

Effective date May 27, 2012

Electronic copies of the revised Zoning regulations will be posted on the Town of Cornwall Website on June 1, 2012.

***Amendments to the Cornwall Zoning Regulations
Regarding Apartment Uses in Residential Zones and Apartment Use in a
Business Building. Final 5.9.12***

1. Amend Article III, Section 3.3

- delete subsections “i. accessory apartments” and “j. conversion of residences and/or structures to apartments” and
 - replace with “i. Apartment Uses in Residential Zones”.
- Renumber 3.3 subsections k to j, l. to k. and so forth to end.

2. Amend Article VIII Special Permit Requirements

Delete existing Sections 8.10 Accessory Apartments and Section 8.11 Conversion of Residences and/or Structures to Apartments and consolidate these sections into a new Section 8.10 titled Apartment Uses in Residential Zones as follows:

8.10 Apartment Uses in Residential Zones

.1 Statement of Purpose and General Standards.

a. The purpose of this regulation is to broaden the Town's supply of smaller dwelling units in residential zones (R-1, R-2 and R-5) by permitting an independent apartment with its own complete kitchen and bath within a single-family dwelling or in an approved accessory structure on a lot with a single family dwelling and by permitting conversion of single family dwellings or accessory structures that are fifteen years or older to apartment use. This regulation is designed to help meet an identified need for housing in Cornwall, especially for elderly and young adult individuals or couples.

b. An accessory apartment in a single family dwelling may be permitted by approval of a Site Plan (see Section 3 below). An accessory apartment in an accessory dwelling or in a single family dwelling where the application involves adding floor area or modifications to the single family dwelling exterior (see Section 4 below) and conversion of a single family dwelling to apartments (see Section 5 below) shall require approval of a Special Permit and a Site Plan subject to the following standards and conditions and other applicable requirements of these Regulations. The provisions of this section are intended to permit these apartment uses in a manner that protects the community health, safety and welfare, and to retain the integrity of neighboring single-family dwellings.

- .2 General Standards. The following general standards and minimum requirements shall apply to all Apartment Uses in Residential Zone applications:
 - a. The subject property shall be owner occupied. For the purpose of this regulation owner occupied shall mean that the lot owner or a parent, spouse or child of the lot owner shall reside on the property either in the main dwelling or the apartment for the duration of the permit. This requirement shall be stated on the Zoning Permit.
 - b. Compliance with other Codes/Requirements. The applicant shall provide written approval from the Health Official certifying that the site's septic leach field system is suitable or can be modified to adequately treat the added volume of waste disposal from the proposed dwelling units. The Commission may require that the applicant show the proposed apartment can meet other State and local codes.
 - c. Parking. Adequate off-street parking shall be provided. The minimum for an accessory apartment application shall be three spaces for the principal dwelling and one apartment.
 - d. Site Plan. A Site Plan shall be required. The Site Plan shall be adequate to show the relationship of the single family dwelling and accessory structure to the lot, off-street parking, and access to the parking and the apartment(s). An interior floor plan shall also be provided which is adequate to determine livable floor area for all dwelling units.
 - e. Zoning Permit Filed on Land Records. Prior to beginning of construction, the owner shall file a copy of the Zoning Permit for an Apartment Use in a Residential Zone on the Town Land Records. The Z.E.O., with the written permission of the owner, may complete this filing on the land records.
- .3 Accessory Apartment requiring Site Plan review. An application for an apartment located within an existing single family dwelling may be approved subject to the above General Standards and Article VI, Site Plan Requirements provided:
 - a. The livable floor area of the apartment shall be no greater than 1,200 square feet and shall be less than the livable floor area of the balance of the single family dwelling.
 - b. Not more than one accessory apartment of any type shall be permitted on an individual lot.
 - c. The application does not involve exterior expansion to the dwelling. Modifications to a single family dwelling for apartment use shall maintain the character and appearance of the exterior, especially the front. The front of the single family dwelling shall have only one entrance.

