

Town of Waterford Existing Zoning Regulation 3.36

3.36 ACCESSORY APARTMENTS: (Effective 08/03/93)

Accessory apartments shall be permitted in all Village Residential, R-20, R-40, RU-120, NB, NBPO, CG, CT and OS zoning districts in accordance with the standards contained herein, subject to the issuance of a Zoning Compliance Permit

3.36.1 Submission Requirements

The Zoning Compliance Permit application shall be of sufficient detail to determine compliance with the standards of Section 3.36.2 and shall include at a minimum, the following information:

3.36.1.1 Required application form, completed, signed, and dated accompanied by a Zoning Compliance fee, in accordance with Chapter 16.08 of the Waterford Code of Ordinance (see Section 26.6)

3.36.1.2 A copy of the deed for the subject parcel.

3.36.1.3 A sworn, notarized statement from the applicant that they will reside at the subject premises as a condition of maintaining the validity of the accessory apartment. This statement shall be placed on the Land Evidence Records against the name of the owner and shall only be released upon removal of the Accessory Apartment or replacement with a similar statement executed by a subsequent owner.

Failure to comply with the owner occupancy requirements herein shall be deemed a violation of these regulations.

3.36.1.4 Two sets of floor plans and building elevations, drawn to scale, indicating the interior and exterior use and appearance of the building both before and after the establishment of the apartment. Exterior elevations shall indicate the type and color of siding existing and proposed, and other similar features. If no exterior building improvements are proposed, building elevations are not required.

The plan shall include a calculation of floor area for the existing home and apartment with respect to compliance with Section 3.36.2.5

3.36.1.5 Two sets of a site plan drawn to scale that indicate the location of any existing and proposed structures on the parcel, the existing and proposed utilities to service the home and apartment, parking and drive areas, and any other pertinent information as deemed necessary by the Zoning Enforcement Officer. If external site improvements are proposed, a determination of whether any regulated Inland Wetlands or Watercourses are on site must be made prior to submitting the formal application for a Zoning Compliance Permit.

3.36.2 Design Standards:

3.36.2.1 Each accessory apartment must be created within or attached to a single-family dwelling and there may be only one accessory apartment permitted for each single family dwelling. An accessory apartment is not permitted if the lot already contains an accessory dwelling unit permitted in accordance with Section 3.39 of these Regulations.(Revised 6/30/13)

3.36.2.2 The owner of the residence with which the accessory apartment is associated must occupy at least one of the dwellings.

3.36.2.3 All new construction shall meet all percent coverage, required minimum setback, and height requirements, applicable to principal structures for the zoning district in which the accessory apartment is to be located, with the

exception of pre-existing non-conforming building setbacks pursuant to Section 24.4.1b.

- 3.36.2.4 Accessory apartments are permitted to be serviced by the same water and sewer/septic system serving the principal residence, as long as it meets current Public Health Code requirements.
- 3.36.2.5 The accessory apartment shall clearly be the secondary and subordinate use and its maximum floor area shall not exceed 850 square feet or 25% of the combined floor areas of the single family dwelling and the accessory apartment, whichever is less. Section 3.5 shall be used for purposes of calculating floor area. Each accessory apartment shall meet the minimum floor area requirements of the current Building Code.(revised 8/19/10)
- 3.36.2.6 Off-street parking shall be provided for all accessory apartments and the single family dwelling unit in accordance with Section 20.3.a. Parking and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities.
- 3.36.2.7 Each accessory apartment shall have its own independent bathroom and kitchen facilities and shall comply with all other applicable building, housing, and health codes.
- 3.36.2.8 The building to be converted shall comply with all applicable state, local, health, building, and housing codes after conversion and shall maintain the exterior appearance and architectural style (roof line, roof pitch, building materials, colors, window style and spacing, etc) of the existing principal residence. Apartments created through conversion, shall include separation of entrances or incorporation as one entrance to both the principal and accessory apartment, so that the entrances reflect a single family unit architectural style.