

TOWN OF MARBLETOWN
LEGAL NOTICE

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Marbletown on Tuesday, January 18, 2022 at 6:00pm local time Via Zoom (contact town offices for Zoom information) or at the Rondout Municipal Center, 1925 Lucas Ave, Cottekill NY, to hear all interested parties regarding a proposed Local Law of 2022 known as the Accessory Apartment Law. Please take further notice that copies of the proposed Local Law are available for review on the Town's website.

By order of the Town Board of the Town of Marbletown

Heather Moody, Town Clerk

Dated: January 9, 2022

Accessory Apartment Law Town of Marbletown



Local Law No. __ of 2022 Accessory Apartment Law is intended to supersede and replace Local Law # 1 of 2019.

SECTION I. SHORT TITLE AND PURPOSE

This Local Law is to be known as the **Local Law __ of 2022 Accessory Apartment Law**. This Law amends the Zoning Law to revise and replace the existing provisions of the Town of Marbletown Code, as it applies to Accessory Apartments. It is the intent of the Town of Marbletown to expand upon and clarify provisions of Local Law # 1 of 2019. The intent of this law and Local Law # 1 2019 was to allow for expanded opportunities through the creation and development of affordable housing, housing for local workers, young residents and to create housing opportunities that support the retention of senior residents who no longer require larger homes but wish to remain in the community.

SECTION II. LEGISLATIVE FINDINGS

The Town Board of the Town of Marbletown hereby adopts and makes the following findings:

1. The Town Zoning Law is in need of revision to ensure compliance with the policies and objectives of the Town Comprehensive Plan and other related plans proposed and adopted in recent years.

SECTION III. AMENDMENTS TO EXISTING SECTIONS OF THE CODE

The following sections of the Town of Marbletown Zoning Code shall be amended as follows:

§200-13. ACCESSORY APARTMENT– a dwelling unit, which contains cooking, sanitary and sleeping facilities, contains a minimum of 350 sq. ft. of habitable space as defined by the Property Maintenance Code 2015 of New York State, with a maximum of 900 sq. ft., contained within the primary residential structure or an approved detached structure.

§200-46.D.(15), Apartments accessory to the principal permitted residential use and **on** the same parcel are permitted in all districts, except that they shall not be allowed in the I-1 District and a Special Use Permit shall be required in the SR districts. **Exterior modifications to existing structures or the construction of a new detached structure, to house an Accessory Apartment, in the SR District shall require a Certificate of Appropriateness providing conformity with the District Design Guidelines.**

§ 200-59 (B) shall be supersede and Accessory Apartments shall be allowed.

§200-8 Schedule of Use Regulations

Accessory Apartments under Accessory Uses shall be modified to reflect their being Permitted in all districts except the I-1 shall remain disallowed. Accessory Apartments in the SR District shall

require a Special Use Permit (SU) and a Certificate of Appropriateness for new construction and the exterior modification of existing structures.

SECTION IV, ACCESSORY APARTMENT

1. Accessory Apartment shall be allowed in the principal residence (a common foundation or connected to the principal structure), shall be required to comply with the required minimum lot area of the zoning district in which it is located or be a pre-existing non-conforming (undersized) lot and shall not require any additional lot area for the Accessory Apartment. Only one Accessory Apartment unit per property shall be eligible for such provision.
2. An Accessory Apartment located in a legal detached structure, shall comply with the required minimum lot area of the zoning district in which it is located, or
 - a. In the event, that the parcel is an existing undersized lot with more than 50% of the minimum area required under the existing zoning district, and where the detached structure is legally permitted and in existence prior to the adoption of Local Law # 1 of 2019, the Accessory Apartment shall be allowed. On any such lot, new construction may be permitted for an Accessory Apartment provided that the structure meets the setback requirements of the District and does not create a non-conforming bulk in relation to lot coverage.
 - b. For existing undersized lots that are less than 50% of the area required, under the existing zoning district, and where the detached structure is legally permitted and in existence prior to the adoption of Local Law # 1 of 2019, the applicant may apply to the Zoning Board of Appeals for an area variance.
 - c. Additional dwelling units on the same property may be constructed but shall be subject to the provisions of §200-24.A. **§200-24.A Allows up to three dwelling units/single family dwellings, the one additional accessory apartment allowed under this provision would be in addition to the currently allowed maximum of three dwelling units per parcel, if fully developed the parcel would contain four dwelling units.**

