

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 adding parcel standards for nonconforming non-waterfront parcels

PROJECT NAME: Nonconforming lots in the VR Zone

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 # 24-3 Date of Receipt: January 29, 2024

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- 1) A full text of the proposed change in the zoning regulations clearly indicating existing provisions to be repealed and the new provisions to be enacted.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

Dated January 4, 2024

Below are several reasons why the text amendment is being proposed.

First, any regulation that makes 98% of the properties nonconforming is a bad regulation. The lots are non-conforming in size (undersized) and the buildings are non-conforming in location, i.e. located in setbacks. (see attached maps of lots in the VR zone that are non-conforming)

The following list is the number of conforming properties on streets in the VR zone;

Pratt Street = 0,
Little Point = 0,
Hanna Lane = 1,
New City = 0,
River View = 0,
Maple Ave. = 1,
Grove Street = 1,
Prospect Street = 1,
South Main = 0,
Mack Lane = 0,
Collins Lane = 0,
Bank Lane = 0,
Meigs Lane = 0,
Parker Lane = 0,
Scholes Lane = 0,
Novelty Lane = 0.
4

Thus out of 261 properties on the above roads, 4 are conforming as to size.

Second. It reduces the necessity of going to the Zoning Board of Appeals with its difficult hurdle of proving a hardship. Despite this difficulty, in the past 3 years 30 variances have been granted for an increase in coverage and/or an encroachment into the setback in the VR zone. When there is a tendency for the ZBA to grant numerous variances, it is an indication that a regulation should be modified to allow the request as of right.

Additionally, this text amendment allows the opportunity for people to age in place. Several of the variances that were requested and granted in the past three years were for additions to existing homes that included first floor bedrooms, bathrooms, etc. to accommodate a resident who wanted to “age in place” and renovate an existing home. The granting of the variance

allowed for the resident to stay in his/her existing home and not have to potentially move out of town. This would also allow young families to be able to afford a “starter home” with smaller lots and if necessary be able to expand the house as the family expands without having to move and purchase a more expensive house. Having both younger and older families add a desirable balance to a town.

These proposed changes are consistent with the Plan of Conservation and Development in that it allows for greater housing diversity and more housing opportunities.

Proposed Text Amendment to Section 60 Using Track Changes
SECTION 60 VILLAGE RESIDENCE DISTRICT
(Amendment dates found in Attachment V)

60A. USES PERMITTED. In a Village Residence District, there shall be permitted:

60A.1 GENERAL PRINCIPAL USES. The following principal uses and buildings:

- (A) One-family dwellings;
- (B) Public schools;
- (C) Churches, synagogues and other places of public worship;
- (D) A municipal office building, which may include a police station;
- (E) Customary home occupation carried on within an existing dwelling by a permanent resident thereof in which not more than two nonresidents of such dwelling are engaged, if such use is secondary in character and intensity to the use of the building as a dwelling and such activity does not noticeably change the apparent residential character of the premises as by creating noise, odors, smoke, fumes, vibration, illumination, or radio or television interference.
- (F) *Family Day Care Home, as defined in and in compliance with Connecticut General Statutes Chapter 368a Section 19a-77 (and as amended), where, in an existing single family residence, providing care (A) for (i) not more than six children, including the provider's own children not in school full time, without the presence or assistance of an assistant or substitute staff member approved by the Commissioner of Early Childhood, pursuant to section 19a-87b, present and assisting the provider, or (ii) not more than nine children, including the provider's own children, with the presence and assistance of such approved assistant or substitute staff member, and (B) for not less than three or more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, for providers described in subparagraph (A)(i) of this subdivision, a maximum of three additional children who are in school full time, including such provider's own children, shall be permitted, except that if such provider has more than three children who are such provider's own children and in school full time, all of such provider's own children shall be permitted. During the summer months when regular school is not in session, for providers described in subparagraph (A)(i) of this subdivision, a maximum of three additional children who are otherwise enrolled in school full time shall be permitted if there is such an approved assistant or substitute staff member present and assisting such provider, except that (i) if such provider has more than three such additional children who are such provider's own children, all of such provider's own children shall be permitted, and (ii) such approved assistant or substitute staff member shall not be required if all of such additional children are such provider's own children. A

Copy of State license to operate this facility must be submitted to the Zoning Enforcement Official.

- (G) *Group Child Care Home- as defined in and in compliance with Connecticut General Statutes Chapter 368a Section 19a-77 (and as amended) within a residential zone.

