

6-3.3.3: ESSEX DOWNTOWN ZONING DISTRICT

6-3.3.3.1: Description and Definitions

In addition to the definitions set forth in Section 6-2.2: Definitions, the following definitions shall apply only in the Essex Downtown Zoning District:

1. **Mixed-Use:** A single structure featuring non-residential on the first floor and one (1) or more residential units on any other floor.

6-3.3.3.2: Purpose

The purpose of the Essex Downtown Zoning District is to facilitate reduced dimensional requirements for the area designated and provide as matter of right the ability to have mixed use, business and residential, subject to the requirements below, while minimizing disruption to the existing building configurations.

6-3.3.3.3: Establishment

Essex Downtown Zoning District is a zoning district shown in Section 6-3.3.3.10: District Map. The Essex Downtown Zoning District is subject to all provisions of this chapter except as specifically defined below.

6-3.3.3.4: Building Types (reserved for future use)

6-3.3.3.5: Use Regulations (reserved for future use)

6-3.3.3.5.1: Permitted Principal Uses

1. Residential Single- and Two-Family
2. Residential – Multi-family (dwelling units and/or apartments): 3 or 4 units by right and 5 or more by Special Permit; or as part of Mixed-Use (see (4) below).
3. Business
4. Mixed-Use: Two or more permitted principal uses occupying the same land or building, each of which is independent of and unrelated to the other; allowed as of right with Site Plan Review, or by Special Permit (see 6-3.3.3.7: Dimensional and Density Regulations).

For new construction or substantially improved buildings as defined in applicable building codes and as determined by the Building Inspector, the following requirements shall apply if a project is sited using Mixed-Use front and/or side yard setbacks:

- a. The portion of non-residential use on the first floor shall meet at least one of the following criteria, whichever is larger:
 - i. Minimum of 950 square feet, and/or
 - ii. Minimum of 30% of the gross building floor area excluding enclosed parking or loading areas and enclosed mechanical rooms;
- b. No less than 30% of the building frontage on the side facing the main abutting street shall be non-residential; and
- c. Any deviation from criteria (a) and (b) above shall require a Special Permit.

Ceiling heights suitable for both non-residential and residential uses are encouraged.

5. Motel and Hotel (with Special Permit)
6. Industrial, Class B
7. Municipal – Park and Recreational: Municipal uses, including but not limited to parks, playgrounds, off-street parking facilities and public recreational areas are permitted (As of Right with Site Plan Review/Special Permit).
8. Storage: Storage buildings or structures are permitted and are restricted to non-commercial storage uses of any type.

6-3.3.3.5.2: Parking Requirements

- A. Parking requirements will be subject to the requirements of Section 6-6.3: Off-Street Parking and Loading, except for Mixed-Use Residential which will require one (1) parking spot for each bedroom and required parking under Section 6-6.3: Off-Street Parking and Loading for the Business use created.

6-3.3.3.6: Permitted Accessory Structures and Uses

- A. Accessory Buildings or Structures: Accessory buildings or structures are permitted as of right, subject to the following limitations:
 - a. A maximum of two accessory buildings and/or structures per lot;
 - b. Maximum permitted height of 25 feet;
 - c. Minimum side or rear yard setback of (5) feet;
 - d. Allowed on Residential and Mixed-Use lots only; and
 - e. Prohibited from front yard.

6-3.3.3.7: Dimensional and Density Regulations

Principal Buildings	Residential Single and Two Family	Residential Multi-Family	Business	Motel and Hotel	Industrial, Class A	Industrial, Class B	Mixed- Use
Minimum Lot Area (sq. ft.)	10000 sq ft	10000 sq ft	10000 sq ft	90,000 sq ft	Not permitted	10000 sq ft	10000 sq ft
Minimum Lot Frontage (feet)	75 ft	75 ft	75 ft	200 ft		75 ft	75 ft
Minimum Lot Depth (feet)	100 ft	100 ft	100 ft			100 ft	100 ft
Minimum Front Yard, All Buildings	7-25 ft Note #1	50 ft	7-25 ft Note #1	100 ft		50 ft (>10,000 sq ft)	7-25 ft Note #1
Minimum Lot Width (feet)	75 ft	75 ft	75 ft			75 ft	75 ft
Minimum Side Yard	6 ft Note #2	30 ft	6 ft Note #2	50 ft		30 ft	6 ft Note #2
Minimum Rear Yard	30 ft	30 ft	30 ft	100 ft		30 ft	30 ft
Maximum Building Height feet	35 ft Note #3	35 ft	35 ft Note #3			35 ft Note #3	35 ft Note #3
Maximum Lot Coverage; Structures	50 % Note #4, 5	50 % Note #4,5	50% Note #4,5	50% Note #4,5		50 % Note #4,5	50% Note #4,5
As of Right with Site Plan Review/ Special Permit	As of Right with Site Plan Review	3-4 units As of Right; 5 or more units with Special Permit	As of Right with Site Plan Review	Special Permit		As of Right with Site Plan Review	As of Right with Site Plan Review; 4 or more residential units with Special permit
Accessory Buildings / Structures:							
Residential and Mixed use only							
Prohibited in front yard							
Max number per Lot				2 (Two)			
Max Height				15 feet			
Minimum Side yard				5 feet			
Minimum Rear Yard				5 feet			

Note #1

If the adjacent buildings are setback at a distance other than the minimum front yard requirement of seven (7) feet, but not more than 25 feet, infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or an average of the two adjacent building setbacks, but in no instance shall any building have a front yard setback of less than seven (7) feet or more than 25 feet.

Note #2

If a side yard includes a driveway or parking space, the Minimum Side Yard dimension shall be increased from six (6) feet to 14 feet, consistent with Section 6-6.3: Off-Street Parking and Loading requirements.

Note #3

Maximum Building Height for new Mixed-Use development 40 feet; approval of greater than 35 feet subject to Special Permit.

Note #4

Lots larger than 60,000 square feet will be required to maintain Maximum Lot Coverage of structures at the current standard of 25%.

Note #5

Maximum Lot Coverage: Structures and impervious surfaces allowed to 75% of area; lots larger than 60,000 square feet allowed up to 50% of area.

6-3.3.3.8: Nonconforming Lots and Structures

Alterations, extensions and/or additions to such nonconforming lots and structures are subject to the following:

A. Special Permit Changes:

1. Any alteration, extension or addition to an existing residential structure that increases or intensifies an existing nonconformity, but does not create a new nonconformity, may be allowed by the Planning Board by Special Permit, provided that the Planning Board finds that such alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.
2. For an existing non-residential structure on a nonconforming lot, any alteration, extension or addition that complies with the dimensional requirements in Section 6-3.3.3.7: Dimensional and Density Regulations may be allowed by the Planning Board by Special Permit, provided that the Planning Board finds that such alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure.

B. Variance Changes:

1. Any reconstruction, alteration, extension or addition to an existing structure that creates a new nonconformity shall require a variance from the Board of Appeals.

6-3.3.3.9: Additional Regulations (reserved for future use)

6-3.3.3.10: District Map