- .4 Accessory Apartment requiring a Special Permit and Site Plan. A Special Permit and Site Plan approval meeting the above General Standards, Articles VI Site Plan Requirements, VIII Special Permit Requirements and the following shall be required for an application for:
- an accessory apartment in an existing dwelling that involves an exterior expansion or change to the dwelling for any purpose, and
 - an accessory apartment in an accessory building on a lot with a single family dwelling.
- a. The maximum livable floor area of the accessory apartment either in an existing dwelling or in an accessory building shall be either 1,200 square feet or less than 50% of the livable floor area of the total single family dwelling livable floor area, whichever is less. The livable floor area of the apartment in an accessory building shall be less than the total livable floor area of the single family dwelling.
- b. Not more than one accessory apartment of any type shall be permitted on an individual lot.
- c. Exterior Modifications. Modifications to a single family dwelling for apartment use shall maintain the character and appearance of the exterior, especially the front, to the greatest extent possible. The front of the single family dwelling shall have only one entrance. An accessory structure which is modified for accessory apartment use shall blend with the exterior character of the single family dwelling. Exterior stairways shall be located only on the rear or side of the building and to the rear whenever possible.
- .5 Conversion of Existing Single Family Dwelling and/or Accessory Structure to Three or Four Dwelling Units. An application for conversion of an existing single family dwelling and /or an accessory structure to apartment use shall require a Special Permit and Site Plan application meeting the above General Standards, the requirements of Articles VI and VIII and the following:
- a. To be eligible the applicant shall provide documentation to the satisfaction of the Commission that the single family dwelling and /or accessory structure that is to be converted has existed on the property for not less than fifteen (15) years prior to the date of the application.
 - b. There shall be a maximum total of four dwelling units on the lot, including the unit occupied by the lot owner. The maximum livable floor area for each apartment shall be 1,200 square feet.
 - c. Exterior Modifications. Exterior modifications to the single family dwelling or accessory structure shall meet the standard set forth in 4.c above.

d. Adequate off street parking shall be provided. The minimum shall be two off street spaces for the owner's unit and one for each of the other dwelling units. The Commission may require up to two parking spaces per dwelling unit and this number of feasible off street parking spaces shall be shown on the Site Plan. Where less than two spaces per unit are approved a condition of the Special Permit shall state that "Additional off street parking spaces shall be constructed in accordance with the Site Plan where the Commission determines it is necessary based on rental and actual parking experience." All off street parking spaces shall be screened from view of adjoining neighbors by landscaping or shielded in some other manner acceptable to the Commission.

.6 Permit and Enforcement.

a. The Site Plan and Special Permit for all Apartment Uses in Residential Zones shall be valid only for the time period of the occupancy requirement in .2 a. above. The Site Plan approval referred to in Section 3 above and the Special Permit referred to in Sections 4 and 5 above shall become null and void if the lot owner, or a parent, spouse or child of the lot owner, does not reside in one of the dwelling units on the lot.

b. The owner of the lot shall notify the ZEO of a change in ownership of the lot and the new owner shall provide proof that the new lot owner or a parent, spouse or child of the lot owner will reside in one of the dwelling units on the lot after the change in ownership.

c. The Zoning Enforcement Officer, at the direction of the Commission and after notifying the owner, may inspect the apartment.

3. Revise Article XVI, Definition of Livable Floor Area as follows:

Livable Floor Area.

The gross horizontal area of the floor(s) of a dwelling unit that has a structural head room of six feet, six inches or more, is provided with heat and is suitable for year-round occupancy.

4. Amend Article VIII Special Permit Requirements Section 8.12 as follows:

Renumber existing 8.12 Apartment Use in a Business Building to 8.11 and revise as follows and re-number the rest of the subsections of Article VIII 8.13 to 8.12, 8.14, to 8.13 and so forth to the end.

8.11 Apartment Use in a Business Building

.1 Apartment use in a business building in a business district may be permitted by the Commission subject to approval of a Special Permit and Site Plan application meeting the requirements of Articles VI and VIII and the following:

- a. The intent of this regulation is to provide for apartment use of business buildings in the business zones of Cornwall for the purpose of convenient housing and to utilize space in an efficient manner.
- b. The building shall be found by the Building Official and the Commission to be suitable for apartment use.
- c. The lot area shall be sufficient to meet the parking requirements of the principal business use, plus two parking spaces for each apartment unit.
- d. The total livable floor area used for apartments must be secondary to the total floor area used for business purposes.
- e. The applicant shall provide written approval from the Health Official certifying that the site's septic leach field system is suitable or can be modified to adequately treat the volume of waste disposal from the proposed apartment(s). The Commission may require that the applicant show the proposed apartment can meet other State and local codes.
- f. Each apartment shall have outside access convenient to the parking area and vehicular and pedestrian access to the lot. Units located on upper floors shall have at least one access to ground level for exclusive use of the apartment(s).