60A.2. SPECIAL PRINCIPAL USES. The following principal uses and buildings only when specifically authorized in the particular instance by a special exception granted by the Commission subject to the conditions prescribed in or pursuant to Sections 120 and 130:

- (A) Private schools;
- (B) Clubs;
- (C) Libraries, museums, auditoriums, and public health nursing service facilities operated by a governmental or nonprofit corporation and multiple dwelling projects to provide housing for elderly persons pursuant to Sections 8-112a through 8-119c of the Connecticut General Statutes.
- (D) Medical doctors' clinics and offices, hospitals, sanitariums or convalescent homes, correctional institutions or facilities for the care of the mentally ill or mentally handicapped and care centers for drug addiction or alcoholism, provided that the lot area is equivalent to not less than 2,000 square feet for each patient sleeping accommodations if the lot is served by public water supply and not less than 8,000 square feet if not served by public water supply. Notwithstanding any language elsewhere in these regulations to the contrary, medical doctors' clinics and offices shall not be permitted in any other zoning district by reference to this section.
- (E) Parks, playgrounds, forests, wildlife sanctuaries, boat landing areas, and similar open reservations operated by government units or nonprofit organizations.
- (F) Water supply facilities to include pump stations, pressure reducing stations, storage tanks and towers, wells and treatment facilities.
- (G) Cellular Telecommunications Facility. Antennas approved under this section shall not be required to comply with the height limitations of Section 40J as long as the antennae do not exceed the height of the existing structure to which they are attached and may occupy the same lot as the existing structure without having to provide an additional minimum lot area.
- (H) Business and Professional offices.
 - A lot with a minimum of 1 acre is required for such use.

60A.3 ACCESSORY USES. Any accessory use or improvement but not including:

- (A) SIGNS. Any sign, unless it conforms to the requirements prescribed therefore in these Regulations;

- (B) VEHICLES: GENERAL PRINCIPAL USES. The parking or storage of any commercial motor vehicle accessory to a general principal use unless: (1) the number thereof does not exceed one, (2) such vehicle is not more than one and one-half tons capacity, (3) such vehicle is regularly used for transportation, (4) such vehicle is used primarily for personal rather than business purposes and (5) such vehicle is usually parked or stored indoors;
- (C) VEHICLES: SPECIAL PRINCIPAL USES. The parking or storing of any commercial motor vehicle accessory to a use described in 60A.2, unless: (1) the number thereof does not exceed 5, (2) such vehicles are regularly used for transportation, (3) such vehicles do not exceed one and one-half tons capacity, and (4) their location on the lot of the principal use is not less than 100 feet from any street line and 50 feet from any lot line;
- (D) BUILDINGS. Any building used for residence purposes unless the area of the lot upon which the principal use is located conforms to the minimum required for all dwelling units thereon including such accessory building;
- (E) LIVESTOCK. The keeping of livestock, poultry, or other animals except as household pets and that the keeping of horses is permitted subject to the following**:
1. The keeping of horses shall be for personal, not for profit use.
 2. The property shall not be less than four (4) acres in size. For any property that is partially within the Village Residence District and partially in another zoning district, the property shall have not less than four (4) acres in the Village Residence District.
 3. The number of horses shall be limited to one (1) horse for the first two (2) acres and one (1) horse per acre thereafter. The maximum number of horses shall be limited to five (5) horses.
 4. The setback from any property line or street line to any building used for the housing of horses shall be 75 feet minimum.
 5. Any building used for the housing of horses shall be 150 feet minimum from any existing residential dwelling on a neighboring property.
 6. An owner-occupied residential dwelling shall be located on the property.
 7. In addition to compliance with the provisions noted in this Section, the keeping of horses on a property shall be authorized by a Special Exception granted by the Commission subject to the conditions prescribed in or pursuant to Section 120 and 130.
 8. A best management practices plan for the keeping of horses shall be included with the application for a Special Exception.

60A.4. SIGNS. In addition to any sign permitted under 111B. and subject to the limitations prescribed in 111A., signs as accessory uses as follows:

- (A) GENERAL PRINCIPAL USES. One resident name sign, not exceeding 2 square

feet in area, accessory to a general principal use, or, in the case of a customary home occupation, one business name sign not exceeding 2 square feet in area;

- (B) SPECIAL PRINCIPAL USES. Accessory to a special principal use and only as authorized by the special exception authorizing such use, one business name sign, not exceeding 12 square feet in area.

60B. REQUIRED CHARACTERISTICS. The lot and the building involved in any general or special use in a Village Residence District shall conform to the following characteristics:

DISTRICT
VR

Minimum Lot Area	60,000 square feet
Minimum Lot Width	120 feet
Minimum Lot Area Per Family Dwelling Unit	60,000 square feet
Front Setback	30 feet
Side Setback	25 feet
Rear Setback	30 feet
Maximum Building Coverage	10%
Maximum Building Height	35 feet

Each lot shall contain a contiguous building site of at least 25,000 sq. ft. of buildable land.

None of the required characteristics prescribed in this Section 60B, other than maximum building height, shall apply in the case of a public or private library.

“Buildable Land” shall mean all land that is not inland or tidal wetlands or watercourses as defined in Sections 22a-29 and 22a-38 C.G.S. or slopes with an incline of 20% or greater.

60C. *** Setbacks for non-conforming non-waterfront lots: On all, legal non-conforming lots, having less than the required minimum lot size as set forth in Section 60B Required Characteristics, the side setbacks shall be reduced to 10 per cent of the lot’s frontage or 10 feet, whichever is greater and the front and rear setbacks shall be 15 feet. This section shall not apply to waterfront properties.

60D. ***Coverage for non-conforming non-waterfront lots: On all lawfully existing, non-conforming lots, having less than the required minimum lot area set forth in Section 60B Required Characteristics, the maximum lot coverage shall not exceed 15% or 3,000 square feet whichever is less. This section shall not apply to waterfront properties.



Town of Essex Village Residence District West of Route 9

