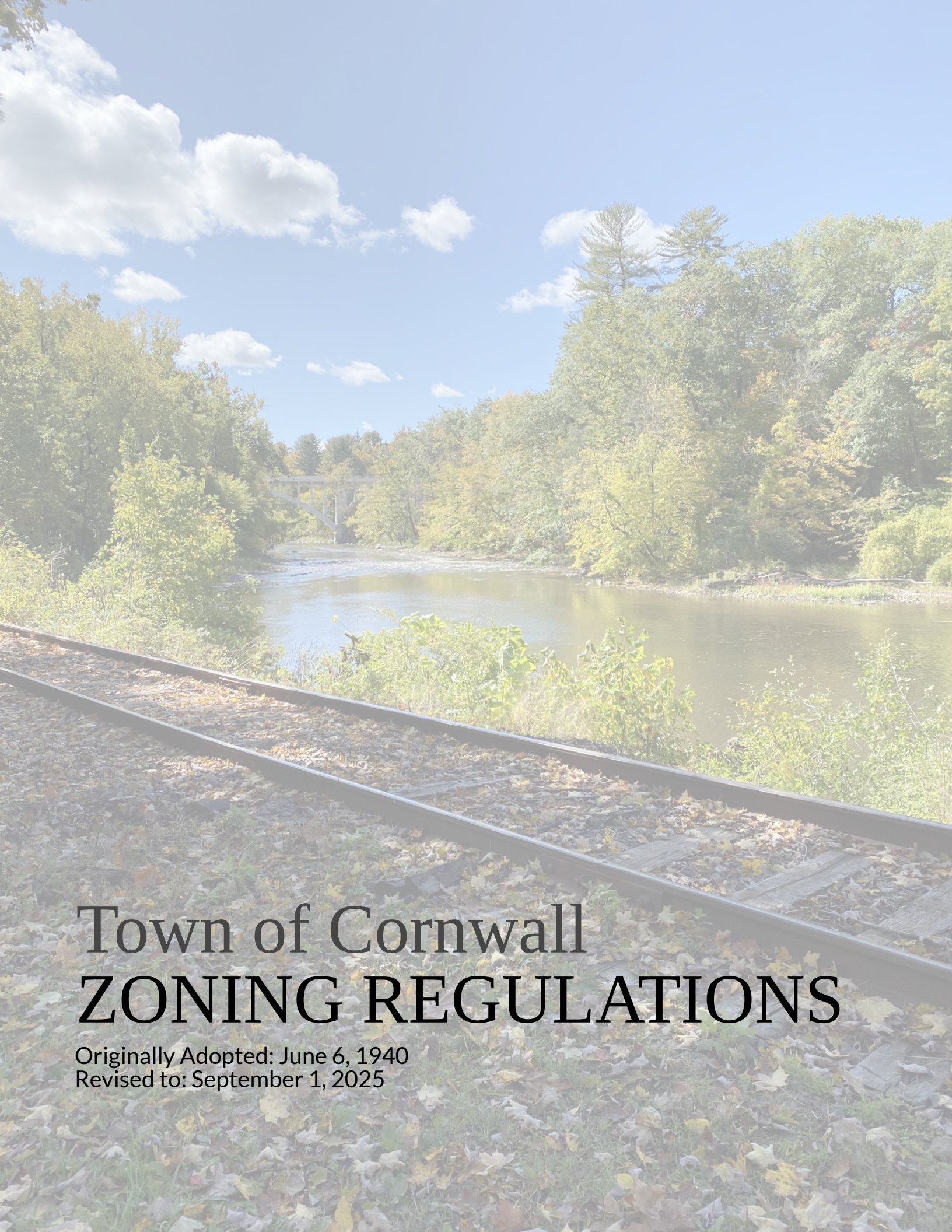


Town of Cornwall
ZONING REGULATIONS

Originally Adopted: June 6, 1940
Revised to: September 1, 2025

Table of Contents

Article 1: Intent & Purpose **1**

Article 2: Zoning Districts & Zoning Map **2**
Town of Cornwall Zoning Map 3

Article 3: Definitions **4**

Article 4: Permitted Uses **9**
Town of Cornwall Permitted Use Table 12

Article 5: General Standards **13**

Article 6: Dimensional Standards **15**

Article 7: Zoning Permits **16**

Article 8: Site Plans & Special Permits **17**

Article 9: Overlay Zones **24**
Housatonic River Overlay Zone 24
Aquifer Protection Overlay Zone 29
Flood Hazard Zone 29
Cornwall Plains Zone 30
Planned Conservation Zone 32

Article 10: Special Use Provisions **34**
Accessory Apartments & Apartment Uses 34
Antennas, Towers, and Wireless Communication Facilities 36
Apartment Use in a Business Building 36
Attainable Housing Cut(s) 37
Farms, Farming, & Agriculture 38
Home Businesses 39
Mixed Uses 42
Mobile Homes 42
Permanent Sawmill for Limited Commercial Use 42
Recreational Campgrounds 45
Room & Board and Bed & Breakfast Establishments 45
Temporary Non-Profit/Political Sponsored Events 45
Town or Non-profit Sponsored Affordable Multi-family Housing 45
Town or Non-profit Sponsored Lot

Article 11: Signs & Parking **47**
Minimum Parking Requirements Table 51

Article 12: Lot Development Standards **52**
Access 52
Common Accessways 52
Erosion & Sedimentation Control Plans 53
Excavation of Earth Materials 54
Stormwater Management 54
State Highway Connection 55
Streets & Driveways 55
Water Supply 56

Article 13: Enforcement **57**

ARTICLE 1

INTENT & PURPOSE

As enabled by Chapter 124 § 8-2 of the Connecticut General Statutes (CGS), as may be amended from time to time

1.1 Purpose

The purpose of the Cornwall Zoning Regulations ("The Regulations") as adopted by the Planning and Zoning Commission ("The Commission") are as follows:

a. To promote and conserve the health, safety, and welfare of the citizens of the Town of Cornwall ("The Town");

b. To facilitate adequate provision for transportation, water, sewerage, schools, parks, open space, and other public requirements;

c. Be drafted with reasonable consideration as to the physical site characteristics and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land, especially as recommended in the Town Plan of Conservation and Development ("POCD"), as amended and adopted;

d. To preserve and protect farmland and support the Right to Farm as described in the ***Connecticut General Statutes (CGS) Chapter 368m Section 19a-341***;

e. To conserve natural features and resources including private and public water supply and to preserve sites of historic, tribal, cultural, and environmental significance;

f. To promote housing opportunities for all citizens;

g. To provide adequate light and air, prevent congestion in the streets, and to prevent and/or mitigate natural hazards, such as floods and fires;

h. To encourage economic and social health in the community.



Photo by Rocco Botto



Mohawk State Forest

ARTICLE 2

ZONES & ZONING MAP

2.1 Zones
The Town of Cornwall is divided into the following zones:

RESIDENTIAL
R-1 Residential (Minimum lot size: 1 acre)
R-3 Residential (Minimum lot size: 3 acres)
R-5 Residential (Minimum lot size: 5 acres)

COMMERCIAL
GB General Business

OVERLAY DISTRICTS (See **Article 9**)
HR Housatonic River Overlay Zone
AP Aquifer Protection Overlay Zone
FH Flood Hazard Overlay Zone
PC Planned Conservation Zone
CP Cornwall Plains Zone

2.2 Zoning Map
A full-sized, appropriately scaled map entitled "Zoning Map, Town of Cornwall, dated August 1, 2015" is on file in the Office of the Town Clerk. Any facsimile maps are not official and for conceptual use only.

A copy of this official zoning map is displayed on the following page for conceptual and informational purposes.

2.3 Boundaries of Zones
Where there is uncertainty as to boundaries of zones as shown on the Zoning Map, the following rules shall apply:

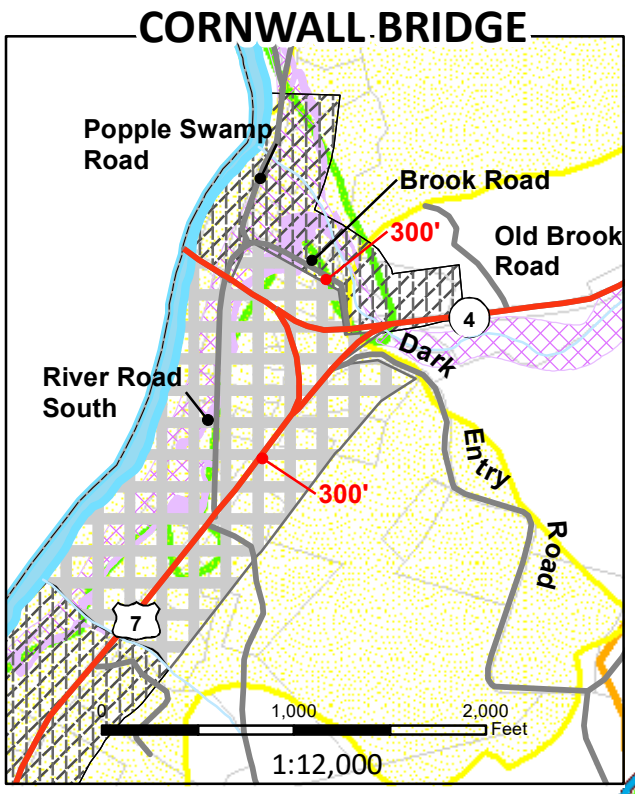
a. Zone boundary lines are intended to follow property lines, center lines of streets or rights-of-way, and watercourses.

b. Where a boundary is shown parallel to a street, the boundary shall be interpreted as running parallel to the nearest street line and extending at such distance as indicated on the Zoning Map Insert. If not indicated, such distance shall be 300 feet in an R-1 and GB Zone and 500 feet in an R-3 and R-5 Zone.

c. Where a lot of record falls into two (2) or more zones, any use allowed in either zone shall be permitted on the lot, but in no case shall uses allowed in one zone but prohibited in the other be extended more than one-hundred (100) feet into the zone prohibiting such use. This standard is not applicable for Overlay Districts.

d. Any questions of uncertainty regarding zoning district boundaries shall be determined by the Town of Cornwall Planning and Zoning Commission.

Zoning Map
Cornwall, CT



Housatonic River Inner Corridor

Housatonic River Outer Corridor

CANAAN

River Rd
Reed Brook Rd
Cream Hill Rd
Rexford Rd
Town St
Yelping Hill Rd
Stonehill Rd
Hautboy Hill Rd
Hurlburt Rd
Bradford Rd
43
Scoville Rd
Cherry Hill Rd
Rattlesnake Rd
Cream Hill Lake
Lake Rd
River Rd
Cogswell Rd
Wright Hill Rd
Town St
WEST CORNWALL
Dibble Hill Rd
Pierce Ln
125
Town St So
128
Hall Rd
Todd Hill Rd
Johnson Rd
GOSHEN
Clark Hill Rd
4
Housatonic River
Popple Swamp Rd
Essex Hill Rd
Everett Hill Rd
Great Hollow Rd
Great Hill Rd
Clark Rd
Clark Pond
Mohawk Pond
College St
7
4
45
Bald Mountain Rd
Whitcomb Hill Rd
Pritchard Rd
Great Hollow Rd So
Flat Rocks Rd
South Rd
Hickory Ln
KENT

Legend

- Parcel Boundary
- State Highway
- Paved Road
- Unpaved Road
- Private Road
- Forest Road

Zoning Districts

- CP Cornwall Plains
- GB General Business
- R1 Residential - One Acre
- R3 Residential - Three Acre
- R5 Residential - Five Acre

Overlay Zones

- Housatonic River Inner Corridor
- Housatonic River Outer Corridor
- Aquifer Protection Zones

FEMA Flood Zones

- 100 Year
- 500 Year

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S

1:56,000

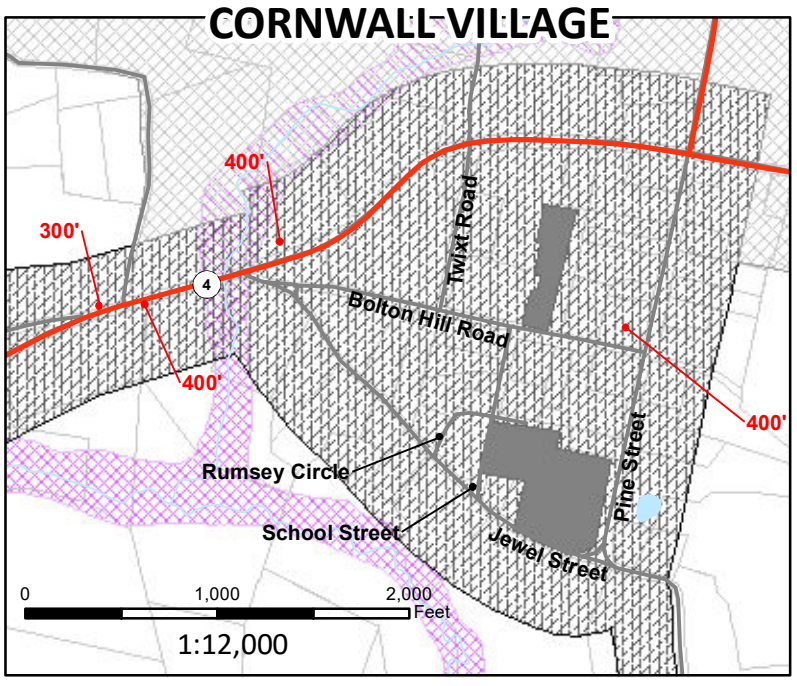
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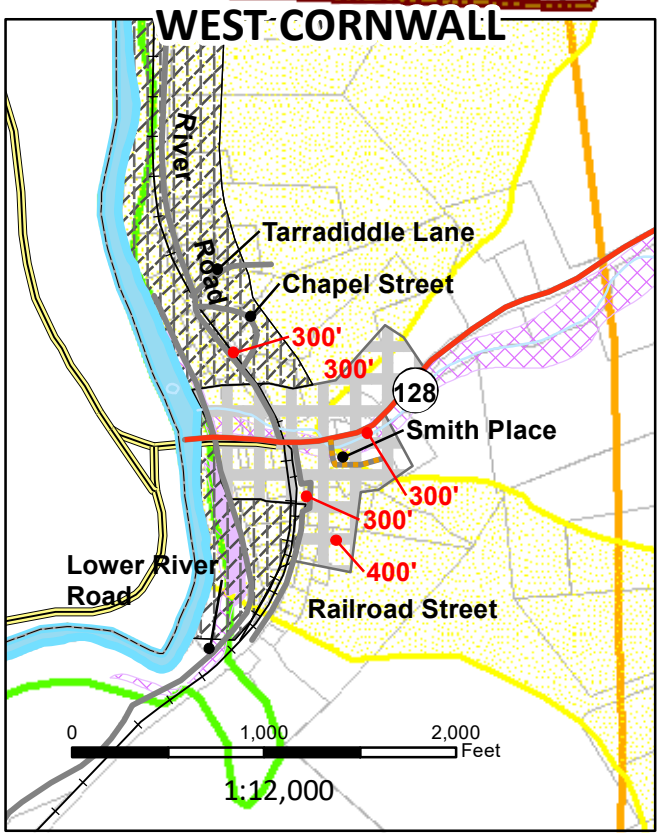
Aquifer Protection Zones *were delineated for active public water supply wells in streatified drift that serve more than 1000 people, in accordance with Sections 22a-354c and 22a-354z of the CT General Statute.*

Housatonic River Corridor

The Inner Corridor Boundary combines wetland & hydric soils with the 100 year floodplain boundary.

The Outer Corridor is defined as the portion of the river watershed lying between the Inner Corridor boundary and the valley ridgelines, or as determined by individual communities, exclusive of village centers.





Zoning Map Data Sources

Roads & Railroad: CT ECO (DEEP)
Zoning Districts: The Town of Cornwall (2006)
Waterbodies & Rivers: USGS (NHD)
Parcels: Town of Cornwall (2010)
FEMA Flood Zones: FEMA FIRM Maps (1988)
Housatonic River Corridor: Housatonic River Commission (2006)

Map Prepared by:
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GIS Manager
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hvamaps@gmail.com
Housatonic Valley Association

HVA

Map Date: 9/20/2019

ARTICLE 3

DEFINITIONS & INTERPRETATIONS

3.1 General Rules

When there is a question associated with the meaning of a word contained within the regulations, the Commission may determine its meaning using the latest edition of Webster's Unabridged Dictionary and by giving due consideration to the express intent of these regulations and how the word has been interpreted by the Commission over time.

3.2 Rules for Interpretation

The following rules and definitions shall be used to interpret these Regulations:

a. Words used in the singular may include the plural and vice versa.

b. Words in the present tense may include the future tense and vice versa.

c. The word "shall" is mandatory and not discretionary, while the word "may" is permissive.

d. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

e. The phrase "these Regulations" shall refer to the entire Zoning Regulations, as amended.

3.3 Definitions

Accessory Dwelling Unit. *"Accessory apartment" "efficiency unit".* A separate dwelling unit that (a) is located on the same lot as a principal dwelling unit of greater square footage, (b) has cooking facilities, and (c) complies with (or is otherwise exempt) from any applicable building code, fire code and health and safety regulations; as defined by Public Act 21-29.

Accessory Use or Structure. An activity or structure on a property that is incidental and subordinate to the main use of a site.

Accessibility/Accessible. A term that describes the usability of a facility, product, or service by people with disabilities.

Accessway. A way of approaching or entering a property. Access includes ingress, the right to enter, and egress, the right to leave.

Agriculture. As defined by ***CGS Sec 1-1 (q):***
Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment.
Accessory uses shall include salvaging timber or clearing land of brush or debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits and vegetables for market or for direct sale. This use does not include the cultivation/production of cannabis.
The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural and horticultural commodities.

Affordable Housing. Housing that can be purchased or rented by persons whose income level is categorized as very low, low, or moderate within the standards set by the Connecticut Department of Housing, the State Department of Economic and Community Development, and/or the US Department of Housing and Urban Development.

