

# Local Law No. \_\_\_ of 2019

## Accessory Apartment Law Town of Marbletown

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The text of the proposed Local Law No. of 2019 Accessory Apartment Law is as follows:

### **SECTION I. SHORT TITLE AND PURPOSE**

This Local Law is to be known as the **Local Law \_\_\_ of 2019 Accessory Apartment Law**. This Law amends the Zoning Law to revise and replace the existing provisions of the Town of Marbletown Code

### **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. 2019 AMENDMENTS**

The Zoning Law of the Town of Marbletown shall be amended as follows:

#### **Section A, Accessory Apartments**

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

1. §200-13. ACCESSORY APARTMENT— a dwelling unit, which contains cooking, sanitary and sleeping facilities, and shall contain only one bedroom, contains a minimum of 350 sq. ft. of habitable space as defined by the Property Maintenance Code 2015 Of New York State, but not more than 35% of the gross floor area of the primary residence or 900 sq. ft., whichever is less and is contained within the primary residential structure or an approved detached structure.

2. §200-46.D.(15), Apartments accessory to the principal permitted residential use of 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 S-R E and S-R N districts in the event of exterior modification to the structure shall require a Certificate of Appropriateness permit.. It is the intent of this provision to expand affordable housing opportunities in the Town, particularly for small families and senior citizens, to allow more efficient use of residential and accessory structures, to provide expanded economic return to enable older homeowners to maintain their home and to provide options for local workers, young and older families, live-in help or health providers.

- a. Lot Area.

[1] An Accessory Apartment located in the principal residence (a common foundation or connected to the principal structure) on the site and complying with the following standards 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 lot but shall not require any additional lot area for the Accessory Apartment. Only one Accessory Apartment unit per property shall be eligible for such provision. Any additional dwelling units on the same property shall be subject to the provisions of §200-24.A.

[2] A lot on which an Accessory Apartment is located in an approved detached structure shall comply with the required minimum lot area of the zoning district in which it is located plus an additional one-half acre in the R-2 R3, SR, Districts or plus one additional acre in the R-1, A-2, A-3 or A-4 District.

[3] Any detached structure where an Accessory Apartment is proposed must meet the required setbacks for the District in which it is located or be granted an area variance.

- b. 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.
- ~~c. Age of Structure deleted~~
- c. Certificate of Occupancy. An Accessory Apartment may not be located on a property where a current building violation exists, unless the legalization or creation of the Accessory Apartment will cure the violation.
- d. 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, but not more than 35% of the gross floor area of the primary residence or 900 sq. ft., whichever is less.
- e. Number of Accessory Apartments. There shall be no more than one Accessory Apartment per lot permitted under this subsection
- f. 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.
- g. 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.
- h. Off-street Parking. At least one additional off-street parking space shall be provided for the Accessory Apartment. In no case shall there be less than three parking spaces on site.

### 3. §200-8 Schedule of Use Regulations

Accessory Apartments under Accessory Uses shall be modified to reflect their being Permitted in all districts except I-1 shall remain X and SR-E and SR -N shall be Permitted and Special Use Permit (SU) where exterior modification is required.

**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.

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