

PROPOSED ZONING AMENDMENT – NEW SECTION

Essex Zoning Regulations NEW Section 105
Route 9 Gateway Special Development District (R9SDD)

November 2021 Public Hearing Revisions

105.A Purpose: The Town seeks to encourage an increase in appropriate, well-designed activity in the Route 9 Gateway area, allowing a wider variety of uses at a scale that takes advantage of the relatively high-activity hub, while strengthening pedestrian connections to residential areas and the Villages of Essex, Centerbrook, and Bokum Corner. The R9SDD is a Special Development District designed to apply to specific properties within the area identified in the Essex Plan of Conservation & Development as the “Route 9 Gateway Development Node.”

105.B General Intent: The intent of the R9SDD is:

- a. To encourage new development and redevelopment of underused properties in the Route 9 Gateway area;
- b. To establish and reinforce a welcoming environment to visitors of Essex;
- c. To encourage a higher-density, ~~flexible~~, and a vibrant mix of uses;
- d. To promote an ~~appropriate~~ design ~~aesthetic~~ for the entire node that respects the historic Valley Railroad Station, ~~blend of commercial, industrial, and residential uses~~;
- e. ~~Promote the Route 9 Gateway area as a jobs, tourism, and housing hub~~;
- f. Improve vehicular and pedestrian circulation; ~~and~~
- g. To promote development in accordance with the Essex Plan of Conservation & Development

105.C Boundaries

105.C.1: Properties eligible to be subject to the R9SDD shall be a minimum of one (1) acre in size and be located within the area delineated as Route 9 Gateway Node in the 2015-2025 Essex Plan of Conservation & Development.

105.C.2: A collection of multiple contiguous properties, with the written agreement, signed by all property owners involved, may be combined to create an eligible overlay property

105.D Procedures to Apply for Development Within Special Development District Area: The procedure to permit a development proposal within the R9SDD requires two distinct steps, which may be pursued separately or concurrently. The first step is the designation of the Special Development District (SDD) boundaries, which takes the form of a change to the official Zoning Map, converting the subject property or properties from their former Zoning District to an R9SDD. The second step is the Special Exception application for the specific uses and development that would be enabled by the designation of R9SDD. Specific steps are as follows:

105.D.1: Application for Zone Map and Text Amendment. The applicant seeking to develop a property using the provisions of the R9SDD must first (or simultaneously with a Special Exception application, described below) submit an application to propose the property be subject to the R9SDD. This application shall consist of:

105.D.1.1: A Master Plan by way of a Text Amendment Application providing the information described below in sufficient detail for the Commission to understand and establish the overall parameters of the proposed development. The Text Amendment Application shall be processed in accordance with Section 123 of these Regulations where "the exact wording of the change applied for" shall refer to the Master Plan documents as may be approved by the Commission pursuant to the following:

105.D.1.1.1: Master Plan Requirements

- a. A Master Plan of the proposed development shall be submitted to the Commission for approval, and such Master Plan shall include the following:
 1. Overview of SDD: a designation for the proposed SDD with a unique district name and a general statement regarding the intent of the proposed SDD.
 2. Conceptual site plans: one or more sheets depicting the proposed schematic design of the site, including:
 - a. The identification and general location of proposed uses;
 - b. Existing and proposed building footprints;
 - c. Proposed public and private streets, sidewalks and/or pedestrian walkways, rights-of-way, and parking areas;
 - d. A landscaping plan, including the location of proposed buffers;
 - e. Information regarding the provision of water, sewer, drainage, and other utilities; and
 - f. The location of public and/or private open space or conservation areas.
 3. Schematic architectural drawings: one or more sheets illustrating the schematic design of the proposed buildings and structures, including:
 - a. Schematic floor plans;
 - b. Architectural elevations of all buildings; and/or
 - c. Photographs of buildings similar to the proposed buildings.

4. Data table: information regarding the proposed development, including:
 - a. Lot area and lot frontage;
 - b. Building setbacks yards, and/or building separations;
 - c. Lot coverage (coverage by building(s) and impervious coverage);
 - d. Proposed floor area by proposed use;
 - e. Parking spaces.

105.D.1.2: A Zoning Map Amendment Application, processed in accordance with Section 123 of these Regulations, locating the proposed SDD on the official Zoning Map.

105.D.2: The submission and review of a Special Exception application shall follow the procedures detailed in Section 120 of these Regulations.

105.D.3: Public Hearing. The Commission shall ~~refer the proposed application to the Planning and Zoning Commission per CGS Section 8-3a~~ conduct a public hearing on any application for an R9SDD and the corresponding Special Exception in accordance with the provisions of Section 120 of these Regulations.