Attainable Housing. Housing intended for those with an income limited to 100% of the area median income (AMI) as set by the State Department of Economic and Community Development, as amended annually, where the resident spends no more than thirty percent (30%) of their combined income on housing. This definition is to correspond with the Parcel Program Income Limits of the Cornwall Housing Corporation, as amended.

Application. A completed form, as provided by the Town of Cornwall Land Use Office, together with all maps, plans, narrative statements, *and fees* as required by these regulations which is submitted to the Commission or its authorized agent *for review.*

Buffer Zone. An area of land separating two (2) distinct land uses that mitigates the effects of one land use on the other.

Buildable Area. An area of a lot (of no particular shape) shall contain no wetland soils, waterbodies, watercourses, utilities or access easements, rights-of-way, or any naturally occurring slope exceeding twenty-five percent (25%) as measured using two (2) foot intervals. A circle with a minimum radius of fifty feet (50') shall fit within the buildable area at all points. The minimum area of a buildable area shall be no less than 20,000 square feet. All buildings, except for accessory structures that are less than two-hundred (200) square feet, shall be located within a buildable area.

Buildable Lot. A legally created parcel that contains the required land area to satisfy minimum dimensional requirements, is accessible from a public right-of-way or a private accessway, and contains a buildable area.

Building. A type of structure having a roof supported by columns and/or walls and intended for the shelter, housing, or enclosure of any permissible use or occupancy.

Building Coverage. The percentage of the lot area covered by the combined area of all structures, impervious surfaces, and other man-made features on the lot.

Business. Any use facilitating the barter, sale, or exchange of things of value, or sale of services, or exchange of services, and may include the ancilliary storage of goods associated with commercial activity.

Cabin. A structure having limited access, infrastructure, and/or amenities which is used recreationally or seasonally. A cabin is not to be used as a permanent dwelling unit.

Camping Unit. *"Travel trailer", "camper", "RV".* A vehicle designed, used, or intended for temporary use for camping, recreation, travel and/or vacationing. This definition does not include mobile homes.

Certificate of Occupancy. *"CO".* A written approval issued by the Town Building Inspector with ZEO authorization which certifies that a building is in compliance with the Connecticut State Building Code and is suitable for either occupancy or its intended use.

Certificate of Zoning Compliance. A written approval given by the Commission or its authorized agent which certifies that a use, structure and/or lot is in compliance with the requirements of the Zoning Regulations.

Club. An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain, and that no commercial activities are conducted, except as required generally for membership and the purposes of the club.

Commercial Activity. A land-use classification related to the buying and selling of commodities, activities, and/or services.

Commercial Kennel. A kennel maintained for boarding, training, or grooming dogs and cats. This includes day care in addition to overnight boarding, but does not include medical services.

Common Accessway. *"Shared Driveway."* Two (2) or more lots served by one driveway whose entryway is a minimum of fifty (50) feet wide.

Development. Any man-made change to improved or unimproved land, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations, or storage of equipment and/or materials.

Disturbed Area. An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Duplex. A structure that contains two (2) dwelling units.

Dwelling Unit. A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities), which constitutes an independent housekeeping unit, occupied, or intended for occupancy by one household on a long-term basis.

Excavation. Removal of soil, loam, sand, gravel, clay, rock, topsoil or any other earth material from a site.

Family Day Care Home. *As defined by* ***CGS Chapter 368a §19a-77***: a private family home that has been licensed by the state where children are cared for during limited periods of time.

Farm. Any tract of land used for farming activities (See ***Agriculture***), including buildings and other structures used for raising, or incidentally for selling, agricultural commodities.

Farming. See ***Agriculture.***

Flag Lot. A lot which has less than the minimum required lot width on a street (frontage) and which is accessed by an accessway.

Floating Zone. A special detailed use district of an undetermined location in which the proposed uses and/or kind of allowable structure(s) must be preapproved. A floating zone "floats" over the entire Zoning Map of the Town until, by the appropriate action, the boundaries are fixed and it becomes anchored, as an overlay zone. Local example includes the Planned Conservation Zone.

Flood Hazard Area. Areas subject to 100 year flooding as shown on the Federal Emergency Management Agency (FEMA) "Flood Insurance Study" and "Floodway" and "Flood Insurance Rate Maps", effective January 2, 1981, as amended.

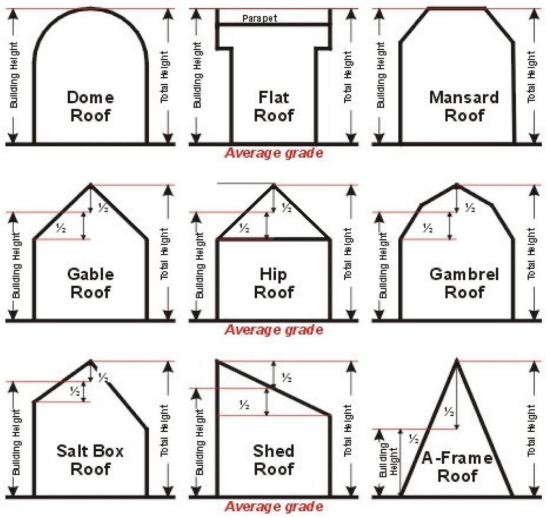
Generator. Stationary device that typically uses an internal combustion engine to convert mechanical energy into electrical energy. This definition does not include a portable device. The installation of a generator is subject to a zoning permit.

Grading. Any excavation, grubbing, filling, or stockpiling of earth materials or any combination thereof, including land in its excavated or filled condition.

Group Home. As defined by ***CGS Chapter 124 §8-3e***, a continuously supervised residential care facility licensed by the State of Connecticut which provides housing and care to eight or fewer individuals that are aged, handicapped, disabled, or otherwise in need of specialized services to meet their needs.

Hazardous Materials. Any substance or combination of substances which because of quantity, concentration, or physical, chemical or infectious characteristics, poses potential hazard to human health or the environment when improperly managed. Any substance deemed "hazardous" under the CGS or the regulations of other state agencies shall also be deemed hazardous for the purpose of these regulations.

Height. The vertical distance measure from the average finished grade to the highest point of the structure or to the mean level between the ridge and the eaves for hip, gambrel, salt box, shed, or A-frame roofs. (See graphic below from APA Planner's Dictionary)



Health Official. The individual or organization officially recognized by the Town as responsible for administration and enforcement of the State Health Code and/or any local health-related requirements *E.g. Torrington Area Health District or other local or state official.*

Impervious surface. A surface through which water cannot penetrate, like a roof, road, sidewalk, and paved or gravel parking lot.

Junkyard. Any junkyard, motor vehicle junkyard, motor vehicle junk business and motor vehicle junkyard as defined in the Connecticut General Statutes. The term shall also include any place for storage or deposit, whether in connection with a business or not, for two or more unregistered motor vehicles.

Light Industrial. A use engaged in the manufacture, predominantly from previous prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial production.

Livable Floor Area. Portions of the building soundly and permanently constructed and finished. Livable floor areas may include rooms, halls, and closets, but not include rooms intended for utilities, garages,

Lot. *"Plot","Parcel".* A parcel of land which is either owned separately from any contiguous parcel as evidenced by the conveyance recording in the Land Records of the Town, or is a building lot shown on a subdivision map approved by the Commission and filed in the Office of the Clerk. A group of public, institutional, commercial, or industrial buildings under the same ownership may be considered as occupying the same lot.

Lot width. *"Frontage".* The lot line which directly abuts a public street or a private road. It is the horizontal distance between the side lot lines measured at the minimum required front yard setback.

Low Impact Development (LID). A land-use planning and engineering design approach to manage stormwater runoff. It utilizes conservation and the use of on-site natural features to protect water quality by promoting the natural movement of water.

Mixed-use development. A development containing both residential and non-residential uses in any single building.

Multifamily housing. A building that contains three (3) or more dwelling units.

Non-conforming, lot. A parcel of land which does not conform to the area and/or dimensional requirements of the current regulations. To be considered a legal non-conforming lot, it must have already been in existence at the time of adoption or amendment to the regulations that made the lot non-conforming.

Non-conforming, structure. A structure of which the size or location is not permitted per the dimensional requirements of the current regulations. To be considered legally non-conforming, the structure must have already been in existence at the time of adoption or amendment to the regulations that made the structure non-conforming.

Non-conforming, use. Any use of land or structures or portions thereof, which is not permitted by these Regulations in the zone where it was located. To be

Overlay Zone. A zoning designation superimposed upon a zone which supersedes, modified, or supplements the underlying regulations, such as the Housatonic River Overlay Zone and Cornwall Plains Zone (See Article 9).

Parking Space. At minimum, a 9' x 18' area intended for vehicles and located off of the public right-of-way as required for specific uses.

Plot Plan. A depiction of one's property for the purposes of permitting that does not involve a CT Licensed Surveyor. This can be acceptable for the purposes of determining zoning compliance for minor site improvements such as decks, sheds, and outbuildings. The ZEO and/or Commission reserves the right to request an A-2 quality survey should it be necessary to determine zoning compliance.

Public Utility Installation. The systems, machinery, facilities, installations, supply lines, transformers, pipes, conduits, and equipment related to infrastructure for a public service.

Re-subdivision. Any change in an approved subdivision which affects the street layout, affects areas reserved for public use, diminishes the size of a lot, and/or creates an additional building lot.

Setback. *"Build-to-line".* The minimum distance that a structure may be situated from a boundary line. This lot area forms a buffer from adjacent properties and the public-right-of-way *and is located* inside the lot perimeter.

Site Plan. A plan, drawn to scale and stamped by a Connecticut licensed professional such as a professional engineer, landscape architect, and/or surveyor, showing uses and structures proposed for a parcel of land as required by the Regulations (see **Article 8**).

Steep slopes. Land grade that exceeds twenty-five percent (25%) as measured using two (2) foot contour intervals.

Stormwater. Water resulting from rain or snowmelt that runs off surfaces such as rooftops, paved streets, highways and parking lots. As water travels it may pick up and transport contaminants including motor oils, gasoline, antifreeze, fertilizers, pesticides, and soil sediments.

Structure. Any combination of materials that is affixed to the land, including, but not limited to a residential dwelling, generators, above ground propane tanks, barns, sheds, swimming pools, tennis courts, and/or decks.

Subdivision. The division of land into three (3) or more lots subsequent to the adoption of the Cornwall Subdivision Regulations (effective date January 4, 1988) for the purpose of sale or building development.

Temporary Health Care Structures. *"Granny pods".* As defined by **Public Act 17-155**: a transportable residential structure that provides an environment in which a caregiver may provide care to an individual. *The Town of Cornwall did not opt out when this legislation was adopted in 2017, therefore these structures are allowable by zoning permit.*

Traditional Lodging. A commercial use which provides a temporary place for guests to stay such as a hotel, motel, or inn.

Triplex. A structure that contains three (3) dwelling units.

ARTICLE 4

PERMITTED USES

This Article lists the allowable uses in each zoning district and distinguishes which uses are allowed by right (no zoning permit), with a zoning permit (**Article 7**), by Site Plan approval (**Article 8**), or by Special Permit (**Article 8**). All changes of use require Special Permit approval.

4.1 General Rules

a. All authorized uses are subject to the General Standards (**Article 5**), Dimensional Requirements (**Article 6**), and all other applicable requirements contained in these regulations. For certain locations, the Overlay Provisions (**Article 9**) will also apply and for particular uses the Special Use Provisions (**Article 10**) may also apply.

b. Uses of land not clearly permitted in the various zones are prohibited.

4.2 Uses Allowed in Any Zone "by right"

The following uses are permitted in any zone without a zoning permit or “by right”:

a. Agricultural uses (*specific accessory uses are addressed in* **Section 10.5***: See Agriculture*);

b. Yard sales, garage sales, & tag sales, provided there are no more than two (2) on the same lot during any calendar year, and provided each sale lasts no longer than three (3) consecutive days;

c. Necessary non-commercial excavation associated with essential sitework *(such as excavation for a septic system)* - If earthwork associated with a project exceeds three hundred (300) cubic yards, a permit will be required.

d. Emergency operations and/or public safety measures;

e. Maintenance of existing structures, but not expansions;



"Open" sign at Ridgway Farm Stand

f. Landscaping and similar site improvements;

g. Fences of seven feet (7’) or less in height;

4.3 Special Permit Uses Permitted in Any Residential Zone

The following uses shall be subject to Special Permit approval (see **Article 8**):

a. The use of Town-owned buildings;

b. Public utility lines, substations, and associated buildings;

c. Firehouses & libraries;

d. Cemeteries & churches;

e. Town parks & playgrounds;

f. Educational, religious, philanthropic uses (excluding correctional institutions) operated by a non-profit or government entity;

g. Hospitals, assisted living facilities, and/or senior housing;

h. Detached accessory apartments (See Section **10.1**);

i. Bed & breakfast establishments;

j. Major home businesses (See **Section 10.6**);

l. Lots for single family residential use located on a private street as provided for in the Subdivision Regulations, or for two lots served by a common accessway (See **Section 12.2**);

m. Multi-family housing (See **Section 10.13**);

n. Antennas, towers, and wireless communication facilities (unless exempt from local jurisdiction);

o. Duplexes

p. Triplexes

4.4 Uses Permitted in R-1 Residential Zone
The land in the **R-1 Zone** is relatively level, well drained, and accessible to State roadways and/or village centers.

a. Zoning Permit Uses in the **R-1 Zone** (See also **Article 7**):

1. Single-family dwellings;

2. Accessory structures;

3. Family Day Care Homes, pursuant to **CGS §19a- 87b**;

4. Temporary Health Care Structures, in accordance with **Public Act 17-155**;

5. Group homes pursuant to ***CGS Chapter 124 §8-3e***;

6. Minor home businesses (See **Section 10.6**);

b. Site Plan Uses in the **R-1 Zone** (See **Article 8: Site Plans**):

1. "Attached" accessory dwelling units (See **Section 10.1**);

c. Special Permit Uses in the **R-1 Zone** (See **Article 8: Special Permits**):

1. Any Special Permit use listed in **Section 4.3**

4.5 Uses Permitted in R-3 Residential Zone
Natural limitations for development vary widely within the **R-3 Zone**. Generally, the land in this zone consists of hilly upland areas, open spaces, and agricultural land.

a. Zoning Permit Uses in the **R-3 Zone**:

1. Any use that requires a zoning permit in **R-1 Zone**;

b. Site Plan Uses in the **R-3 Zone** (See **Article 8: Site Plans**):

1. Any use requiring Site Plan approval in **R-1 Zone**, (See also **Article 8: Site Plans**);

c. Special Permit Uses in the **R-3 Zone**:

1. Any Special Permit Use allowed in any residential zone (See **4.3**) and any use requiring Special Permit approval in **R-1 Zone**;

2. Outdoor recreational areas, such as ski areas, golf courses, riding stables, and recreational campgrounds;

3. Greenhouses (for commercial use), garden centers, nursery or landscape services including the sale of plants, whether grown on the premises or not, and related supplies and services and the sale of farm produce and related products which are primarily grown by the occupant;

4. Permanent sawmills for limited commercial use (See **Section 10.9**);

5. Antique shops;

6. To create a Town or non-profit sponsored lot(s) such as parcel program lots (See **Section 10.14**);

4.6 Uses Permitted in R-5 Residential Zone
Much of the land in this zone is state forestland and not available for development or unsuitable for development due to severe natural limitations, including steep slopes, exposed or shallow bedrock and wetlands.

a. Zoning Permit Uses allowed in the **R-5 Zone** (See also **Article 7: Zoning Permits**):

1. Any use that requires a zoning permit in the **R-1 Zone** (See **4.4a**); or **R-3 Zone** (See **4.5b**);

b. Site Plan Uses Permitted in the **R-5 Zone**:

1. Any use requiring Site Plan approval in **R-1 Zone** or **R-3 Zone**.

c. Special Permit Uses Permitted in the **R-5 Zone** (See also **Article 8: Special Permits**):

1. Any Special Permit use allowed in any zone (See **4.3**) and any use requiring Special Permit approval in **R-1** (See **4.4c**) or **R-3** (See **4.5c**);

2. Commercial kennels and veterinary hospitals

4.7 GB General Business Zone
These zones are located in the village center areas and permit a variety of business uses.

a. Zoning Permit Uses allowed in the **GB Zone**:

1. Farmers' Markets, subject to the provisions of **Section 10.5.**

b. Site Plan Uses permitted in the **GB Zone** (See also **Article 8**):

1. Any Site Plan use permitted in a residential zone;

2. Retail stores and small-scale manufacturing businesses that make and sell their own trades

3. Personal service establishments

4. Business, professional, and financial offices

5. Restaurants

c. Special Permit Uses in the **GB General Business Zone** (See also **Article 8**):

1. Any Special Permit use which is allowed in any residential zone (**R-1, R-3**, and/or **R-5**);

2. Hotels and motels;

3. Gasoline service stations and motor vehicle repairers;

4. Apartment use in a business building (See **Section 10.3**);

TOWN OF CORNWALL
PERMITTED USE TABLE

PERMITTED USES	ZONING DISTRICTS			
	R-1	R-3	R-5	GB
Farms, farming, agriculture	✓	✓	✓	✓
Non-commercial excavation	✓	✓	✓	✓
Use of Town Buildings	SP	SP	SP	SP
Firehouses & Libraries	SP	SP	SP	SP
Cemeteries & Churches	SP	SP	SP	SP
Town Parks & Playgrounds	SP	SP	SP	SP
Educational, religious, & philanthropic	SP	SP	SP	SP
Hospitals, assisted living, & nursing homes	SP	SP	SP	SP
Accessory Apartments (attached)	S	S	S	S
Accessory Apartments (detached)	SP	SP	SP	SP
Room & Board/Bed & Breakfast	SP	SP	SP	SP
Minor Home Business	ZP	ZP	ZP	ZP
Major Home Business	SP	SP	SP	SP
Shop & Storage Use	SP	SP	SP	SP
Lots on private streets/common accessway	SP	SP	SP	SP
Duplexes & Triplexes	SP	SP	SP	SP
Multi-family Housing	SP	SP	SP	SP
Antennas, Towers, & Wireless Communication*	SP	SP	SP	SP
Single-family dwellings	ZP	ZP	ZP	ZP
Accessory Structures	ZP	ZP	ZP	ZP
Cabin		ZP	ZP	
Outdoor Recreational Uses		SP	SP	
Commercial Greenhouses & Garden Centers		SP	SP	
Permanent Sawmills		SP	SP	
Antique Shops		SP	SP	
Town or Non-profit sponsored lots		SP	SP	
Commercial Kennels & Veterinary Hospitals			SP	
Farmers' Markets				SP
Retail Stores & Trades				S
Personal Service Establishments				S
Business, Professional, & Financial Office use				S
Restaurants				S
Hotels & Motels				SP

KEY	
✓	By Right (no permit)
ZP	Zoning Permit
S	Site Plan
SP	Special Permit
{blank}	Prohibited

ARTICLE 5

GENERAL STANDARDS

This section gives an overview of the general standards that apply in all zones and to all permissible uses within the Town of Cornwall in accordance with ***CGS Chapter 124 §8-2***, as amended.

