence or require any special zoning permit or special zoning exception for such operation.

Pursuant to Subsection (b) of Section 1 of PA 23-142, each municipality shall submit to the Secretary of the Office of Policy and Management, not later than December 1, 2023, and annually thereafter, a sworn statement from the chief executive officer of the municipality, stating either that the municipality's zoning regulations are in compliance with the above requirements, or the specific time frame within which the municipality will bring its zoning ordinances into compliance.

A sample of an appropriate sworn statement is attached for your guidance.

Statements should be saved in PDF format and sent electronically only to Justine Phillips-Gallucci of my staff ([justine.phillips-gallucci@ct.gov](mailto:justine.phillips-gallucci@ct.gov)) by December 1, 2023.