105.D.3.1: In addition to the foregoing, the applicant(s) or their agent shall post a sign in accordance with Section 120 and Appendix B of these Regulations and provide evidence of this posting in the form of photographs to the Land Use Office.

105.D.3.2: The applicant shall provide notice, by certificate of mailing, to all property owners within five hundred feet (500') of the parcel for which a Zone Change is requested.

- (i) Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Commission or its agent.
- (ii) The Land Use Office shall provide a copy of the list of property owners within five hundred feet (500') including names of all the property owners, street address per the Assessor's map and parcel number(s) for each property. Such list shall be provided at the time of application submission.
- (iii) Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Land Use Office not less than five (5) calendar days prior to the hearing date.
- (iv) Failure to provide notice as required herein may result in denial of the application.

105.D.3.3: If an application to apply the provisions of the R9SDD is filed concurrently with a Special Exception development application, the Commission

shall hold separate public hearings for (1) the application to amend the Zoning Map and Text and (2) the development proposal Special Exception.

(i) For the convenience of the Commission, and, in the Commission's sole discretion, both public hearings may be opened and held simultaneously provided, each application shall be voted upon separately as part of that application's specific public hearing.

(ii) In accordance with Connecticut General Statutes, the Commission must hold a separate public hearing on any Special Exception application.

105.D.4: Approval Considerations

105.D.4.1: As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application to amend the Zoning Map to apply the terms of the R9SDD.

105.D.4.2: As an exercise of its administrative authority, the Commission may approve, approve with modifications, or deny any Special Exception application filed in connection with such R9SDD consistent with the requirements of Section 120 of these Regulations as amended.

105.D.4.3: In considering any petition to amend the Zoning Map to apply the terms of an R9SDD, the Commission shall make a written finding, whether the proposed change is consistent with the standards and purposes of the R9SDD as set forth in this section and is consistent with the Plan of Conservation and Development.

105.E Permitted Uses: The following uses are permitted via the Special Exception process:

- a. Restaurants (without drive-through), **cafes, coffee shops, Taverns and Brew Pubs**
- ~~b. Taverns & Brew Pubs~~
- ~~c. Retail~~
- ~~d. Offices~~
- ~~e. Television Studios & Production~~
- ~~f. Medical Offices & Facilities~~
- ~~g. Personal Services~~
- ~~h. Arts & Craft Studio with or without Retail Sales~~
- ~~i. Event Facility~~
- ~~j. Tourism & Welcome Center~~
- ~~k. Inn or Bed & Breakfast~~
- ~~l. Indoor Recreation or Gym/Exercise Facility~~
- ~~m. Multifamily Housing~~
- ~~n. Light Manufacturing~~
- ~~o. Mixed use with a combination of the above uses~~
- p. Retail as accessory (less than 10% of floor area) to above uses

~~¶~~ Non-billboard signage to be approved as part of Master Plan & Special Exception process.

105.E.1: Changes to use within the site and buildings following approval of the site plan as part of the original Special Exception application shall be subject to the terms and procedures of Section 120 of these Regulations;

105.E.2: Addition of new buildings or significant structural expansion of buildings, as determined by the Commission in their sole discretion, shown on the previously approved site plan shall require the submission of a new Special Exception application.

105.F Prohibited Uses: Uses not listed in Section 105.5 are prohibited., unless a 2/3 majority of the Commissioners deems the proposed use as “substantially similar” to one of the uses listed in Section 105.E. Additional specifically prohibited uses include the following:

105.F.1: Gasoline service stations; automotive, boat, recreational vehicle, truck, and similar sales, service, and repair garages. Public display of any vehicle for sale is strictly prohibited. “Boat” shall not include non-motorized boats up to 16 feet in length (e.g. canoes, kayaks);

105.F.2: Drive-up windows;

105.F.3: Adult-oriented businesses (including but not limited to adult bookstores, adult theatres, massage parlors, and similar establishments);

105.F.4: Tattoo establishments;

105.F.5: Firearms sales, except as a minor accessory use (not to exceed 5% of the gross floor area);

105.F.6: Marijuana growing facilities or dispensaries;

105.F.7: Billboards & Mobile Advertising Structures

105.G Design Considerations: Site development shall be designed with consideration of the following elements:

105.G.1: The preservation of defined historic structures and/or their facades shall be prioritized to the greatest extent practicable.