5.1 Conformity
No structure or lot shall be used or occupied, and no structure, or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all applicable provisions of these Regulations.

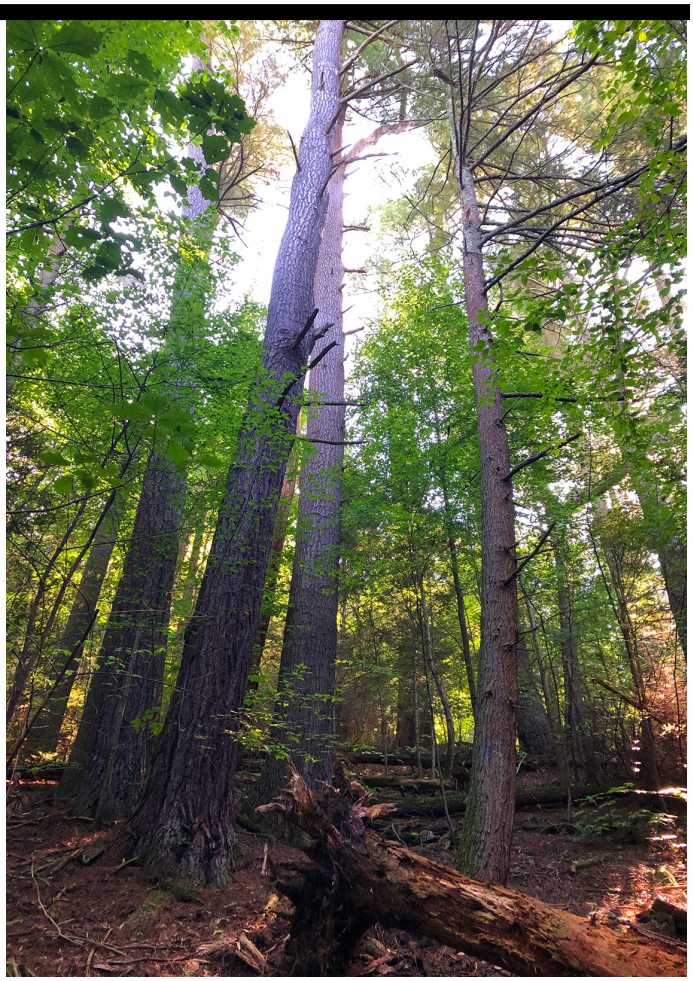
5.2 Non-conforming lots, structures, and uses
a. Lots, structures, and uses exist within the Town which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated, or restricted at present. These uses and structures are commonly referred to as “legally non-conforming” or "pre-existing non-conforming".

b. Non-conforming uses shall not be expanded, enlargened, and/or intensified.

c. It is the intent to permit such non-conformities to continue. In accordance with ***CGS Chapter 124 §8-2***, the demolition or deconstruction of a non-conforming use, building or structure shall not by itself be evidence of such property owner's intent to not re-establish such use, building or structure.

d. The property owner must bear the burden of proving the pre-existence of a non-conforming lot, use, or structure if it is in question.

5.3 Uniformity
All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, yet the regulations in one district may differ from those in another district.



Pines photo by Rocco Botto

5.4 Community Standards
a. **Site Access.** All lots with a structure and/or use located within the Town of Cornwall shall have a convenient, safe, and suitable means of access to the Town’s system of public highways and streets, see also **Article 12.**

b. **Community Connectivity.** In accordance with ***CGS Chapter 124 §8-2***, municipalities are encouraged to consider the potential impact of permitted land uses on contiguous municipalities and on the planning region.

c. **Historic & Cultural Resources.** Careful consideration shall be given to protect historic, tribal, cultural, and environmental resources.

d. **Environmental Protection.** Cornwall is rich in natural resources and conserved open space. Measures to protect water bodies, aquifers, wetlands, watercourses, viewsheds, air quality, scenic routes, wildlife corridors, and farmland shall be incorporated into all aspects of development. These Regulations also provide that proper provisions are made for soil erosion and sediment control pursuant to ***CGS Chapter 446H §22a-329***, see also **Erosion & Sedimentation Control** (**Section 12.3**).

e. **Health & Prosperity.** Consideration shall be given to support public health and welfare by addressing significant disparities in housing needs and access to educational, occupational, and other opportunities.

5.5 Adverse Impacts

a. Private land-use activities shall, *to the maximum extent possible*, not produce glare, heat or illumination which extends beyond a site's property lines and which creates a hazard or nuisance to neighboring property owners or on adjacent roadways.

b. With the exception of temporary construction projects and temporary noises, such as lawn mowers, chainsaws and other agricultural or horticultural machinery; no permanent stationary source of noise shall transmit beyond its subject property lines any noise which is objectionable due to volume, intermittence, beat frequency, shrillness or intensity.

5.6 Other Local, State, and Federal Requirements

All land uses in The Town of Cornwall shall comply with all other applicable local, state, and Federal requirements, including but not limited to, compliance with the Town of Cornwall Subdivision Regulations, The Cornwall Inland Wetlands and Watercourses Agency, the Local Area Health District, Connecticut State Building Code, Connecticut State Department of Transportation, and other regulatory agencies.

5.7 Conflicting Rules

These regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety, and welfare. Wherever the requirements of these regulations *are in conflict with* the requirements of any other lawfully adopted rules, regulations, ordinance, deed, restrictions or covenants, the most restrictive shall apply.

ARTICLE 6

Dimensional Requirements

6.1 Table of Dimensional Requirements

The minimum lot size, minimum buildable area, and minimum dimension of a buildable area shall apply to all newly created lots and new developments. Newly created structures shall be subject to setback requirements, maximum height requirements, and maximum lot coverage.

ZONE	R-1	R-3	R-5	GB
Minimum Lot Size (acres)	1	3	5	1
Min. Buildable Area (sf)	20,000	20,000	20,000	20,000
Min. dimension of Buildable Area (ft)	100	100	100	100
Minimum Lot Width (ft)	150	200	250	150
Min. front yard setback (ft)	25	40	50	25
Min. side yard setback (ft)	25	40	50	15
Min. rear yard setback (ft)	25	40	50	30
Maximum Height (ft)	45	45	45	45
Maximum Lot Coverage	15%	10%	10%	30%

a. Each lot shall contain at least one buildable area. (**see Article 3- Definitions- Buildable area**). All structures, except for accessory structures of less than 200 square feet, shall be located within the buildable area. Septic systems and wells shall not be considered as structures and do not need to be located within a buildable area.

b. The minimum lot width or lot frontage shall be contiguous and uninterrupted along the street line.

c. Where a lot line crosses into another Town boundary, the dimensional requirements must be met on the portion of the lot within the Town of Cornwall to be considered as a buildable lot within the Town of Cornwall.

6.2 Exceptions to Dimensional Requirements

a. The following are exceptions to setback requirements:

1. Accessory structures with a footprint of less than two-hundred square feet (200 sf), septic systems, and wells.
2. Handicap ramps, entry stairs, stoops, loading docks/ramps, and/or fire escapes.
3. Retaining walls, fences, patios, stonewalls, and other minor decorative elements (such as signs) or stormwater management elements (such as rain gardens, retention ponds, and bioswales).

b. The following are exceptions to maximum height requirements:

1. Barns used for agricultural purposes.
2. Decorative elements such as spires, belfries, cupolas, flag poles, and/or steeples.
3. Elements such as rooftop utilities, equipment, telecommunication towers, and/or chimneys.

6.3 Non-conformities

a. **Lots.** A non-conforming lot may be used and structures may be constructed or re-constructed on non-conforming lots provided the use and/or structure conforms to all other requirements of the Town of Cornwall Zoning Regulations.

b. **Structures.** In accordance with Connecticut General Statutes § 8-2, a non-conforming structure shall not be enlarged, extended, moved, or altered in any way to further increase or expand its non-conformity.

ARTICLE 7

Zoning Permits

7.1 Administration

a. These regulations shall be administered by the Planning and Zoning Commission or its authorized agent, the Zoning Enforcement Officer (ZEO). The ZEO shall receive applications, issue zoning permits, and Certificate of Zoning Compliance as well as collect fees, as required by these regulations.

b. The ZEO shall keep an administrative log of their administrative actions taken and report them to the Commission regularly.

c. The ZEO is authorized to inspect any building, structure, place, or premises from the public right-of-way in order to determine complance. With property owner permission, the ZEO may enter one's property.

7.2 Zoning Permits

a. No structure shall be erected, moved, enlargened, or changed to another use, and no use shall be established or changed until the Commission or the ZEO has issued a zoning permit with that specific authorization.

b. A zoning permit shall be issued by the ZEO upon receipt of a completed application and the applicable fee if the proposal complies with the provisions of these regulations as well as the Town of Cornwall Subdivision Regulations. A zoning permit application form is available from the Town's land-use office.

c. For a single-family dwelling or a permitted accessory structure, a zoning permit application shall be required. The application shall include a plot plan or a site plan that indicates the property lines, size of the proposed improvement(s), and location of buildings (existing & proposed), proposed driveway locations, and the proposed use of the property and other information that may be necessary for the ZEO to determine compliance.

d. If the ZEO deems it necessary to determine zoning compliance, they may require an A-2 quality survey site plan prepared by a CT licensed land surveyor from the applicant rather than a plot plan.

e. For uses other than single-family dwellings or permitted accessory structures, the Commission shall review the application and it shall be accompanied by a site plan and/or a plot plan, and other requirements, as provided for in these regulations.

f. A zoning permit shall be void one (1) year after the date of approval unless the use has begun or actual construction has begun. Actual construction means the excavation, construction of a basement cellar or foundation, and the actual placement of construction materials in their permanent position and fastened in a permanent manner.

g. No building permit or combined zoning and building permit shall be issued by the Building Official until the ZEO has certified, through the issuance of a Certificate of Zoning Compliance, that the provision of these regulations have been met.

7.3 Other Requirements

Other approvals in addition to a zoning permit may be required before the applicant can begin the proposed construction. Examples of such other permits are those associated with driveways, wetlands, water and sewer facilities, fire protection, building code, and health code. It is the responsibility of the applicant to determine what approvals are needed.

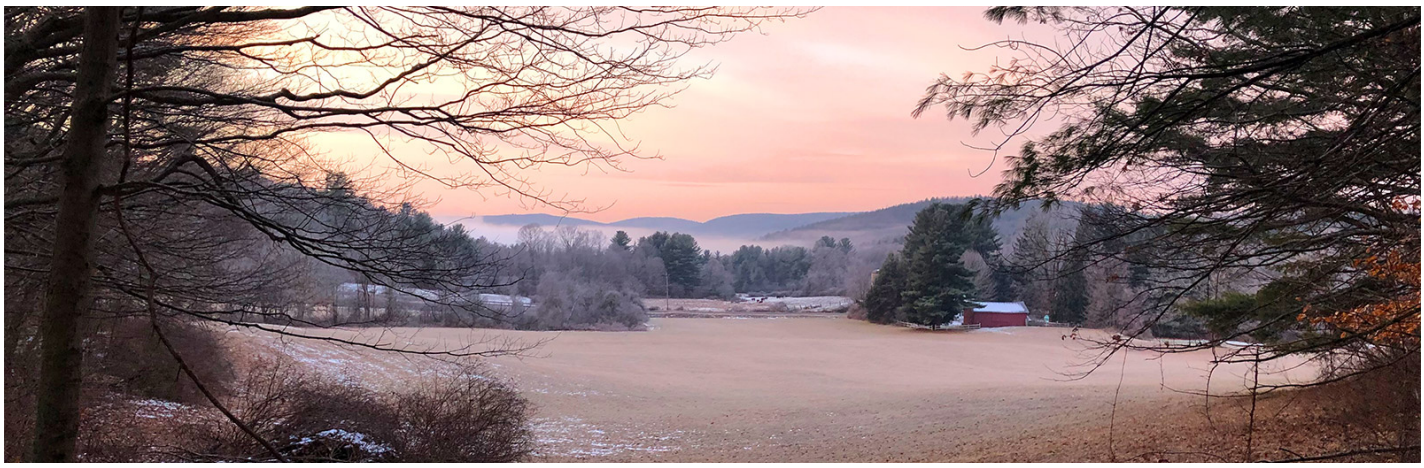


Photo by Rocco Botto

ARTICLE 8

SITE PLAN & SPECIAL PERMIT PROCEDURES

8.1 Site Plan Applicability

The approval of a Site Plan will be required for specific uses (see **Article 4 - Permitted Uses**) and in specific overlay districts (see **Article 9**) and may be necessary for modifications to site improvements, a change of use, and new construction.

Site Plan review is intended to provide the Commission with information that will enable it to determine if the proposed activity is in compliance with the Town of Cornwall Zoning Regulations.

8.2 Site Plan Procedure

a. Prior to the issuance of a zoning permit for any activity which requires Site Plan approval, an application with accompanying information shall be submitted to the Planning and Zoning Commission for its review.

b. If the application involves an activity regulated by the Cornwall Inland Wetlands and Watercourses Agency (IWWA), the applicant shall submit an application to the IWWA no later than the day that the application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered until the IWWA has submitted a report with its final decision in accordance with ***CGS Chapter 124 §8-3c (a)***.

c. At its discretion, the Commission may conduct a public hearing on any site plan application, pursuant to ***CGS Chapter 124 §8-7d.***

d. The Commission shall approve, approve subject to specific modification(s), or deny the site plan application within the statutory time limitations of sixty-five (65) days, pursuant to ***CGS Chapter 124 §8-7 d(b)***. A site plan may be modified or denied only if it fails to comply with requirements set forth in the Regulations.

e. The Commission shall cite reasons for its action involving a Site Plan. Final action shall be based on the application as originally received unless the Planning and Zoning Commission agrees to accept revised information from the applicant.

f. The applicant may consent to one or more extensions of time, provided that the total period of any extension(s) shall not exceed two (2) further 65-day periods, in accordance with ***CGS Chapter 124 §8-7d***.

8.3 Site Plan Application Requirements
It is recommended that ZEO be contacted for assistance in determining the information that may be required for a Site Plan application. It is also recommended that the applicant submit all required information to the Land-Use Office at least one week in advance of a Commission meeting.

Unless determined as not applicable by the Planning and Zoning Commission and/or the ZEO, the following information shall be required for a site plan application:

a. **Application form including fee payment**
The application must be signed by the owner of the subject property or by its authorized agent.

b. **Statement of Use**
A written statement describing the proposed use and/or structure(s) so that the Commission can determine compliance with the permitted use provisions and applicable standards of these Regulations.

c. **Site Plan**
A site plan shall be accurately drawn at a scale not to exceed 1"=100' on sheets not to exceed 24"x 36". A site plan shall include the following information, and if applicable, shall be prepared by a Connecticut registered land surveyor, engineer, architect, and/or landscape architect.

1. A title block showing the name of applicant, the owner of property, the physical address (including map, block, and lot if possible), the scale and the drawing date, including all revision dates.

2. The property lines, dimensions of the subject lot(s), setbacks from the property lines, north arrow, zoning classification, and zoning overlays if applicable.

3. The names of record owners of abutting properties as well as abutting roads, and other neighboring features which relate to the proposed development.

4. The location and the dimensions of all existing and proposed structures, driveways, parking spaces, loading zones, refuse containers, storage areas, accessory structures, signs, landscape, drainage, and other site features.

5. Location of existing utility poles and/or underground lines, stonewalls, fences, and other pertinent roadside features.

6. Watercourses, wetlands, and other hydrological features, specifically including regulated inland wetlands, flood hazard areas, and identified aquifers. Sufficient information shall be required to show existing and post-construction surface drainage patterns clearly, especially if grading and excavation will occur during construction.

7. The site plan shall show and calculate the total existing and proposed impervious surface on the site.

8. The site plan shall indicate the landscaped areas, including trees and shrubs to remain or to be planted.

d. **Sanitation Report**
Certification by the Health Official concerning satisfactory conditions for sewage disposal, consistent with the state health code. Locations, to include dimensional setbacks from the property lines, and methods of proposed/existing water supply and the location of sewage disposal facilities shall be included on the site plan.

e. **Erosion and Sedimentation Control Plan**.
If the total land disturbance is to exceed ½ acre cumulatively, an Erosion & Sedimentation Plan shall be required, pursuant to the ***Soil Erosion and Sediment Control Act, Sec 22a-329***. The Erosion and Sedimentation Control Plan shall include a map and a narrative. Determining the best practices to employ for an Erosion & Sedimentation Control Plan shall be based on The Principles and Minimal Standards of the Connecticut Guidelines for Erosion and Sedimentation Control, adopted 2002, and as amended.

f. **Other information**
The Commission shall have the right to require additional detailed information if it finds it necessary to determine compliance with the Regulations.