3. Guidelines

- a. Owner Occupancy. The owner of the property on which an Accessory Apartment is located shall maintain their primary domicile in either the principal residence or the Accessory Apartment on the subject property.
- b. Building Permit / Certificate of Occupancy. An Accessory Apartment will not be granted a building permit where a current building violation exists, unless the legalization or creation of the Accessory Apartment will cure the violation.
- c. Setback Requirements. For any detached structure where a new Accessory Apartment is proposed must meet the required setbacks for the Zoning District, in which it is located, or be granted an area variance

- d. Minimum Structure Size. No accessory apartment shall be located in a one-family dwelling unless the dwelling contains the minimum required habitable floor area of 1,600 square feet. This shall apply to new or existing one-family dwellings.
 - e. Maximum floor area- Accessory Apartment shall contain a minimum of 350 sq. ft, of habitable space as defined by the Property Maintenance Code 2015 Of New York State, with a maximum of 900 sq. feet.
 - f. Number of Accessory Apartments. There shall be no more than one Accessory Apartment per lot permitted under this subsection. Additional Accessory Apartments on a lot which meets area/bulk requirements shall be considered a dwelling unit/single family dwelling and subject to the provisions of 200-24 (A).
 - g. Exterior Appearance. Alterations to the principal residence to accommodate an Accessory Apartment shall be designed to retain its exterior appearance as a single-family dwelling, as viewed from the street. No more than 100 square feet may be added to the exterior of the principal structure to accommodate an Accessory Apartment. In a detached structure, the exterior of the structure shall retain a residential look from the street. Any structure that is locally landmarked by the historic commission and town board, must get a certificate of appropriateness from the historic commission for any exterior changes. An additional road cut for a new driveway is prohibited.
 - h. Water and Sewer Service. of the provision of an adequate water supply and sewage disposal shall be provided as meeting the standards provided by the Ulster County Board of Health.
 - i. Off-street Parking. In no case shall there be less than three parking spaces provided on site.
 - j. All Accessory Apartments shall have an annual fire inspections.
4. Termination. If the homeowner vacates one of the dwelling units, unless a relative takes residence, that unit should be subject to rental as an Affordable Unit. In the event that the owner transfers title to the dwelling to a person other than a relative or domestic employee of the homeowner, the permit and the use of the accessory apartment as such shall be automatically terminated, unless renewed and the new owner will occupy the premises.
5. Minimum Term of Rental. Detached accessory apartments shall be rented for a period of no less than 30 days in duration. Owners shall be required to provide proof of rental agreement including the duration of the period upon submission of the Operating Permit application to the Town of Marbletown. Fines for each violation shall be as follows: 1st time warning, second violation \$250.00 and \$500.00 for each subsequent violation.
6. Accessory Apartments located with new Subdivisions shall not be incorporated into the developed scheme within new subdivisions or planned developments unless such development proposal includes an affordable housing component that meets the Ulster County Fair Market Rent guidelines or the project is sponsored by a Housing Authority, RUPCO or complies with the annual maximum income levels established by to qualify for

affordable housing. The affordable units shall remain affordable for a minimum of 10 years.

SECTION IV. AMNESTY

Landowners for a period of 160 days from the date of Effectiveness of this local Law for all prior non-conforming and un-permitted Accessory Apartments may make application to the Town of Marbletown Building Department, without penalty, for the legalization of existing Accessory Apartments. All applications shall comply with the current law but applications will not be limited, restricted or included in the annual permit limitations.

SECTION V. ANNUAL PERMIT LIMITATION

Permits shall be issued on a first come first served basis but in no calendar year shall the Town of Marbletown issue more than Fifty (50) total permits for Accessory Apartments.

SECTION VI. SEVERABILITY

The invalidity of any provision of this Local Law shall not affect the validity of any portion of this Local Law which can be given effect without such invalid provision.

SECTION VII, EFFECTIVENESS

This Local Law shall become effective upon filing with the Secretary of State.