105.G.2: Architectural character of new structures shall ~~reinforce reference~~ the ~~historic uses of the area, drawing from~~ architecture of the Essex Steam Train Station and former Dickinson Witch Hazel factory; ~~an orientation to~~ Structures should engage with the street and pedestrian networks. ~~articulated~~; Entries should be articulated and a reflect a human scale;

105.G.3: Sidewalk and pedestrian facilities shall be included with all new developments;

105.G.4: New curb-cuts should be minimized and inclusion of intra- and inter-property off-street connections are encouraged;

105.G.5: Larger-scale parking areas should be located in the side and rear of principal buildings;

105.G.6: Low-Impact Development techniques shall be used to manage stormwater and maintain zero net increase to post-development stormwater discharge;

105.G.7: For mixed-use projects including residential units within non-residential buildings, residential units shall be located on upper floors or to the rear of principal buildings;

105.G.8: Landscaping, lighting, and signage details shall be included in the site plan, and shall reflect the use of native plantings local materials, ~~and and~~ dark-sky lighting principles and shall conform to other applicable Design Standards in these Regulations.

105.H Height, Area, and Yard Requirements:

105.H.1: Maximum height of new structures directly fronting a public way shall be thirty-five feet (35'). Maximum height of new structures separated from the public way by existing or new buildings of no more than thirty-five feet (35') in height shall be three full stories or forty-five feet (45'), whichever is lower;

105.H.2: Maximum building coverage shall be 35% of the site;

105.H.3: Maximum impervious surface coverage shall be 65%;

105.H.4: Front, side, and rear yard setbacks shall be determined by the Data Table accompanying the Master Plan per Section 105.4.1.1.1 and shall, upon approval of the adoption of the SDD, become the regulatory setbacks for that SDD.

105.I Parking Requirements: It is the intent of these Regulations to create off-street parking that is multi-functional, flexible, and adaptive.

105.I.1: The provisions of Section 110 do not apply to developments located within this zone, however the parking ratios contained within that Section may serve as a useful baseline for calculations. The applicant must demonstrate that parking is adequate to the proposed use(s);

105.I.2: The applicant must demonstrate that safe loading and access by trucks and other delivery vehicles is accommodated in the Site Development Plan;

105.J Housing. If the proposed development includes multiple housing units, the following standards shall apply:

105.J.1 Density. There is no maximum residential density (units/acre) based on Zoning Regulations; all maximum density limits shall be based on public water capacity and the limitations of on-site wastewater disposal according to the Department of Public Health and/or Department of Energy and Environmental Protection, as may be applicable;

105.J.2 Affordability Percentage. At least twenty percent (20%) of the dwelling units will be rented or conveyed subject to an incentive housing restriction. Such

restriction shall require that, for a least thirty (30) years after initial occupancy of the development, the dwelling units will be sold or rented at, or below, prices that will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income, where the income is less than or equal to eighty percent (80%) or less of the area median income. In determining compliance with this Section, the Commission will use regulations or guidelines published by the Connecticut Office of Policy and Management, the Connecticut Department of Housing, or any other successor agency designated in accordance with Conn. Gen. Stats. §8-13m. to 8-13x.

105.J.3 Affordability Plan. Each applicant for multiple housing units within the R9SDD will provide an affordability plan that will detail the administration, monitoring, and enforcement of the dwelling units to be sold or rented at below-market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and Conn. Gen. Stats. §8-13m. to 8-13x.

105.J.4 Designation of Administering Agency. The applicant will indicate the name, address, and other contact information for the agency that will administer the sale or rental of the dwelling units that are subject to the below-market sale or rental in accordance with this Section.

105.J.5 Dwelling units may be offered for sale or rental in individual, public, cooperative, or condominium ownership. Documentation as to management, organization, and incorporation of applicable ownership associations will be submitted to the PZC at the time of filing the application for a R9SDD development.

105.J.6 Dwelling units will have no fewer than one (1) bedroom and no more than three (3) bedrooms. Live-work units or open studio units without a separated bedroom are allowable if unit size is more than 500 square feet.

105.J.7 Affordable units shall be of a construction quality and design that is comparable to market-rate units within the development, and shall be dispersed throughout the development.

105.K Materials Required for Formal Submission of All Applications to the Commission: The applicant shall follow the procedures set forth in Section 120 of these Regulations, in addition to the following:

105.K.1: Staff report of Pre-Application Conference discussions and applicability of concept to goals of Plan of Conservation & Development;

105.K.2: A traffic impact analysis, prepared by a licensed professional engineer;

105.K.3: A parking analysis, prepared by a licensed professional engineer, addressing the following:

105.K.3.a Demonstration that parking provided is adequate for combined uses;

105.K.3.b Calculation methodology;

105.K.3.c Indication if shared parking is being used; and

105.K.3.d Provisions for reserve parking;

105.L Performance Standards: Development of the property shall follow the Performance Standards detailed in Section 120G of these Regulations.

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