8.4 Site Plan Approval Criteria
In reviewing and approving any proposed site plan application, The Planning and Zoning Commission shall determine that the public's health, welfare, and safety have been protected and that the following criteria have been met:

a. All required or necessary information has been provided by the applicant so that compliance can be determined.

b. The proposal complies with all other applicable sections of the Zoning Regulations including, but not limited to: dimensional requirements (**Article 5**), permitted uses (**Article 7**), overlay provisions (**Article 8**), parking & signs (**Article 10**), and any special regulations applying to the subject use.

c. The applicant has considered all other applicable local, state, and federal requirements including subdivision approval and necessary permits from the Cornwall Inland Wetlands & Watercourses Agency (IWWA). Pursuant to ***CGS Chapter 124 § 8-3c (a)***, Applications Requiring a Wetlands License: no Planning and Zoning Commission decision shall be made until a report has been submitted from the IWWA to the P&Z.

d. Vehicular and pedestrian access to the property, internal circulation, and egress from the property are safe and suitable and have been designed to minimize hazards and congestion. Adequate provisions have been made to address handicap accessibility.

e. Parking, loading areas, signs, impervious surface, stormwater management, and site grading has been designed to prevent degradation of the natural environment.

f. The proposal has adequately addressed potential public nuisances and will not diminish health, safety, and welfare within the Town of Cornwall.

8.5 Bonds
The Commission may, in association with the approval of a Site Plan, require a financial guarantee in the form of a bond, in accordance with ***PA 12-182***. A bond can ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality as well as the proper implementation of any erosion and sediment controls required during construction activities.

Where a bond is required:
a. The applicant shall provide an estimate of improvements to be bonded. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten percent (10%) of such costs.

b. No zoning permit shall be issued for the project until the bond is received and the bond shall be held until its release or partial release is voted by the Commission.

8.6 Site Plan Modifications
a. Major changes of approved site plans shall be reviewed by the Commission as a modification and filed as an official part of the Town Land Records.

b. If changes to an approved plan must be made, all proposed revisions are subject to IWWA approval.

c. Minor changes of approved site plans may, with the concurrence of the Planning and Zoning Commission Chair and the Zoning Agent, be made provided such changes do not affect the overall layout, design or nature of existing or proposed buildings, or site improvements. All authorized minor changes shall be reported to the Commission and updated on the Town Land Records.

8.7 Zoning Permits & Administration

a. Zoning Permits

No zoning permit shall be issued for a project requiring Site Plan approval until the Chair of the Planning and Zoning Commission has signed the final approved plans. Final plans shall not be signed until other necessary approvals have been obtained. (See also **Article 7- Zoning Permits**)

b. Certificates of Compliance

A Certificate of Compliance shall not be issued until all elements of the approved site plan are incorporated as evidenced and approved during site visits conducted by the Zoning Enforcement Officer.

c. **Expiration**

Pursuant to ***CGS Chapter 124 8-§3,*** any site plan approved before July 1, 2011 which has not yet expired, is effective for nine (9) years from the date of approval. The applicant can obtain a five (5) year extension. For any other site plan, the approval expires in five (5) years.

SPECIAL PERMIT REQUIREMENTS

8.8 Special Permit Applicability

It is recognized that there are certain uses that would only be appropriate in the Town of Cornwall if controlled as to an area, location, or relation to the neighborhood to promote public health, safety, and general welfare.

The following procedures, standards, and conditions set forth or referenced herein are applicable to those special uses. All such uses are considered to have special characteristics and accordingly each application must be carefully reviewed on a case-by-case basis.

8.9 Special Permit Procedure

This Article sets forth the standards and procedures for Commission action on Special Permits. Prior to the issuance of a zoning permit for any use which requires Special Permit approval, an application with accompanying information shall be submitted to the Planning and Zoning Commission for its review.

Applications shall be filed in the Town Offices at least one week prior to a regular meeting for analysis and placement on the agenda. The Commission may refer the plan to local staff members, including the local area health district, The Conservation Commission, the Public Works Department, and other local, State, or Federal Agencies.

a. **Application form including fee payment**

The application must be signed by the owner of the subject property or by its agent.

b. **Statement of Use**

A written statement describing the proposed use in sufficient detail to determine compliance with the permitted use provisions and applicable standards of these Regulations.

c. **Site Plan**

In accordance with **Section 8.3c**.

d. **Sanitation Report**

Certification by the Health Official concerning satisfactory conditions for sewage disposal, consistent with the state health code. Locations, to include dimensional setbacks from the property lines, and methods of proposed/existing water supply and the location of sewage disposal facilities shall be included on the site plan.

e. **IWWA**

If the application involves an activity regulated by the Cornwall Inland Wetlands and Watercourses Agency, the applicant shall submit an application to the Inland Wetlands and Watercourse Agency no later than the day that the application is filed with the Planning and Zoning Commission. The decision of the Commission shall not be rendered until the inland wetlands agency has submitted a report with its final decision.

f. **Erosion and Sedimentation Control Plan**
If the total land disturbance is to exceed ½ acre cumulatively, an Erosion & Sedimentation Plan shall be required, pursuant to the *Soil Erosion and Sediment Control Act, Sec 22a-329.* The Erosion and Sedimentation Control Plan shall include a map and a narrative. Determining the best practices to employ for an Erosion & Sedimentation Control Plan shall be based on The Principles and Minimal Standards of the *Connecticut Guidelines for Erosion and Sedimentation Control*, adopted 2002, and as amended.

g. **Public Hearing**
The Planning and Zoning Commission shall conduct a public hearing on all special permit applications. Such hearing shall be held in accordance with the provisions of ***CGS Chapter 124 Section 8-7d***.

Notice of the hearing shall be published in a newspaper at least twice at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing.

No new information shall be received from the applicant or the public after the close of the public hearing.

All decisions on such matters shall be rendered within sixty-five (65) days after the completion of the hearing unless the applicant has consented to an extension, provided the extension shall not be longer than sixty-five (65) days.

h. **Notice to Abutters**
The applicant shall send notice of the public hearing to all adjacent property owners of record, including those directly across the road from the frontage of the subject property. Notice shall identify the subject property of the Special Permit application, the proposed project, the pertinent section(s) of the Zoning Regulations, and the date, time and place of the Public Hearing. Notification shall be by certified return request mail postmarked no later than the fourteenth (14th) day before the hearing (counting both hearing and mailing days). A list of persons notified, together with the return receipts from such mailings shall be presented to the Clerk or the Commission at or before the public hearing.

i. **Notice to Neighboring Municipalities**
The Planning and Zoning Commission or its authorized agent shall notify the clerk of any adjoining municipality of any application in which (a) any portion of the property affected by decision is within five hundred (500) feet of the boundary of the adjoining municipality (b) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site (c) a significant portion of the sewer or water drainage from the project on the site will flow through the adjoining municipality or (d) water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality. In accordance with ***CGS Chapter 124 § 8-7d.***

8.10 Special Permit Approval Criteria
The Commission shall determine whether the Special Permit use satisfies the relevant standards and regulations and whether any conditions are necessary to protect the public health, safety, and welfare. The Commission may grant, grant subject with conditions, or deny the Special Permit application.

For Special Permit applications, the Commission shall take into consideration the protection of public health, safety, welfare, and that the following approval criteria have been met:

a. All required or necessary information has been provided by the applicant so that compliance with applicable regulations can be determined;

b. The proposed use is compatible with the Town's Plan of Conservation and Development;

c. The location and size of the proposed use and the nature and the intensity of the use in relation to the size of the lot will be in harmony with the orderly development of the Town and compatibly with other existing uses;

d. Proper consideration has been given to the environmental quality of the proposal, including landscaping and proper use of the site's natural features. The kind, size, location and height of structures, and the nature and extent of site work, and the nature and intensity of the use, shall not hinder or discourage the use of neighboring properties or diminish the value thereof. All applicable standards shall be incorporated into the plans.

8.11 Special Permit Conditions for Approval
In granting any Special Permit, the Planning and Zoning Commission may require additional conditions. Such conditions must be clearly stated on the Special Permit and may include, but are not limited to, the following:

a. Screening or buffering from adjacent/adjoining properties;

b. Limitations regarding the terms or hours of operations;

c. Requirements for periodic renewal (such as on an annual basis or every other year or every five (5) years);

d. Limitations of size, occupants, or extent of facilities;

e. Regulations of the number, design, and location of accessways, or other site plan features such as impervious surface limitations;

f. Regulations of number, type, and location of outdoor lighting, signage, and parking;

g. Requirements for environmental testing and the submission of environmental monitoring reports, including but not limited to testing of septic & water supply, testing of ground water or surface water, air quality testing, noise level testing, periodic water usage reports, and/or reports on transportation, storage, use, handling, and disposal of site related materials;

h. Any data, plans or drawings, including architect or engineer's drawings to further support the application.

8.12 Bonds
The Commission may, as a condition of approval of a Special Permit, require a financial guarantee in the form of a bond with surety or similar instrument to ensure the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality as well as the proper implementation of any erosion and sediment controls required during construction activities.

Where a bond is required:
a. The applicant shall provide an estimate of improvements to be bonded. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten percent (10%) of such costs.

b. No zoning permit shall be issued for the project until the bond is received, and the bond shall be held until its release or partial release is voted by the Commission.

8.13 Notice of Decision
The decision of the Commission along with any Special Permit conditions or reasons for denial shall be addressed by certified mail to the applicant, in writing, within fifteen (15) days after the decision. Notice of the decision shall be published in a newspaper having a substantial circulation within the Town pursuant to ***CGS Chapter 126 §8-28***.

8.14 Recording of the Special Permit & Subsequent Zoning Permit. No zoning permit shall be issued for a use requiring Special Permit approval until the Chair of the Planning & Zoning Commission has signed the final plans and a copy of the Special Permit containing a complete description of the Special Permit (including any applicable conditions, specifications regarding bonds, and/or other details) has been filed by the applicant on the Town Land Records.

8.15 Modifications to a Special Permit
a. If changes need to be made to the approved plan, the Commission and/or its authorized agent shall determine whether the change can be approved as modification to the existing approval or whether the amendment constitutes the need for a new application approval due to the significance of the changes.

b. Minor changes of approved Special Permits may, with the concurrence of the Planning and Zoning Commission Chair and the Zoning Agent, be made provided such changes do not affect the overall layout, design or nature of existing or proposed buildings or uses, or site improvements. All authorized minor changes shall be reported to the Commission and updated on the Town Land Records.

8.16 Zoning Permits & Administration
a. Zoning Permits
No zoning permit shall be issued for a project requiring Special Permit approval until the Chair of the Planning and Zoning Commission has signed the final approved plans and the Special Permit has been recorded on the Land Records. Zoning permits shall not be issued until other necessary approvals have been obtained. (See also **Article 7- Zoning Permits**)

b. Certificates of Compliance
A Certificate of Compliance shall not be issued until all elements of the approved plan are incorporated as evidenced and approved during site visits conducted by the Zoning Enforcement Officer. The ZEO can request a record drawing or "as built" to verify compliance. If an applicant fails to satisfy the conditions of a Special Permit, its approval may be revoked by the Commission and/or its authorized agent.

8.15 Expiration
Any applicants having obtained Special Permit approval shall commence work within one (1) calendar year of approval unless an extension is granted by the Commission and filed in writing on the Land Records.



Housatonic River photo

ARTICLE 9

OVERLAY ZONES

9.1 Housatonic River (HR) Overlay Zone

a. Overview

This Overlay Zone, consisting of both an Inner Corridor and Outer Corridor, protects an environmentally sensitive corridor along the Housatonic River. Similar overlay zones have been established by river corridor towns in Northwestern Connecticut. Members from these municipalities make up the Housatonic River Commission (HRC).

Applicants should be aware that proposals located in the HR Overlay Zone are subject to an advisory review from the Housatonic River Commission on Site Plan and Special Permit applications. Applicants are encouraged to seek comments on such applications from the HRC in advance of submission to the Cornwall P&Z.

Within the boundaries of the Housatonic River Overlay Zone, the requirements of the overlay zone apply in addition to the requirements of the underlying zone. In the event of a conflict of land use requirements, the more restrictive requirements apply.

b. Boundaries

The Housatonic River Overlay Zone is comprised of an Inner Corridor and an Outer corridor with boundaries as shown on "The Zoning Map, Town of Cornwall" (See **Article 2**).

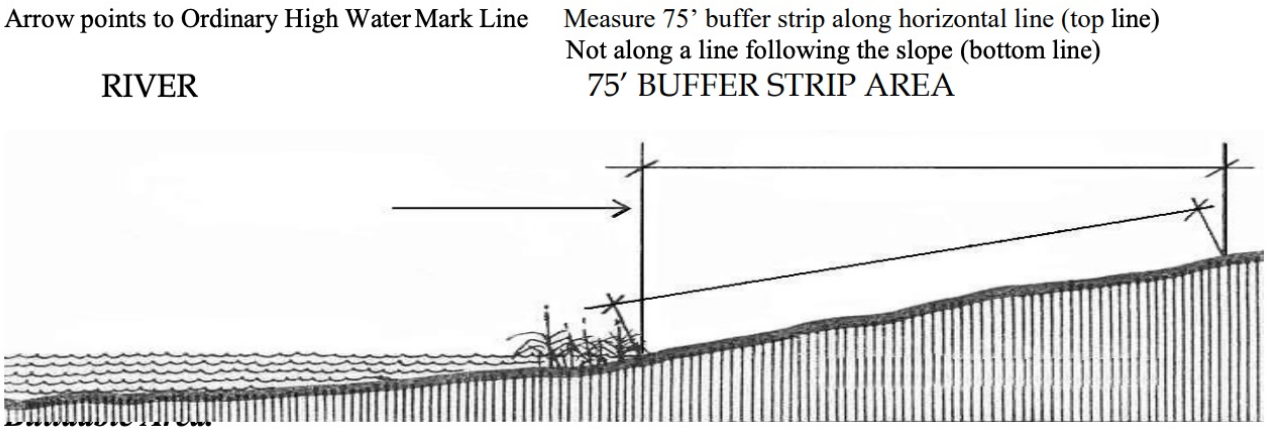
c. Definitions

Buffer Strip. The land within 75 feet of the river shoreline ordinary high water mark which is designed for the purposes of reducing flood damage, protecting water quality and retaining the natural river shore environment using measures that infiltrate and cleanse surface stormwater run-off, maintain bank stabilization, control erosion from the site to the river and associated wetlands, provide shade for river fisheries and habitat and assist in screening the view of development from the river *(See illustration next page).*

Inner Corridor. The Inner Corridor consists of the combined area of the 100 year Flood Hazard Overlay Zone and a streambelt area based on soil types as established by the USDA Natural Resource and Conservation Service as updated by the Northwest Conservation District.
It is a relatively narrow, variable band of land along the banks for the Housatonic and is the most critical segment in terms of protecting the river water quality, flood prevention and damage control, erosion and sedimentation prevention, protection of fisheries, and scenic quality.

Outer Corridor. The Outer Corridor consists of that portion of the immediate river watershed lying between the Inner Corridor and the top of the river valley ridge, and delineated by-lines drawn from peak to peak along the ridgeline.

BUFFER STRIP MEASUREMENT ILLUSTRATION



d. Intent & Purpose

The purpose of the Housatonic River Overlay Zone is as follows:

1. To carry out the recommendations relating to protection of the Housatonic River in Town Plan of Conservation & Development (POCD), The State Plan of Conservation and Development, The 2006 Housatonic River Management Plan, as as may be amended.

2. To prevent alterations to the natural flow of the river needed to maintain its ecological, recreational, aesthetic and other qualities as documented in The Housatonic Wild and Scenic River Act of 2022, The Housatonic River Management Plan, and other federal, state and local documents, relating to the protection of the Housatonic River.

3. To establish standards and requirements for the use and conservation of land in the Overlay Zone in recognition of the river's designation within the Housatonic Wild and Scenic River Act of 2022 (***Public Law 90- 542***, as amended), the Town's membership on the Housatonic River Commission, and its support for the protection of the Housatonic River.

4. To prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off; and waste disposal facilities.

5. To encourage retention and enhancement of river shore vegetative cover, including diversity of native species and ground cover density, suitable to providing a river shore landscape buffer that can filter pollutants and nutrients in stormwater runoff, protect river water quality, protect against erosion of the river bank area and sedimentation of the river.

6. To conserve the flood storage functions of the river's flood plain and natural drainage areas and to protect the quality of groundwater and aquifer recharge areas.

7. To further the goals of protecting life, public safety and property from flooding hazards, as defined under the Flood Hazard Overlay Zone in these regulations.

8. To protect valuable fisheries and wildlife habitat especially within the Inner Corridor.

9. To conserve and enhance the natural, scenic, topographic conditions in the Overlay Zone and the economic benefits that federal, state and local studies show can accrue from such conservation – including but not limited to reduced risk of flooding, building in areas poorly suited for development and reducing river bank erosion and cost of bank stabilizations.

e. General Standards
The Inner Corridor Buffer Strip is subject to the buildable area requirements of these regulations (See **Article 6** - Dimensional Standards), with the following modifications:

1. Only one new accessory building with a footprint less than eighty (80) square feet and less than fifteen (15) feet in height shall be allowed in the Buffer Strip.

2. The expansion of existing structures shall not extend further toward the river shoreline than the point on the existing structure closest to the river shoreline measured in the most direct line to the shoreline.

3. For the construction of new structures, the Commission may require retention and/or planting of native vegetation designed to treat stormwater runoff, prevent erosion, and partially screen the view of buildings in the view from the river.

4. The maximum total footprint of all impervious surfaces for the portion of a lot within the Inner Corridor shall be not more than ten percent (10%) of the total area of the portion of the lot within the Inner Corridor.

f. Permissible Uses
The following uses are permitted within the Overlay Zone Inner Corridor without a Zoning Permit:
1. Open space uses including game management, fishing, hunting and other passive recreational uses that do not involve excavation, grading or clearing.

