

ARTICLE X

To see if the Town will vote to amend the Town of Essex Bylaws, Chapter VI, "Zoning", by inserting a new section, to be numbered as Section 6-11, as follows:

6-11 Southern Conomo Point Zoning District.

6-11.1. Purpose: The purpose of the Southern Conomo Point Zoning District ("SCPZD") is to facilitate the subdivision of the previously developed area south of Robbins Island Road while minimizing disruption to the existing historical building configuration.

6-11.2. Establishment: The SCPZD is a zoning district shown on the Town's Zoning Map (see Exhibit 1) and is subject to all provisions of Chapter VI of the Essex bylaws except as specifically defined below. Based on the existing land use patterns within the SCPZD, the SCPZD consists of two sub-districts as follows (see Table of Dimensional Regulations following at Section 6-11.6(E)):

A. Single Family Sub-District

B. Seasonal Cottage Sub-District

6-11.3. Definitions: In addition to the definitions set forth in Section 6-2.2 of the Zoning By-Law, the following definitions shall apply only in the SCPZD:

Seasonal Cottage – A detached residential dwelling unit, other than a mobile home, of 1½ stories or fewer and 1,800 square feet or under, to be used for seasonal occupancy only between April 15 and October 15 of any given year.

Floor Area, Gross – The area of all floors located within the principal structure enclosed within exterior walls, including the thickness of the walls. Unfinished or finished storage areas, attics, or basements more than 50% above the ground, shall be included as floor area.

Floor Area Ratio (FAR) – The ratio of the Gross Floor Area of all principal structures on a lot divided by the lot area. (Example: 3,000 SF Gross Floor Area / 30,000 SF lot area = FAR .1)

Lot Building Coverage – The percentage of the lot area covered by the area of all principal and accessory buildings or structures with roofs. (Example: 2,000 SF roof area / 30,000 SF lot area = 6.67% Lot Building Coverage)

Impervious Surface Coverage – The percentage of the lot area covered by impervious surface. (Example: 1,200 SF impervious surface / 6,000 SF lot area = 20% Impervious Surface Coverage)

6-11.4. Permitted Principal Uses:

- A. Single Family Sub-District – Single Family Dwellings are permitted as of right and may be used year-round.
- B. Seasonal Cottage Sub-District – Seasonal Cottages are permitted as of right, but use and occupancy shall be limited to seasonal use only between April 15 and October 15 of any given year.

6-11.5. Permitted Accessory Structures and Uses:

- A. Accessory Buildings or Structures – Accessory Buildings or Structures are permitted as of right in both sub-districts, subject to the following limitations:
- a maximum of two Accessory Buildings and/or Structures per lot;
 - total gross floor area of all Accessory Buildings and/or Structures on each lot shall not be greater than 576 SF;
 - Maximum permitted height of 15 feet.
 - Minimum side or rear yard setback of 5 feet.

- B. Home Occupations – Home Occupations are permitted as of right in both sub-districts, subject to the following additional limitations:
- No more than one employee who does not reside in the building or structure;
 - No more than one commercial vehicle shall be parked on the property;
 - No external display or sale of goods or services shall be permitted.

6-11.6. Dimensional and Density Regulations:

A. General Requirement: Except as provided under Section 6-11.5.A., all lots, new construction and reconstruction of or additions, alterations or extensions to any principal or accessory buildings or structures shall comply with the dimensional regulations listed in Table 1 at Section 6-11.6(E).

B. Exceptions: This Section contemplates that new lots will be created through a subdivision to accommodate the principal and accessory buildings or structures in the SCPZD existing at the time of adoption of this Section. The following exceptions to the dimensional regulations in Table 1 at Section 6-11.6(E) shall apply within the SCPZD:

1. East of Conomo Point Road - New lots approximating the currently shown lease areas may be created on the eastern side of Conomo Point Road within the SCPZD (currently identified as Assessor's Map 19, Lots 116, 117 and 118) to accommodate the existing buildings and structures, provided that (a) such lots shall have a minimum lot area of 3,500 square feet and a minimum frontage of 80 feet, and (b) the existing buildings and structures on such lots shall have minimum front yard and side yard setbacks of 5 feet, and a minimum rear yard setback of 1 foot.

2. West of Conomo Point Road - New lots complying with the lot area and frontage requirements in Table 1 at Section 6-11.6(E) may be created within the areas of the SCPZD west of Conomo Point Road to accommodate the existing buildings and structures, even if the new lot lines render the existing buildings or structures nonconforming.

C. Regulation of Nonconforming Lots and Structures: All newly-created nonconforming lots created pursuant to this Section and all existing buildings and structures rendered nonconforming as a result of the newly-created lots created pursuant to this Section are hereby deemed to be lawful nonconforming lots and lawfully existing nonconforming buildings or structures. Future reconstruction, alterations, extensions and/or additions to such nonconforming lots and buildings/structures are subject to the following:

1. As-of-Right Changes: Any reconstruction, alteration, extension or addition to any existing nonconforming building or structure that conforms to the dimensional requirements listed in Table 1 at Section 6-11.6(E) and does not increase any existing nonconformity shall be permitted as-of-right, except as provided in subsection 2(b) below concerning nonconforming lots created on the eastern side of Conomo Point Road.
2. Variance Changes:
 - (a) Any reconstruction, alteration, extension or addition to an existing nonconforming building or structure that does not conform to the dimensional requirements listed in Table 1 at Section 6-11.6(E) or increases any nonconformity shall require a variance from the Board of Appeals.
 - (b) Any reconstruction, alteration, extension or addition to a building or structure on a nonconforming lot created on the eastern side of Conomo Point Road pursuant to 6-11.6(B)(1) shall require a variance from the Board of Appeals.

D. Merger: Within the SCPZD, adjoining lots that are held in common ownership shall retain their status as separate lots, and shall not be deemed to have merged into a single lot for purposes of zoning solely on the basis of such common ownership.

E. Table of Dimensional Regulations:

Table 1 – Dimensional Regulations – Permitted As-of-Right:

	Sub-District	A	B
	Dimensional Controls	Single Family Sub-District	Seasonal Cottage Sub-District
1	Minimum Lot Size in square feet	30,000	6,000
2	Minimum Frontage in feet	100	60
3	Minimum Front Yard Setback in feet	25	15
4	Minimum Side Yard Setback in feet	25	10
5	Minimum Rear Yard Setback in feet	25	25
6	Maximum Height in feet	20	15
7	Maximum Floor Area Ratio	.1	.2
8	Maximum Lot Building Coverage (%)	5%	15%
9	Maximum Impervious Surface Coverage (%)	10%	20%
10	Maximum Number of Stories	2	1.5