2. Fire prevention activities and fire and other emergency operations.

3. Maintenance or reconstruction of existing public ways and bridges.

4. Construction and maintenance of town facilities necessary for public safety.

5. Single-family residential accessory activities that do not require structures.

6. Boundary posting and fences 6 feet or less in height for the purpose of marking boundary lines.

7. Planting of native plants which is permitted and encouraged.

g. Uses and Activities Permitted in Inner Corridor subject to a Site Plan approval (See **Article 8**):
1. Fish and wildlife management practices involving structures, grading or clearing subject to submission of a construction plan and long range management plan prepared by a qualified fish or wildlife management expert.

2. Accessory structures or improvements associated with fish, game or wildlife management, fishing, hunting, hiking and other passive recreational activities provided no structure has a footprint greater than 300 square feet or height greater than 15 feet.

3. Accessory structures with a footprint under eight (80) square feet and less than fifteen (15) feet in height.

4. Flood control measures and structures for public safety purposes and Low Impact Stormwater Control Measures.

5. Commercial farming, plant nurseries, pastures, horticultural and other commercial agricultural uses

h. Application Requirements for a Site Plan
Plans for project proposals in the Housatonic River Overlay shall meet all other Site Plan application requirements (See **Article 8**) and the following:

1. An Erosion and Sedimentation Control Plan (See **Article 12**)

2. Stormwater Management Plan (See **Article 12**)

3. Site Plan Standards within the HR Overlay:
All Site Plan applications for proposals within the HR Overlay shall:

a. indicate the Inner Corridor boundary line based upon the Housatonic River Overlay Zone Map. Where there is dispute or uncertainty on the location of the streambelt boundary portion of the Inner Corridor the applicant may provide the results of an on site soil type field analysis by a certified soil scientist showing the location of the streambelt in accord with the streambelt boundary delineation guidelines on file in the Planning and Zoning Office. Delineation of the 100 year Flood Hazard Area boundary segment of the Inner Corridor shall be in accord with the Flood Hazard Area Overlay Zone requirements in these Regulations.

b. Maintain existing drainage patterns on the site to the maximum extent practical.

c. Protect natural drainage systems, such as wetlands, watercourses, ponds, vernal pools.

d. Minimize the extent of land disturbance for clearing and grading on the site.

e. Demonstrate that soil compaction has been minimized or will be remediated on the site.

f. Demonstrate that sufficient existing vegetation has been retained or augmented within the 75' Buffer Strip for water quality.

g. maintain river bank stabilization and/or employ measures to further stabilize the river banks

h. assist in screening the view of development from the river

i. provide shade for river fisheries and habitat

i. Uses and Activities Permitted in the Overlay Zone Inner Corridor subject to a Special Permit
With the exception of uses and structures allowed above in **Article 9 Section g&h**, all other uses and structures allowed in the underlying zone within the Inner Corridor shall require a Special Permit and shall be subject to the following application requirements:

1. Special Permit Procedure (See **Section 8.9**);

2. A Site Plan, Erosion and Sediment Control, and Stormwater Management Plan shall be submitted with the Special Permit application and shall meet the following requirements:

a. The Stormwater Management Plan shall be designed to meet Low Impact Development (LID) standards and utilize Low Impact Stormwater Control Measures to the maximum extent feasible.

b. The plan shall be prepared by a Connecticut registered engineer and include plan views, profiles, sections, and typical details of all storm water control system components at adequate scale(s) and containing sufficient detail to clearly depict the intent of the design details for construction and installation, dimensions and materials including planting and landscape plans.

j. Approval Criteria
No Special Permit shall be granted for activity within the Houstonic River Overlay Zone unless the Commission finds the proposed use will not cause any of the following:

1. water & air pollution

2. increase erosion & sedimentation

3. create danger of flood damage and/or obstruct flood flow

4. damage fish and/or wildlife habitat

k. Approval Criteria - Specific Standards

1. There shall be no land use in the HR overlay which would adversely affect air quality through release of noxious fumes, gases, or other emissions, or through creation of significant amounts of dust or other particulate matter.

2. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, that run off, seep, percolate, or wash into surface, stream or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

3. Any use within the 100-year flood area shall conform to the Town of Cornwall's Flood Insurance Program Regulations.

4. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. Sand, gravel and topsoil excavation shall be permitted only where such operation, with an accepted conservation plan developed with the Northwest CT Conservation District, will not leave an objectionable scar on the landscape nor adversely affect an aquifer area.

5. No new subsurface sewage disposal system shall be located in areas with a minimum soil percolation rate faster than one inch per minute or slower than one (1) inch in thirty (30) minutes, or maximum ground water less than three feet below ground surface, or ledge rock less than five feet below ground surface, or soils with slopes exceeding twenty five percent (25%) or designated as wetland under the ***CGS Chapter 440 § 22a-36-22a-45***, as amended. Wherever fill is to be added, the percolation tests shall be made in the naturally occurring soil.

6. Erosion and Sediment Control

All activities involving construction or earth moving shall be conducted in accordance with CT Guidelines for Soil Erosion & Sediment Control

7. Timber Harvesting

Extensive logging or clear-cutting of timber shall be permitted only when in compliance with a plan approved by the Commission.

l. Outer Corridor Standards

1. Purpose

To establish review procedures for the issuance of zoning permits which will guard against pollution, erosion and sedimentation, and which will establish other basic safeguards on development activity that could adversely affect the Housatonic River, even though occurring at some distance from the River.

2. Review Procedures

The following review procedures are required for uses permitted within the Outer Corridor by the Zoning Regulations:

a. Activities involving construction or earth moving shall be reviewed with regard to soil types in exposed areas to determine whether provisions must be made for erosion and sediment control in accordance with **Article 12 Lot Development Standards**.

b. Excavation activity shall be reviewed according to criteria in **Article 12 Lot Development Standards.**

c. All permits involving installation of subsurface sewage disposal systems shall be reviewed in order to establish that lot sizes are adequate to support them and to identify circumstances requiring special engineering as required by the State Health Code, as customarily required.

d. All permits involving commercial or industrial construction shall be reviewed to assure that building location, site layout, landscaping and screening will be compatible with the rural and natural character of the Corridor area.

9.2 Aquifer Protection (AP) Overlay Zone

a. Intent & Purpose

Aquifers are bodies of saturated rock and sediment through which water can move. They are essential natural resources which provide groundwater. Land uses which pose a potential threat to groundwater supply should not be permitted within this zone in order to protect these supplies for drinking water use. The Zoning Map (**Article 2**) indicates the location of aquifer overlays with pale yellow shading.

Within the boundaries of the Aquifer Protection Overlay Zone the requirements of the overlay zone shall apply in addition to the requirements of the underlying zone. In the event of conflict the more restrictive shall apply.

b. Uses Permitted in the Aquifer Protection Overlay Zone

Any use permitted in the underlying zone shall be permitted except those principal or accessory uses which could pose a threat to the quality of groundwater in aquifers or discharge areas identified by the U.S. Geological Survey and as shown on the Aquifer Protection Overlay Zone Map.

c. Specific Provisions

1. Road salt storage and loading facilities are prohibited except in weather-tight buildings.

2. Disposal of waste in sanitary landfills, dumps, and septage in lagoons is prohibited.

3. New underground fuel storage is prohibited.

4. No part of a subsurface sewage disposal system shall be located closer than 100 feet from any surface watercourse, or the minimum distance required by the State Health Code, whichever is greater.

5. All areas designated for the loading, handling, or storage of toxic wastes(including areas where motor vehicles may be repaired or serviced), shall have a ground or floor surface designed to collect and contain accidental spills of toxic materials.

9.3 Flood Hazard (FH) Overlay Zone

a. Intent & Purpose

The purpose of this zone is to avoid an increase in flood hazard due to any change or alteration of a land use or structure in the Town of Cornwall, and to assure that the Town will maintain its eligibility under the National Flood Insurance Program as administered by the Federal Emergency Management Agency (FEMA).

Within the boundaries of the Flood Hazard Overlay Zone the requirements of the overlay zone shall apply in addition to the requirements of the underlying zone. In the event of conflict the more restrictive shall apply.

b. Uses Permitted in the FH Flood Hazard Area Overlay Zone

Any use permitted in the underlying zone shall be a permitted use in the Flood Hazard Area Overlay Zone. All uses permitted in the FH zone shall be subject to the **Flood Insurance Program Regulations of the Town of Cornwall,** and the submission of a site plan according to **Article 8**. Said site plan shall include references to any base flood elevation data available from a federal, state or other source until such other data is provided by FEMA. Based upon flood elevation criteria, all uses within the flood hazard area shall be subject to the following requirements:

1. Residential and non-residential structures shall have the lowest floor (including basement) elevated to or above the base flood level.

2. Non-residential structures shall have the lowest floor level flood-proofed to or above the base flood level.

3. New and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the systems.

4. New and replacement on-site septic systems shall be located to avoid impairment during flooding, and all utilities shall be located to avoid flood damage.

9.4 Cornwall Plains (CP) Overlay Zone

a. Intent & Purpose

This zone is established to allow the productive re-use of large institutional buildings located in the village center where such use will maintain the residential and historic character of the village center. Only uses that generate a volume and type of traffic compatible with the residential character of the village center and the safety of residents shall be permitted.

b. Uses Permitted in the CP Zone

The following uses are permitted in the CP Zone and shall be subject to the submission of a Site Plan as specified in **Article 8*:***

1. Town buildings

2. Town parks and playgrounds

c. Special Permit Uses Permitted in the CP Zone

All Special Permit uses shall be subject to a public hearing, submission of a Site Plan as specified in **Article 8**, the requirements for Special Permits, and The Standards and Criteria for Special Permit Uses in the CP Zone specified in this section. The following uses are subject to a Special Permit in the CP Overlay Zone:

1. public utility lines (*if subject to local jurisdiction*)

2. libraries

3. churches

4. educational, religious, philanthropic uses (excluding correctional institutions) operated by a nonprofit corporation or a governmental entity

5. major home businesses

6. Town or nonprofit sponsored affordable housing

7. bed and breakfast establishments provided that the total number of rooms shall not exceed fifteeen (15) for each, and that each shall have a resident manager on the premises

8. Uses which are considered to be generally compatible with the purpose and standards of this zone and therefore may be permitted under this section include but are not limited to: professional business or financial offices; apartments; elderly housing; nursing homes, life care or similar facilities; artisans' studios or workshops.

d. Standards and Criteria for Special Permit Uses in the CP Zone

The following standards and criteria shall apply to all Special Permit uses in the CP Zone:

1. Traffic

The applicant shall demonstrate that the projected volume and type of traffic associated with the proposed use will be compatible with the village residential character of Cornwall Plains. Where required by the Commission to determine compliance with the above state standard, the applicant shall provide a report prepared by a licensed traffic engineer. The report shall project the volume, type and timing of traffic generated by the proposed use, and shall assess the impact of traffic and parking on the site and surrounding village center.

The Commission shall deny an application for any use which it determines will generate a volume and/or type of vehicular traffic incompatible with the residential nature of Cornwall Plains. Of special concern are uses that generate truck traffic. No use which requires regular truck delivery of goods, supplies or other material shall be permitted, except where the Commission determines that the frequency of such deliveries, and the size of the trucks involved can be effectively limited and controlled in a manner that will not be disruptive to the residential neighborhood.

It shall be the applicant's responsibility to demonstrate the means of limiting and controlling truck traffic. The Commission may attach conditions to the Special Permit where such are necessary to ensure conformance with the purposes and standards of this regulation. Such conditions may include, but shall not be limited to, the number of vehicular trips per day, and the size and type of the delivery vehicles permitted.

2. Limits on New Construction

The boundaries of the CP Zone are established to encompass existing large institutional buildings and the green space and parking areas historically associated with them. Accordingly, the intent of this zone is to permit productive use of these large buildings, but not the construction of new principal buildings. Approved accessory buildings and structures, including additional parking areas, may be permitted, provided their size, scale and appearance is consistent with the character of the rural village residential center.

3. Parking

All parking shall be provided off-street in locations that are landscaped and wherever possible screened from the street and surrounding residences. Where new parking areas are proposed, the applicant shall document the parking needs of the proposed use. Where the Commission determines it is necessary, the applicant shall provide a report documenting parking needs prepared by a licensed traffic engineer.

The number of parking spaces required shall be determined by the Commission. The Commission may as a condition of the Special Permit allow a reduction in the number of parking spaces or other parking/ loading standards required under ***Article 10***, or require shared parking where it determines that the parking areas proposed are:

- adequate for the actual parking needs for the proposed use, AND
- consistent with the residential nature of the village center area.

All-weather gravel surface parking areas are encouraged. Wherever it is practicable, proposed parking areas shall not be paved with concrete or blacktop.

4. Exterior Modifications

Minor additions and modifications to existing buildings may be permitted provided such are consistent with the character and appearance of the building or are proposed to improve the appearance of a building consistent with the historic character of the village center.

The applicant shall submit an architectural rendering of any proposed exterior modification, accessory structure or building.

5. Lighting and Landscaping

All lighting and landscape improvements shall be designed to be compatible in appearance and size with the village residential area. The light from all exterior lighting fixtures shall be shielded and contained on the premises. A lighting plan shall be submitted providing details and specifications for all exterior lighting fixtures.

Where required by the Commission, a landscape buffer shall be provided to screen new parking areas, accessory buildings or structures or other activity areas from the street and/or surrounding residences. A landscape plan shall be submitted showing the location, type and size of proposed plantings.

6. Signs

All signs shall be of a size and type compatible with the residential village scale. A rendering of all exterior signs shall be provided.

7. Water and Septic

The applicant shall provide a comprehensive water and septic assessment prepared by a qualified professional engineer showing that the existing or proposed water and septic systems will be adequate for the proposed use. Where shared use of a septic system is proposed, the applicant shall provide a plan for the management of the common septic system.

8. Lot and Dimensional Requirements
The minimum lot and dimension requirements for the CP Zone shall be the same as those for the R- 1 Zone, with the following modifications of Lot Coverage:

- No more than 30% of the area of a lot in the CP Zone shall be covered by buildings, concrete, blacktop or similar paved parking areas or other impervious surfaces, such as gravel.

A maximum of fifty percent (50%) lot coverage may be permitted where:

- lot coverage in excess of 30% is surfaced with an all-weather material other than concrete or blacktop impervious surfaces, AND
- the Commission determines that the proposed parking areas can be effectively screened from the street and/or surrounding residences.

9. Noise
For the purposes of zoning compliance, the CP Zone shall be treated as if it were a residential zone.

10. Uses
Notwithstanding other requirements of these regulations in this zone, there maybe no more than one principal building and one principal use on a lot.

9.5 Planned Conservation (PC) Zone
a. Intent & Purpose
The Planned Conservation Zone is established for the purpose of permitting the creative development of land in the R-3 & R-5 Residential Zones for single family homes according to a site plan that conserves substantial areas of valuable natural resources and open spaces including, but not limited to active farmland and farmland soils, rural, natural, scenic, and historic sites, views, and vistas especially along public streets, and other natural resources and cultural or environmentally sensitive areas as identified in the Town Plan of Development, as amended.

b. Application Requirements
1. Map
The boundaries of the PC Zone shall be established by the Commission upon petition by an applicant.

2. Report
A written report explaining how the proposed PC Zone will meet the purposes stated above and be consistent with the Town Plan.

3. Regulations and Supporting Documentation
The applicant shall prepare and submit proposed regulations to be applicable within the proposed PC Zone which shall be in a form suitable for adoption as an amendment to these regulations, and which contains the following:

a. A suitable boundary description and Class A-2 survey map of the boundary of the proposed PC Zone. (Note: During preliminary discussion and prior to submission of a formal petition the applicant may present a Class D survey of the proposed Zone boundary.)

b. a map showing all land defined in **Article 3** of these regulations as "not buildable". Measurements of the total area of the PC Zone, the area defined as "not buildable" and the balance of the area in the PC Zone which shall qualify as "buildable" in accordance these Regulations.

c. An accurate delineation of the area to be permanently protected as open space which shall consist of a minimum of fifty percent (50%) of the "buildable" land in the proposed Zone

d. An accurate delineation of the proposed land use areas for buildings and development.

e. A comprehensive statement of the precise use of land, buildings and other structures to be permitted within the Zone and proposed areas for building and open space as identified above.

f. Standards and requirements for the area, location and bulk of buildings and other structures, and the area of lots, shape of lots and access to lots.

g. Any other regulatory provisions necessary to carry out the purpose of the Zone.

4. General Plans
A Site Development Plan as specified in the Town of Cornwall Subdivision Regulations shall be submitted.

5. Fee
An application or petition fee as specified in the Town schedule of fees for land use applications.

c. Adoption Procedure
A petition to establish a Planned Conservation Zone constitutes a request for legislative action to amend these Regulations. The petition shall be submitted to the Commission and shall be signed by the owner(s) of all the lots within the proposed Zone. Upon receipt of a petition the Commission shall hold a public hearing and act on the petition in accordance with the procedures required for a zoning boundary and regulation amendment as specified in the CGS and these Regulations.

d. Detailed Plans
1. After approval of a Planned Conservation Zone and prior to issuance of a Zoning Permit the applicant shall submit a Site Development Plan prepared in accordance with the specifications of the Subdivision Regulations. The Site Development Plan shall show the location of all buildings and improvements.

2. The Site Development Plan shall provide sufficient detail and information necessary to assure that the plan can be developed as proposed by the applicant and in compliance with the standards and requirements of these regulations.

3. The Commission may require the house site, driveway, septic system and other improvements be located in the area as shown on the Site Development Plan.

4. Other information to be provided shall include a Subdivision Map, Sediment and Erosion Map and where necessary a Construction Plan and Profile as specified in the Subdivision Regulations.

e. Specific Provisions
The following standards are applicable when establishing a PC Zone and developing a Site Development Plan within a PC Zone.

1. Maximum number of dwelling units
The number of dwelling units approved within a PC Zone shall not exceed the number that could be established as the sum of single detached dwellings for one family on approved building lots in the pre-existing Residential Zone under the requirements of these Regulations in effect at the time of the PC Zone approval by the Commission.

2. Location and Minimum Land Area
The proposed PC Zone shall be located in the R-3 and/or R-5 Residential Zone. The total land area shall be more than ten (10) acres, not including inland wetland and watercourses as shown on the Cornwall Inland Wetlands and Watercourses map.

3. Setback
A fifty-foot (50') setback is required along the boundary of any PC Zone.

4. Minimum Permanent Open Space and Protected Land
The petition and regulation establishing a PC Zone shall provide that a minimum of fifty (50) percent of the total "buildable" area within the PC Zone shall be permanently protected from building or development.



Historic Cornwall Covered Bridge

ARTICLE 10

SPECIAL USE PROVISIONS

These special use provisions are applicable to specific permitted uses (See **Article 4**) which require additional use specific standards.

10.1 Accessory Dwelling Units

a. Intent & Purpose

The purpose of this regulation is to broaden the Town's supply of dwelling units in all zones by allowing for accessory dwelling units (ADUs) (both attached and detached) by zoning permit. An accessory dwelling unit can be defined as a separate dwelling unit that is (a) is located on the same lot as a principal dwelling unit of greater square footage, (b) has cooking facilities, and (c) complies with (or is otherwise exempt) from any applicable building code, fire code, and health and safety regulations. The provisions of this section are intended to enable diverse housing options across all income levels in various locations throughout the Town of Cornwall.

b. Approval Process

An accessory dwelling unit in a single-family dwelling (ie attached) shall require a zoning permit. An accessory dwelling unit to be located in an accessory structure (ie detached) shall also require a zoning permit.

Any additional accessory dwelling units (aside from a first) on a single lot shall require a Special Permit.

The conversion of a single-family dwelling to a multi-family dwelling unit shall require a Special Permit.

This information is also represented in the table found below:

Type of ADU	Approval Process
Attached (located within a dwelling unit)	Zoning Permit
Detached (located within an accessory structure)	Zoning Permit (with site plan)
Additional ADU (whether attached or detached)	Special Permit (with public hearing)
Single-family conversion to Multi-family	Special Permit (with public hearing)

c. Specific Provisions for Accessory Dwelling Units
The following requirements shall apply to all accessory dwelling units in all zones:

1. Compliance with other Codes/Requirements. The applicant shall provide documentation indicating approval from the local area health district (eg Torrington Area Health) certifying that the site's septic is adequate to support the proposed use. The Commission may require additional information to indicate compliance with other applicable requirements (such as Inland Wetlands requirements, building and/or fire code).

2. Parking. Adequate off-street parking shall be provided on the lot on which the accessory dwelling unit is to be located. The minimum parking required for an accessory apartment application shall be two (2) spaces for the principal dwelling and one for each accessory dwelling unit, as indicated on the **Table of Minimum Parking Requirements (Article 11)**.

3. Site Plan. A Site Plan/plot plan shall be required to show compliance. The plan shall be adequate to show compliance with setbacks, adequate and safe site and unit access (eg compliance with the driveway requirements) as well as the required off-street parking. The ZEO and/or Planning & Zoning Commission reserve the right to ask for additional information such as an A-2 quality survey to determine compliance.

4. Zoning Permit Filed on Land Records. Prior to the commencement of construction and/or the establishment of use, the owner shall file a copy of the Zoning Permit for an Accessory Dwelling Unit on the Town Land Records.

5. The livable floor area of the apartment shall be no greater than 1,200 square feet (unless approved by Special Permit) and shall be less than the livable floor area of the primary dwelling unit.

6. No more than one accessory apartment (attached or detached) shall be permitted on an individual lot without Special Permit approval.

d. Accessory Dwelling Units requiring a Special Permit
A Special Permit shall be required for:
1. A detached accessory dwelling unit greater than 1,200 square feet
2. A second accessory dwelling unit (attached or detached) on any lot. Only one attached and one detached accessory dwelling unit shall be allowed per lot.

e. Adaptive Re-use – Conversion of a Single-Family Dwelling to Multifamily
An application for conversion of an existing single-family dwelling to multi-family shall meet the standards of the Special Permit requirements (**Article 8**) and satisfy the General Standards (**Article 5**).

10.2 Antennas, Towers, and Wireless Communication Facilities
This section of the Cornwall Zoning Regulations is printed as a separate document and is available from the Cornwall Town Clerk or Land-Use Office.

10.3 Mixed-Uses (Residential & Commercial)
a. Intent & Purpose
The purpose of this regulation is to allow for mixed uses such as dwelling unit(s) within a commercially used building in the General Business (GB) Zone.This allows more options for housing and commercial opportunities.

b. Special Use Standards
In the General Business (GB)
Zone, residential use in a commercially used building may b e permitted by the Commission subject to the approval of a Special Permit (**See Article 8**), and by satisfying all of the following:
1. The combined use of the property shall be considered when determining the required number of parking spaces. Each dwelling unit shall have two (2) spaces and each commercial use shall provide parking in accordance with Article 11.
2. A mixed-use proposal shall satisfy the General Requirements as well as comply with other regulatory authorities, including but not limited to, Inland Wetlands & Conservation Commission, local area health department, The Building Official, the Fire Marshal, etc.

10.4 Attainable Housing Cut(s)

a. Intent & Purpose

Under this provision, a property owner may donate a portion of their land to The Town or a local not-for-profit organization to be used for attainable housing. The subdivision regulations will not be applied to this division of land provided a building lot designated for attainable housing is the outcome of the property line modification. The purpose of this exemption is to encourage economic diversity in housing choice and more plentiful housing within the Town of Cornwall.

b. Definitions

Attainable Housing. Housing intended for those with an income limited to 100% of the county median family income as set by the State Department of Economic and Community Development, as amended annually, where the resident spends no more than 30% of their combined income on housing. This definition is to correspond with the Parcel Program Income Limits of the Cornwall Housing Corporation, as amended.

Attainable Housing Cut. The creation of one or two lot(s) that is authorized without subdivision approval provided that the property owner donates the newly created lot(s) to the Town or a local nonprofit (such as the Cornwall Housing Corporation) to be developed as attainable housing.

Buildable Lot. "Building Lot". A legally created parcel that contains the required land area to satisfy minimum dimensional requirements ("a buildable lot"), is accessible from a public right-of-way or a private road, is free of deeds and other land restrictions (such as wetlands, watercourses, and flood hazards), and that can support adequate water supply and sanitary systems as approved by the local health district.

c. Specific Provisions involving Attainable Housing Cut(s)

1. The lot(s) resulting from an attainable housing cut must be developed by the Town of Cornwall or by a not-for-profit organization, such as the Cornwall Housing Corporation (CHC).A property owner may create no more than two (2) additional lots for attainable housing from a tract of land under this provision;*

2. The official land map as recorded on the Town Land Records must designate the lot be used for attainable housing and shall contain the following language: "Lot restricted to attainable housing use and to be developed by the Town of Cornwall or a not-for-profit organization."

3. Each lot designated for attainable housing shall be no less than one (1) acre in size, be in a residential zone (R-1, R-3, R-5), and be considered a buildable lot subject to the dimensional requirements of the residential zone.

4. The original lot shall remain conforming.

5. Prior to the development of an attainable housing lot, the property owner will be required to submit a zoning permit application along with the supplemental information that is required for the construction of a residential dwelling.

*A property owner may create more than two attainable housing lots with Special Permit approval **(see Article 8).**

10.5 Farms, Farming, and Agriculture

a. Intent & Purpose

Farming has always been a part of Cornwall's economy, culture, and landscape. Preservation of farm land and supporting viable farming businesses is a land conservation and economic development objective of the Town Plan of Conservation and Development. The purpose of this regulation is to assist in the implementation of these Town Plan objectives. It permits farming in all zones, allows farm activities consistent with the *state definition of agriculture as* it applies to Cornwall and provides options for related accessory farm use, both traditional and innovative, supportive of farming businesses in Cornwall.

Farms are permitted in any zone provided no building or structure used for housing livestock or poultry, or building or area for storage of fertilizer or manure, shall be within sixty (60) feet of any street line or one-hundred (100) feet of any other non-street property line.

b. Definitions

For the purpose of this regulation the words "farm", "farming", and "agriculture" shall have the same meaning and include the following uses and activities appropriate to Cornwall as stated in the CT General Statutes Section 1-1, as amended. The term "farm" includes farm buildings, and accessory buildings, nurseries, orchards, greenhouses, hoop houses, and other temporary structures and structures used primarily for raising and, as an incident to ordinary farming operations, the sale of agricultural and horticultural commodities.

c. Agricultural Accessory Uses Subject to a Zoning Permit

Permitted accessory uses requiring a Zoning Permit shall include traditional farm commercial accessory uses such as pick-your-own operations, corn mazes, hayrides, farm stands, and farm tours. Farm tours or programs conducted by non-profit, governmental, or educational institutions shall not require a Zoning Permit.

d. Specific Requirements involving Agricultural Accessory Uses

1. A Zoning Permit is required with a plot plan which shall include areas designated for parking spaces and street entrances and exits.

2. The Zoning Permit application shall include a narrative describing the nature, size and scope of the existing farm operation and the proposed accessory use. It shall explain how the proposed use qualifies as accessory and incident to the primary farm operation.

3. A farm stand shall have the minimal infrastructure/utilities used by a farm business. The stand shall be limited to seasonal display, storage and sale of raw and/or processed agricultural and horticultural products, the majority of which are grown on the premises. A farm stand floor plan shall be submitted showing square footage for storage, display and sale areas.

e. Specific Provisions- Farmers' Markets

Outdoor farmers' markets shall be permitted subject to a Zoning Permit on property located in the General Business (GB) Zone, or on town-owned property, provided:

1. Items on display and offered for sale shall be limited to agricultural products and goods.

2. It may be open between the hours of 7 am and 7 pm on Fridays, Saturdays, Sundays, and State recognized holidays.

3. No permanent structure is constructed for the temporary farmers' market and there is no external evidence of the market when it is not in use except for advertising signs as permitted by these Regulations.

4. A minimum of one (1) off-street parking space shall be provided for every 100 square feet of vendor display area.*

*The Commission may approve the joint use of an existing parking lot provided the applicant can document that there is adequate capacity available in the parking lot to safely support both the principal use and the farmers' market.

5. A simple sketch plan shall be submitted showing the location of vendor display areas and parking.

6. A vendor display area shall be defined as a temporary shelter or display fixture (tents, tables, etc) set up for sale of agricultural products and/or goods. Each vendor display area shall be less than two-hundred (200) square feet in area.

f. Agricultural & Accessory Uses subject to a Special Permit

The following uses are considered accessory to a farming operation and subject to a Special Permit:

1. Farm Stores used by a farm business designated for year-round sale of raw and/or processed agricultural and horticultural products, the majority of which are grown on the farm

2. Food-based farm products and fiber processing facilities with or without room for product display, sale and tasting where there is a minimum of five (5) acres of agricultural produce planted on site. This includes, but is not limited to, a farm winery or brewery.

3. Farm vacation stays of not more than thirty (30) days.

4. Farm product culinary and/or farm harvesting related products.

g. Specific Requirements of agricultural accessory uses subject to a Special Permit

Agricultural accessory uses subject to a Special Permit (as outlined in 9.5.5 above) shall satisfy the following requirements:

1. The farm property shall be a minimum of five (5) contiguous acres.

2. **Written statement**: The Special Permit application shall include a written statement describing the nature, size, and scope of the existing farm operation and the Special Permit use, including the number of non-family full or part-time employees and the projected number of parking spaces needed for the operation, in accordance with **Article 11.**

3. **Parking**. Parking for occassional events may be provided in farm fields or other open suitable spaces on the premises and for occassional overflow parking needs for other events/uses.

10.6 Home Businesses

a. Intent & Purpose

A key economic development goal of the Town of Cornwall Plan of Conservation and Development is to support the growing number of Cornwall residents that are self-employed or work from home. Allowing for home businesses as accessory to residential use will promote economic development and local entrepreneurial opportunities throughout the Town. These provisions are intended to improve local job opportunities, be responsive to the increased demand for work at home options, and to increase Cornwall-based businesses while protecting residential areas from adverse impacts associated with home businesses.

Based on their degree of potential neighborhood impact, home businesses have been divided into three (3) categories: Home Office, Minor Home Business, and Major Home Business.

b. Definitions

Home Office. The use of a portion of a dwelling, an accessory structure, or a residential lot for business use that does not involve any of the following: non-resident employees, customers/clients, and/or deliveries other than what is normally associated with a residential dwelling.

Minor Home Business. A business which meets the following requirements:

1. No more than one (1) non- resident employee/contractor.

2. No off-site clients are permitted other than by appointment only. The frequency of appointments is not to exceed one appointment per hour.

3. There shall be no retail sales of any kind.

4. The home business shall not include exterior storage of materials, equipment, or vehicles

5. No more than two (2) parking spaces may be associated with minor home business use.

Major Home Business. A business which has one (1) or more of the following characteristics:
1. Two (2) or more non-resident employees

2. Retail sales of products which are primarily roduced on site

3. Visits to the premises by off- site customers or clients and/or frequent deliveries or pick- ups

4. Exterior storage of materials, equipment, or vehicles associated with the business use

c. Approval Process for Home Businesses
Home businesses are allowable subject to the

Type	Approval Process
Home Office	No permit necessary
Minor Home Business	Zoning Permit
Major Home Business	Special Permit & Public Hearing

d. Application Requirements

1. a site plan that illustrates site access, on-site parking spaces designated for the home business, drop-off and/or loading zones, and, if applicable, exterior areas of storage, and location, size, and design of signage

2. a floor plan that shows the total square footage of the dwelling and the total square footage dedicated to the home business including its associated storage whether interior or exterior

3. a narrative that outlines operational details, which may include, but is not limited to the following:
   a. a description of the business
   b. whether the property is open to visitors or outside employees - its hours of operation (open hours or by appointment)
   c. the measures taken to shield exterior storage of equipment, materials, or vehicles from public view
   d. an analysis of the expected noise, dust, odors, vibrations, traffic, lighting, and other factors that may be associated with the home business

e. Specific Provisions for both Minor and Major Home Businesses

1. All home business uses are secondary to the primary use of the property, which is residential.

2. If the home business is located within the residential dwelling, it shall not occupy more than forty-nine percent (49%) of the total floor area. If the home business is located within an accessory structure, the home business shall not occupy more than the total square footage of the accessory structure. If the home business exceeds these parameters, a Special Permit is required.

3. All parking (residential and home-business related) must be provided on-site. Parking associated with the home business shall be within designated areas that correspond with what is indicated on the site plan. It shall be noted that off-site parking is not permitted. Turn-around areas shall be provided so that exiting vehicles do not need to back onto state, town, or private roads.

4. Signage is permitted provided the identity sign for the home business does not exceed four (4) square feet. The sign's design and location shall be included with the home business application. Home business signs shall not be illuminated in anyway.

5. All refuse generated by the business use shall be covered, screened from public view, and promptly removed from the site.

6. All on-site water and sanitary systems shall be adequately sized and in suitable condition to serve the proposed business use, and approved by the local health district, if applicable.

7. All applicable fire and building code requirements associated with the home business use must be met prior to the issuance of a zoning permit or a Certificate of Zoning Compliance.

8. The external appearance of the dwelling or the accessory structure shall not be substantially changed.

9. The application for the operation of a home business shall be provided by the property owner and accompanied by a zoning permit application. The property owner shall be responsible for ensuring compliance even if the business is leased to or operated by others (such as tenants or lessees).

10. All modifications to the home business must be brought to the attention of the ZEO. The zoning agent may bring proposed changes before the Commission to review for compliance.

11. More than one (1) home business may be authorized on a property. The proposed home business uses and their potential impacts will be considered cumulatively when determining the application requirements, approval process, and on-going compliance.

f. Specific Requirements for Major Home Businesses

1. An application shall be made for Special Permit in accordance with **Article 8**.

2. A Major Home Business that includes the exterior storage of vehicles, equipment, or materials shall properly screen the stored materials from the public right-of-way and adjacent properties. The outside storage of materials associated with a Major Home Business shall not exceed an area greater than two thousand (2,000) square feet.

3. If a Major Home Business includes retail, the majority of the goods sold shall be produced on the premises.

4. Small engine repair services, kennels, and animal training facilities shall be considered a Major Home Business.

g. Approval Criteria for Major Home Businesses

The approval criteria for a Special Permit application associated with a Major Home Business shall include the following standards:

1. The Commission shall provide for the protection of public health, safety, and welfare.

2. The proposed use shall be compatible with the Town's Plan of Conservation and Development.

3. The proposed home business use shall be in harmony with the orderly development of the Town and compatibility with other existing uses.

4. The nature and the extent of the use shall not hinder or discourage the use of neighboring properties, undermine the environmental quality, or result in adverse impacts to the public health, safety, and welfare. All applicable standards shall be incorporated into the associated plans.

h. Conditions of Approval

The Commission may grant the Special Permit application as presented, deny it, or approve it subject to conditions. Additional conditions or safeguards may be deemed necessary to protect and promote property values, protect the area's environmental resources, improve the neighborhood compatibility, and promote best practices for site design. These conditions may include one or more of the following:

1. screening or buffering from adjacent/adjoining properties and the public right-of-way

2. limitations regarding the hours of operations and/or requirements for periodic renewal

3. limitations of size, occupants, or the extent of facilities

4. regulation of the number, design, and location of accessways, other site plan features

5. regulation of number, type, and location of signage and parking

6. requirements for testing and/or monitoring, including, but not limited to, testing of ground water or surface water, air quality testing, noise and lighting level testing, periodic water usage reports, and/or reports on transportation, storage, use, handling, and disposal of site related materials

7. any data, plans, or drawings, including architect or engineer's drawings or other information the Commission finds necessary to consider the application.

i. Prohibited Home Businesses

1. A home business shall not include restaurants, bars, cafés, or other eating and drinking places.

2. Automotive repair locations are governed by CGS Chapter 246, Section 14-54 states that the local zoning board of appeals, building official, and fire marshal shall approve the location of this use. Therefore, they shall not be considered as permissible home businesses.

3. Any other use that would create noncompliance with the specific provisions above, other requirements within the Town of Cornwall Zoning Regulations, and other local, state, and federal laws is also prohibited.

10.7 Mobile Homes

a. Residential Use

A mobile home shall be considered a single family dwelling unit and shall be a permitted use in all residential and commercial districts when it is attached to a permanent foundation in accordance with CGS Chapter 412 § 21-68. It shall be subject to the minimum lot size, floor area and other dimensional requirements applicable to a single-family dwelling.

b. Temporary Use

A single mobile home or trailer may be placed temporarily on a lot during the construction of a permanent dwelling on the same lot, provided:

1. There is a valid zoning permit for the dwelling.

2. the Health Official has approved provisions for both water supply and sanitary sewage disposal on the lot

3. the mobile home is occupied by the lot owners or their immediate family.

4. a one-year time limit is observed; the Commission may extend this limit by 90 days if construction is substantially underway

5. A mobile home or trailer may be used temporarily as an on-site office or shop for any non-residential construction for which a permit has been obtained. The time limit shall be one year or until construction is completed, whichever occurs earlier.

c. **Bonds Associated with Mobile Homes**

For a mobile home permitted on a temporary basis, the Commission shall require the applicant to post a bond of $1,000 to ensure that the mobile home is removed from the lot when the house or other building is completed. The bond shall be forfeited if the mobile home is not removed from the premises within 90 days after a Certificate of Occupancy has been issued for the completed dwelling, unless the Commission grants an extension for cause.

10.8 Permanent Sawmill for Limited Commercial Use

a. Intent & Purpose

The purpose of this section is to continue to allow commercial sawmills in the R-3 and R-5 Residential Zones under specific standards and requirements which are designed to limit the commercial use of a property located in a residential zone and to minimize its impact on neighboring residential properties.

b. Application Requirements

The Special Permit application shall include a comprehensive statement of use describing the operations:

1. specifications for the saw and all equipment related to the proposed use (including, but not limited to, trucks)

2. identification of outside storage area, and

3. other information as required by these regulations (**See Article 8**)

4. Applicants are encouraged to consult with the Torrington Area Health District in the preparation of an application prior to submitting their Special Permit for the Planning & Zoning Commission's review.

c. Specific Provisions

This special use shall be subject to the following requirements:

1. The minimum lot size shall be 5 acres.

2. Employees permitted on the site at one time shall be no more than two outside employees.

3. The sawmill facility shall be defined as the saw and related equipment (such as, but not limited to: planer, edger) or the building enclosing the operation. Sawmills shall be classified as a Class C #83 (Forestry Activities) land use.

4. It shall be the responsibility of the property owner to establish and maintain the sawmill facility in such a way that it will comply with the standards in **Article 5: General Requirements**. If necessary, noise reduction steps must be taken in order to comply with the standards. If at any time the sawmill operation exceeds the maximum allowable noise level, the Zoning Enforcement Officer shall issue a cease and desist order.

5. The sawmill building shall be set back a minimum of two-hundred (200) feet from property lines located in residential zones and seventy-five (75) feet from property lines located in the General Business Zones. Where it is demonstrated that the adjoining property is State Forest land, the Commission may approve a minimum setback of fifty (50) feet.

6. The use shall be limited to one commercial saw and related equipment. The hours of operation of the sawmill facility shall be limited to those between 7:00 a.m. to 8:30 p.m.

d. General Standards for the Location of a Sawmill Building

The proposed sawmill shall be located to minimize noise and visual impact on surrounding neighborhood properties. Wherever possible, the sawmill location shall be selected on the basis of the following general standards:

1. located on a high point on the property in relation to surrounding properties.

2. buffered from surrounding properties by the widest possible band of trees.

3. set back the maximum distance possible from property lines.

4. Any portion of the operation outside of an enclosed structure to be used for any equipment, material, product or by-product associated with the proposed operation shall be considered an outside storage area and shall clearly delineated on the Site Plan and shall be staked in the field for inspection.

5. The Commission may require a landscape buffer or other screening of any planned outside storage area.

6. Outside storage areas shall be located a minimum of one-hundred (100) feet from any property line.

7. Site access shall be arranged so as to minimize danger to traffic and nuisance to surrounding properties.

8. The Commission may limit, as a condition of the permit, the size of vehicles and/or the number of daily, weekly or monthly vehicular trips associated with sawmill use entering and leaving the property. Such conditions shall be made in consideration of the location of the site in relation to the State highway system, the width of the Town streets providing access to the site and the nature of the neighborhood along the Town streets leading to the site. The application shall include a map showing the approach streets to be used by all trucks entering or leaving the property.

9. There shall be no truck traffic between the hours of 5:30 p.m. and 7:30 a.m.

g. Administration & Enforcement

1. The Special Permit shall be valid for a two (2) year period and may be renewed for additional two (2) year periods.

2. The Special Permit may be revoked if the permittee fails to adhere to the standards & conditions of the approval.

10.9 Recreational Campgrounds

a. Special Use Provisions

The layout and operation of recreational camping grounds shall conform to the provisions of Section 19-13-B97 of the Connecticut Public Health Code, as amended, and the following special use provisions:

1. The use of the premises shall not adversely affect the public health, safety, convenience or property values in the area.

2. The Commission may require a landscape buffer or other screening of any planned outside storage area.

3. Outside storage areas shall be located a minimum of one-hundred (100) feet from any property line.

4. Only one permanent residence shall be permitted on the premises and shall conform in all respects to all other provisions of these regulations.

5. No campsite or camper unit shall be occupied for more than four (4) days out of any week, except during the normal camping season (April 15-September 30).

6. One or more service buildings shall be provided containing adequate toilet and bath facilities.

7. A commercial building offering services and merchandise for sale to patrons of the campsite may be provided if it is not advertised upon any public highway.

8. Site plan shall show the circulation pattern within the campsite and shall provide for access by emergency vehicles.

9. No camper unit or tent shall be located within twenty-five (25) feet of any other camper unit or tent.

10. In addition to the requirements in Article VI the site plan for the campground shall include, but not be limited to, the following:

a. Name of owner, names of adjoining owners.

b. Number and dimensions of campsites.

c. Location of service buildings.

d. Location of commercial buildings.

e. Season of operation if seasonal.

f. Location of residence of custodian.

g. Location of buffer strips.

h. Available water supply, capacity and test results.

i. Location of proposed sewage disposal system approved by the Health Official.

10.10 Room & Board and Bed & Breakfast Establishments

a. Special Use Provisions

The provision of rooms for transient visitors in an owner-occupied residence may be permitted by the Commission via the Special Permit process, subject to the following provisions:

1. In order to qualify for and maintain this Special Permit in a residence, the residence must be owner-occupied for the duration of the permit.

2. The lot shall be of adequate size and shape to provide one parking space for each guest room. Parking shall be located to the rear of the building where possible.

3. The building must be sound, safe and of adequate size to accommodate guest rooms without reducing below the required minimum the livable floor area for the principal residential use.

4. No more than six (6) guest rooms shall be permitted.

5. The Health Official shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.

6. Minor additions of no more than a total of 200 square feet may be made to the building for improvements related to and necessary for this Special Permit use.

7. At least one complete bathroom shall be accessible to the guest room or rooms.

8. Failure to abide by these regulations is cause for the Commission to revoke a Special Permit for this use.

10.11 Temporary Non-Profit/Political Sponsored Events

a. A non-profit organization or registered political party may by right (without a written zoning permit) hold a fair, sporting event, or any similar affair, on its own premises for a period not exceeding seven days, provided the profits are for civic, religious or philanthropic purposes.

b. The Commission may issue a permit to any of the above organizations located within the Town of Cornwall to hold an event, as described and limited above, upon premises other than their own.

10.12 Town or Non-profit Sponsored Affordable Multi-Family Housing

a. Special Use Provisions

The purpose of this Special Permit is to provide the opportunity for Town-sponsored affordable multi-family housing in suitable locations subject to the following requirements:

1. The applicant for this Special Permit shall be either the Town of Cornwall or a Community Development Housing Corporation established pursuant to CGS Chapter 133 § 8-217.

2. Where the site shall be served by an approved common septic and water system, the maximum average density shall be five dwelling units peracre for the site.

3. The number of dwelling units per building shall not exceed 10. An associated community building may be permitted as an accessory structure to the dwelling units.

4. In the R-1, R-3 and R-5 residential zones, the minimum front setback shall be one-hundred (100) feet and the minimum side and rear setback shall be fifty (50) feet. In the G-B zone, the minimum front, side and rear setback requirements in **Article 5** apply. In all zones, the maximum building height shall be 45 feet. All other minimum lot and area dimensional requirements shall be as provided in **Article 5**.

10.13 Multi-family Housing

The purpose of this Special Permit is to provide the opportunity for multi-family housing in suitable locations, subject to the following standards and requirements:

1. Multi-family housing may be established in an R-3 or R-5 Residential Zone subject to the approval of the Torrington Area Health District and all other requirements.
2. The limit of number of lots on shared driveways or private streets may be increased for Affordable Housing.



Bonney Brook- a local development of 10 affordable housing units for seniors

ARTICLE 11

SIGNS & PARKING



11.1 Signs
No sign visible from the street shall be established, constructed, reconstructed, enlarged, extended, or moved unless it is in conformation with these regulations.

a. Intent & Purpose (pg 52)
This section regulates the size, dimensions, and location of signs in order to:

1. avoid clutter, provide for appropriate way-finding, and to ensure the safety of the traveling public

2. To permit signs in the General Business Zone in keeping with the size, scale, and history of the area

b. Definitions
Sign. Any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character, placed out of doors in view of the general public and used for purposes of advertisement, identification or expression. For the purposes of these regulations, all signs are defined according to their physical characteristics.

The following types of signs are permitting under these regulations and are defined as follows: (*53*)

Wall sign. A sign on or attached flush to a wall of a building or a sign on a canopy. Wall signs attached to a building shall be parallel and no more than twelve (12) inches from the wall.

Projecting sign. A sign attached to and projecting from a wall of a building not more than twelve (12) inches.

Free-standing sign. A sign fixed to the ground and not attached to a building.

Window sign. A non-illuminated sign which is attached to or less than twelve (12) inches from the indoors surface of a window and faces the outside.

c. Signs Exempt from the Local Regulations
1. All signs displayed by a public official in the performance of their public duty;

2. Non-commercial flags meaning flags that are not advertising a specific use and/or physical location;

3. Emergency 911 identification signs, as may be required by state or local ordinance;

4. Personal use of lighting for decorative purposes;

5. Town traffic control & parking signs;

d. Nonconforming Signs
A change in the information on the face of an existing nonconforming sign is permitted.

e. Dimensional Requirements for signage
The following shall apply when measuring maximum sign area for each sign type:

1. **Wall signs**: For a wall sign attached to a building or a canopy sign, the entire display area (including the distinguishing background color or border area) shall be used in computing the sign area.

2. **Projecting and Free-standing signs:** Where the sign has two (2) display faces, the area of only one (1) display face shall be counted in the computing area if:

a. the sign faces are identical, and:

b. the sign faces are parallel, or the interior angle formed by the faces is forty-five degrees or less Where the sign faces form an interior angle of more than forty-five (45) degrees, the area of the display faces shall be counted in computing the maximum area permitted. For the purpose of the measurement, the sign area shall include the entire display face and any decorative trim or frame.

c. Free-standing signs shall be a maximum of ten (10) feet in height from the ground level to the top of the sign.

f. General Requirements for all Signs
The following standards shall apply to all signs that are displayed within the Town of Cornwall.

1. A sign should relate to the use of the premise on which it is located except for certain off-premise and temporary signs, as specifically provided for in these Regulations.

2. The light source associated with any signage shall be external to the sign and shall be white light only. The light source (bulb, tube, reflector) shall be shielded so as not to be viewed beyond the property line to the maximum extent possible.

3. No sign shall be located so that it will cause danger to traffic on a street by obscuring the sightlines of its users.

4. Signs must be constructed of durable materials, firmly supported, maintained in safe condition, and repair.

g. Prohibited Signs
The following signs are not allowed within the Town of Cornwall:

1. Flashing, rotating, revolving signs with the exception of barber poles;

2. Any sign affixed to a tree or utility pole or painted on a rock or other natural feature;

3. Signs attached to any roofs or projecting above the roofline;

4. Any sign suspended between two poles which consists of a spinner(s) or pennants which may move in the wind;

5. Signs which are illuminated by any flashing, intermittent, or moving light, including those giving public service information such as the time, date, temperature, weather, and/or similiar information;

h. Signs Permitted in All Zones Without a Zoning Permit ("by right") (54)
The following signs are considered to be of convenience and necessity and are permitted in all zones without a zoning permit provided the sign is established and maintained in accordance with the requirements stated herein.

1. One identification sign for the name of the premises, name and address of the occupant of the premises.
Maximum area = Two (2) square feet

2. No trespassing and/or other security related signage and signs directing and guiding traffic and parking to a lot, subject to the following:

a. Signs shall not include advertising matter;

b. No limit on signs not visible from the public right-of-way;

3. Signs visible from the public right-of-way are limited to one (1) per driveway for security and one (1) no trespassing sign per forty (40) feet of contiguous boundary
Maximum area = Two (2) square feet each sign at driveways for traffic and parking and one (1) square foot for each trespass and security sign

4. One sign painted on the wall of a farm building displaying the name of the farm.
Maximum area = Six (6) square feet

5. One temporary sign for sale, lease, or rental of the premises on which the sign is located. If the lot has contiguous street frontage exceeding 600 feet, two signs are permitted, if the signs are located at or near either end of the frontage.
Maximum area = Six (6) square feet each sign

6. One temporary sign citing the name of the contractor, architect, and/or engineer placed on the premises where construction, repair, and/or renovation is in progress.
Maximum area = Six (6) square feet

7. Temporary signs, placed in connection with political campaigns, shall not exceed twenty (20) square feet and shall be removed within ten (10) days after election day.

8. Temporary signs advertising a public event shall not exceed a maximum area of thirty-two (32) square feet and shall be displayed for a period not to exceed thirty- five (35) days before the event and two (2) days after the event.

9. Signs for yard sales are to be removed within two (2) days of the end of the sale.

10. One on-premise sign, not to exceed twelve (12) square feet advertising a farm stand.

i. Signs Permitted in Residential Zones Subject to a Zoning Permit

1. One sign identifying a permitted home business indicating the name of the person(s) and/or profession or business permitted with a zoning permit.
Maximum area = Four (4) square feet

2. One identification sign on a lot for a multiple dwelling structure.
Maximum area = Four (4) square feet

3. One identification sign for a subdivision.
Maximum area = Six (6) square feet

4. For non-residential uses allowed by a Special Permit in a residential zone:
The signage should be a part of the Special Permit application.
Maximum area: <u>not to exceed</u> twelve (12) square feet

j. Signs Permitted in All Zones Subject to a Zoning Permit

Off premise signs for the purpose of identifying and/or directing traffic to local government services, religious, educational, institutional facilities, non-profit service organizations and/or farm stands, are subject to the following provisions:

1. One (1) off-premise sign permitted per use, subject to the following requirements:
a. Maximum area per sign = Two (2) square feet

b. Off-premise signs shall be located at the intersection of major streets. The Planning & Zoning Commission shall request the review and comment of the Board of Selectmen on a proposed off-premise sign, and shall not approve such a sign where opposed by the Board. The owner of the property where the sign is to be placed must consent to the placement.

2. A commemorative plaque or sign indicating a historic place or point of interest by a bona fide historical agency.
Maximum area = Sixteen (16) square feet

3. Charitable, religious, government, educational, institutional, or non-profit service uses are subject to the following sign requirements:

a. One (1) sign per main entrance to such use, with a maximum area per sign of sixteen (16) square feet

b. One bulletin board up to sixteen (16) square feet

c. All signs are to be setback a minimum of five (5) feet from the property line

4. Signs advertising a major local public or semi-public event by a civic, religious, or non-profit organization where:

a. The proposed sign has a maximum area greater than thirty-two (32) square feet or

b. It is a banner, or a sign of another type, to be located over a public street, *and/or*

c. The period of display does not exceed thirty-five (35) days before the event or two (2) days after the event

d. A zoning permit for such a sign may be issued by the ZEO where the event is of general benefit to the Town, or for public convenience, necessity, or welfare.

k. Requirements for Signs in the General Business Zone (56)

a. Maximum number of signs on a lot

One (1) free-standing and one (1) projecting sign or wall sign per business occupying the lot.

Free-standing sign:
Minimum setback - 5 feet from the property line
Maximum height- 10 feet measures from the ground level to the top of the sign
Maximum Area shall be according to the number of businesses on the lot:
One business - Twelve (12) square feet
Two businesses- Sixteen (16) square feet
More than two businesses- Twenty-four (24) square feet

Projecting sign:
Maximum area - Twelve (12) square feet
Maximum projection- no more than five (5) feet from the face of the building and no higher than the wall to which the sign is attached

Wall Sign:
Maximum Area- not to exceed 15% of the wall area to which the sign is attached
Maximum height- top of the wall to which the sign is attached
Maximum projection- no more than twelve (12) inches from the face of the building

Window Sign:
Maximum area- no maximum

b. Banner for commercial uses

One banner with the word "sale" or "open" or a decorative banner (logo or symbol) appropriate to the use may be permitted on a commercial lot, provided that:

1. The size of the banner may not exceed three (3) feet X five (5) feet

2. The location of the banner shall not obstruct traffic sight lines and the location shall be approved by the ZEO

3. The business owner shall apply for a zoning permit

c. Composite sign

A group of three (3) or more stores, offices, or other uses which are designed as a unit, such as a shopping center may as a part of the Special Permit process for the businesses request permission for the display of a composite sign.

The composite sign shall identify the commercial complex and its individual tenants and may be located at each entrance. The maximum area of the composite sign shall be determined by the Commission in consideration of the number of tenants, location of the sign in relation to the street, and the surrounding streetscape. No composite sign may exceed forty-eight (48) square feet.

d. Composite off-premise sign

In the GB zone a composite off-premise sign may be approved as a Special Permit by the Commission for the purpose of providing identification and direction to commercial uses which do not have frontage on a major public street. The Special Permit shall be subject to the following standards and requirements:

1. The composite sign shall be permitted at street intersections and shall be constructed and maintained as specified in the permit. The Planning & Zoning Commission shall request the review and comment of the Board of Selectmen on a proposed off-street sign located in a town-owned right of way and shall not approve such a sign where opposed by the Board.

2. The application shall include a rendering of the proposed sign and the applicant shall demonstrate to the satisfaction of the Commission that the height, size, location, and lighting meets the standards of the Town of Cornwall Zoning Regulations.

11.2 Off-street Parking Standards (58)

a. All developed lots shall have parking spaces made of all weather surfacing that is located off of the public right-of-way. Each parking space shall be nine (9) by eighteen (18) feet and have adequate maneuvering area and unimpeded access to a public right-of-way. Commercial parking shall adhere to the accessibility requirements of **CGS Chapter 248 Section 14-253a**.

b. All required parking shall be located on the same lot as the building that it serves. In some instances, non-residential parking may be located within 500 feet of the building served.

c. Parking spaces shall be provided according to the adjacent **Minimum Parking Requirements Table.**

10.3 Off-street Loading

On any lot developed for business, industrial, and/or institutional uses there shall be adequate space located on the lot for the loading and unloading of goods and materials. In determining the adequacy and suitability of the location, the Commission shall consider the nature of the use, volume of vehicular and pedestrian traffic, and the location of the principal building in relation to the street.

TOWN OF CORNWALL
MINIMUM PARKING REQUIREMENTS

PERMITTED USE	PARKING REQUIRED
Single-family residence	Two (2) spaces
Accessory apartments	According to ***Sec 9.1***
Home Businesses	Maximum set by ***Sec 9.6***
Retail Stores/ Personal Service Establishments	One (1) space for every 100 sq ft of business floor area (*exclusive of storage space*)
Restaurants and/other eating establishments	One (1) parking space for every four (4) seats
Office, financial establishments, and other professional services	One (1) parking space for every 250 square feet of floor area *(exclusive of storage space)*
Industrial Uses	One (1) space for every 500 sf of gross floor area or for every two (2) employees, whichever is greater
Hotels, Motels, and/or Inns	One (1) space for each guest unit and one space for every two (2) employees
Churches, lodges, and other places of public assembly	One (1) space for every five (5) seats
Hospital, assisted living, and/or nursing homes	One (1) space for every (3) beds
Institutions, recreational facilities, and/or similar uses	One (1) space for every three (3) occupants

ARTICLE 12

LOT DEVELOPMENT STANDARDS

These specific standards are to be considered during the development of a lot within any zone.

12.1 Access (p 21)
a. Each lot shall have one accessway that meets the standards of these Regulations. An accessway shall be defined as a minimum corridor of land suitable for the location of a driveway connecting a street located in the Town of Cornwall and the principal building or use on the lot.

b. The purpose of this regulation is to ensure that all lots with a principal building or use located in the Town of Cornwall have a convenient, safe, and suitable means of access and egress to the Town's system of public highways and streets.

c. **Minimum Requirements.** All accessways shall meet the minimum requirements:

1. Minimum Width. The minimum width of any accessway shall be fifty (50) feet. This minimum width requirement shall apply at all points along the accessway, which begins at the street line.

2. Accessway and Lot Area. For any lot with an accessway which has a width of fifty (50) feet or less at any point (such as a flag lot), the area of the accessway shall not be included when calculating the lot area.

3. Location and Design. Accessways shall be located and designed to accommodate a driveway, which are subject to the standards specified in **Section 12.7.** Lots in subdivisions shall also meet the requirements for Driveways and Accessways as set forth in the Subdivision Regulations.

12.2 Common Accessways *(pg 46)*
a. Specific Requirements
Any lot served by a private street or two (2) lots served by a common accessway may be permitted by the Commission subject to the following requirements:

1. The accessway shall not be less than fifty (50) feet wide at all points.

2. The portion of the lot used as a shared accessway shall be owned by the party granting its access. A deed provision granting access to neighboring lot(s) shall be submitted by the accessway's owner, filed on the Town's Land Records, and accepted by the Town.

3. In no case shall the area of the common accessway be included in the calculation of the minimum required lot area by the party that doesn't own the lot yet uses it via an agreement.

4. No common accessway shall intersect within a minimum of two-hundred fifty (250) feet of another common accessway intersection.

12.3 Erosion & Sedimentation Control Plans *(pg 29)*

a. Applicability

When the cumulative area of a proposed development to be disturbed is greater than one-half acre, a erosion and sediment control plan shall be submitted for certification.

A single-family dwelling that is not a part of a subdivision shall be exempt from these regulations.

A lot in a subdivision shall be subject to the requirements for an erosion and sedimentation control plan both as part of the subdivision approval and as part of the application for a zoning permit.

b. Definitions

Certification. Approval by the Cornwall Planning & Zoning Commission for a compliant erosion and sedimentation control plan

Disturbed Area. Area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion

Erosion. The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity

Inspection. Periodic on-site review of conditions in the field

Sediment. Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion

Soil. Any unconsolidated material or organic matter

c. General Requirements

The applicant shall illustrate and narrate the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based on The Connecticut Guidelines for Erosion and Sediment Control (2002), as amended.

d. Specific Requirements

The erosion and sedimentation control plan must include a narrative that explains the following:

1. Description of the proposed project

2. Project Timeline for:
a. all major construction activities, including an indication of the anticipated project start date and project completion date
b. creating and stabilizing disturbed areas
c. grading operations
d. applying erosion and sedimentation control measures

3. Design criteria, construction details, detailed installation/application procedures and maintenance program for soil erosion and sedimentation control measures.

4. The erosion and sedimentation control plan must also include a site plan that indicates:
a. existing and proposed topography
b. within the disturbed areas: topography contours at no less than two (2) foot contour intervals based upon a field delineated survey of A-2 quality
c. proposed site alterations- disturbed and cleared areas and those to be filled or graded
d. location of the erosion and sedimentation control measures

e. Approval Process & Plan Implementation

Prior to certification, any erosion and sedimentation control plan may be reviewed by the Northwest Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the Commission's receipt of the plan.

The following standards shall apply:

1. Soil erosion and sedimentation control measures shall be installed as scheduled and according to the certified plan. The Commission may require a performance bond to guarantee completion of the proposed erosion and sediment control measures.

2. All control measures shall be maintained in effective condition to ensure the compliance of the certified plan.

3. Inspections by the Commission or its authorized agent during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed, and maintained.

12.4 Excavation of Earth Materials

a. Intent & Purpose

These regulations shall be applied to promote the following purposes:

1. To regulate and control the excavation and removal of soil, loam, sand, gravel, clay, rock, and/or any other earth material from land on premises in the Town of Cornwall.

2. To control and regulate all excavation and removal of earth materials so as to prevent the creation of any safety or health hazard, including but not limited to soil erosion, stagnant water, water pollution, excessive drainage run-off to adjoining or adjacent property and to preserve land values.

b. **Definitions**

Excavation. The severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil, or any other earth material.

Topsoil. Earth materials, including loam, which are arable and constitute the surface layer or earth material.

c. Exemptions

Permits under this section shall not be required for:

1. The construction of a well, driveway, utility line, fence, approved subdivision road, or the landscaping of the premises when in conjunction with a use permitted by the zoning regulations, and provided said construction does not result in the removal of more than 300 cubic yards of earth materials from the premises.

2. Earth material moved from one area to another on the same lot, when it is reasonably necessary for the purpose of farming or landscaping.

3. An excavation which is made solely for a foundation or a cellar hole, provided that no more than three-hundred (300) cubic yards of earth material is removed from the premises, not including an amount equal to the volume of the building or other structure being constructed below grade.

d. Prohibited use

No new commercial earth excavation operations are permitted in any zones in the Town of Cornwall (as of January 1, 1998).

12.5 Stormwater Management

a. Intent & Purpose

Stormwater management involves the use of natural methods to control and treat stormwater run-off such as land conservation measures, treating stormwater run-off movement using vegetation and landscape features, use of other multiple natural based, non-structural measures to reduce and cleanse run-off and prevent pollution. Examples include rain gardens, grass swales, cisterns, and rain barrels.

b. General Requirements.

When development occurs in the Inner Corridor of the Housatonic River Overlay Zone (**See Article 8**), Stormwater Management Plans shall be designed to meet Low Impact Development (LID) standards and principles.

The plan shall be prepared by a Connecticut registered engineer and include plan views, profiles, sections, and typical details of all stormwater control system components at adequate scale(s) and contain sufficient detail to clearly depict the intent of the design details for construction and installation, dimensions, and materials (including plantings and landscape plans).

c. Principles of Low Impact Development (LID)

1. Encourage open space and water conservation measures by focusing open space preservation along and near river banks, vernal pools, and critical river corridor habitats, as well as encourage land connections between protected open spaces, woodlands, and other natural areas;

2. Reduction of impervious areas by disconnecting impervious surfaces to the maximum extent practical to encourage overland flow conditions across vegetated surfaces and by using permeable pavement, porous concrete, and/or open course pavers;

3. Slowing and treating run-off by landscape features and by preserving soils with moderate to high infiltrative capacities;

4. Use of multiple measures to reduce and cleanse run-off by designing plans that minimize land clearing, soil disturbance, and soil compaction;

5. Pollution prevention by incorporating low maintenance landscaping and native plantings which will minimize the use of fertilizers and pesticides;

12.6 State Highway Connection

Where an application involves a proposed street, driveway, or storm drainage system that joins a state highway, the applicant shall present to the Commission a copy of a letter or other evidence that the construction plans and an application for a permit have been approved by the Connecticut Department of Transportation.

12.7 Streets & Driveways

a. Specific Requirements

The following standards shall be met when a project involves the creation of a new driveway:

1. All buildings and uses shall be located as to be accessible by emergency vehicles.

2. Only one (1) driveway shall be permitted to serve an individual lot.

3. Applications for a driveway zoning permit shall include a sketch or drawing showing the proposed location of the driveway and the work to install it. The sketch or drawing shall be in sufficient detail to facilitate an on-site inspection by the ZEO. The Commission may require the submission of detailed plans, specifications, and other engineering data with the application when deemed necessary. The Commission may also forward proposed driveway plans to the Cornwall Volunteer Fire Department, Board of Selectmen, the Public Works Road Foreman, or other parties to review.

4. Where an application involves a proposed driveway that intersects a town street, no zoning permit shall be issued until the applicant provides a copy of the "Permit to Disturb a Town Highway" from the Cornwall Board of Selectmen. Driveways shall be provided with a bituminous concrete apron or equivalent within the street right of way (not required if the existing street is not paved). No driveway shall be closer than forty (40) feet to another driveway on the same side, nor closer than fifty (50) feet from a street corner. The Commission may require drainage improvements necessary to prevent surface water runoff from adversely affecting neighboring properties or town streets.

5. No driveway shall contain any portion having a grade greater than fifteen percent (15%) along the length. All portions of driveways with slopes over ten percent (10%) shall be paved to a minimum width of eight feet with bituminous concrete asphalt or equivalent. An A-2 survey verifying the elevations may be requested by the Zoning Enforcement Officer to determine compliance.

6. Any driveway with slopes exceeding ten percent (10%) shall have a detailed design prepared by a Professional Engineer which addresses location, existing and proposed grades, drainage, base materials and paving, erosion controls, and construction details. Where paved driveways are installed they shall be crowned and pitched to direct run-off flow to adjacent porous areas such as grass, vegetated swales, or filter strips.

7. A turnaround area shall be provided on each lot to avoid backing into the street. Driveways shall have a minimum radius of centerline curvature of fifty (50) feet to accommodate emergency equipment.

8. All driveways shall have a minimum travel way width of eight (8) feet, and a minimum cleared width of twelve (12) feet for emergency vehicle passage. In addition, all driveways shall have a vertical clearance between the ground and any overhead obstruction of at least twelve (12) feet for the entire length of the driveway.

9. Every reasonable precaution shall be exercised throughout the period of driveway construction to prevent, control, and abate erosion, siltation, sedimentation, and pollution of all waters. The type of sedimentation control system shall be at the contractor's option unless the Zoning Enforcement Officer orders a specific type of sedimentation control system. Driveway side slopes shall not exceed a slope of three horizontal to one vertical (3:1) unless retaining walls or other stabilizing measures are provided.

10. Any driveway over 300 feet in length shall be designed to permit a fire truck to turn around and exit going out in a forward direction.

1.1. A maximum of (2) two lots may be served by a common driveway. Within the R-3 and/or R-5 zone, the Commission may allow by special permit not more than four (4) lots to be served by a private street in accordance with Section 6.5 of the Cornwall Subdivision Regulations.

12. Roadways providing access to more than four (4) lots shall be public roads, except the Commission may permit up to eight (8) lots on a private street in a Planned Conservation Zone (***See Section 9.5***).

12.8 Water Supply

Where an application involves connecting to, or the creation or expansion of a water company owning, leasing, maintaining, operating, managing or controlling any pond, lake, reservoir, stream or distribution system for the purpose of supplying water on a regular basis to no fewer than 15 service connectors or 25 persons, and to no more than 250 service connectors or 1,000 persons, then a copy of the Certificate of Public Convenience from the Connecticut Department of Public Utility Control and the Connecticut Department of Health Services shall be submitted to the Commission as a part of the zoning permit application.

ARTICLE 13

ADMINISTRATION & ENFORCEMENT

13.1 Violations and Penalties

a. If any building or structure is erected, constructed, altered, converted or maintained, or any building, structure or land is used in violation of any provision of these Regulations, the Commission or the Zoning Enforcement Officer, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.

b. The owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed, or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who maintains any building or premises in which any such violation exists, shall be fined not less than ten nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred and fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases.

c. Any person who, having been served with an order to discontinue any such violation, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of these Regulations specified in such order shall be subject to a civil penalty of two-thousand five-hundred dollars ($2,500), payable to the Treasurer of the Town of Cornwall.

13.2 Appeals and Variances

a. Any person may appeal to the Zoning Board of Appeals when it is alleged that there is an error in any order, requirement, or decision made by the Commission or the Zoning Enforcement Officer related to the enforcement of these Regulations.

b. Any person seeking a variance from the literal enforcement of these Regulations may apply to the Zoning Board of Appeals for a variance.

13.3 Amendments

Amendment of these Regulations, including the Zoning Map, maybe petitioned by any person or persons, or may be initiated by the Commission. Amendments shall be made in accordance with CGS Chapter 124 Section 8-3.

13.4 Separability

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

ADDENDUM

LIST OF REGULATION ADMENDMENTS

TOPIC	EFFECTIVE DATE
Signs, Industrial Zones, home businesses	April 4, 1956
Signs	June 25, 1958
Sand & Gravel	August 4, 1958
Minimum Widths & Boundaries	March 12, 1962
Cornwall Hollow Lot Size	March 2, 1964
Landscape Services	May 20, 1968
Earth Removal added to General Business District	April 28, 1970
Business District	May 14, 1970
Earth Removal	May 22, 1970
Minimum widths & Lot sizes	February 17, 1975
Industrial Zone	August 9, 1976
Signs	April 27, 1977
Flood Insurance	June 13, 1977
Bed & Breakfast Establishments	October 9, 1984
Eliminate Garden Apartments	October 9, 1984
Accessory Apartments	October 17, 1984
Minimum floor area, lot sizes for multi-family	October 22, 1984
Remove Room & Board Establishments	November 13, 1984
Apartments in Business Buildings	January 14, 1985
Site Plans	June 10, 1985
Erosion & Sedimentation Control	June 10, 1985
Conversion to Apartments	July 8, 1985
Town-sponsored & Non-profit Multi-family Housing	April 11, 1988
Non-conforming uses on Route 7 & Accessway	December 12, 1988
Signs	August 9, 1999
Cell Towers	April 10, 2000
Driveways	June 12, 2001
Street *(definition)*	June 12, 2001
Zoning Map	July 11, 2001
Farmers' Markets	January 18, 2022
Accessway, buildable area, flag lot, lot width, and front lot-line	October 1, 2003
Accessory Apartments	April 30, 2005
Affordable Multi-family Housing	April 17, 2009
Dwelling unit maximum (6-10)	December 23, 2010
Livable floor area *(definition)*	May 27, 2012
Housatonic River Overlay Zone	August 1, 2014
Applicability of Erosion & Sedimentation Control Plan	August 1, 2014
Buffer Strip, Ordinary High Mark, Buildable Area *(definition)*	August 1, 2014
Low Impact Stormwater Control Measures	August 1, 2014
Intent & Purpose to include "*economic health*"	August 1, 2016
Farmers' Markets	August 1, 2016
Off-Street Parking	August 1, 2016
Accessory Apartments	August 1, 2016
Bed & Breakfast Establishments	August 1, 2018
Farms	April 19, 2019
Attainable Housing Cuts	January 1, 2021
Home Businesses	July 1, 2021
Accessory Dwelling Units (Section 10.1)	January 1, 2024
Duplexes, Triplexes, and Multifamily Housing	July 1, 2024
Definition of "structure" and maximum height	December 1, 2024
Buildable Area Definition	September 1, 2025

Prepared by Janell M Mullen
on behalf of the Town of Cornwall Planning & Zoning Commission