

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County _____
City of Taghkanic
Town _____
Village _____

FILED
STATE RECORDS

JUL 24 2024

DEPARTMENT OF STATE

Local Law No. 2 of the year 2024

A local law to adopt zoning regulations for accessory dwelling units in the
Town of Taghkanic

Be it enacted by the Town Board of the
(Name of Legislative Body)

County _____
City of Taghkanic as follows
Town _____
Village _____

See Attached Text

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No 2 of 2024 of the Town of Taghkanic was duly passed by the Town Board on July 8, 2024, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____, 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20____, and (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



Cheryl Rogers, Town Clerk

Date: July 8, 2024

(Seal)

Town of Taghkanic Local Law #2 of 2024

Accessory Dwelling Regulations

Section 1. TITLE. This local law shall be known as Local Law No. X of the Year 2024, a local law to adopt zoning regulations for accessory dwelling units in the Town of Taghkanic.

Section 2. LEGISLATIVE INTENT.

The Town of Taghkanic presently has a zoning law to regulate land use within the Town. The Town is currently revising and updating the Town's zoning law for present use. While that process is underway, the Town desires to adopt the regulations developed as drafted and proposed for Accessory Dwelling Units (ADUs), in order to expedite the benefit to residents of the Town by allowing the use of ADUs within the town where they not presently allowed. The Town Board believes that allowing such ADUs in the town is a benefit to housing within the town, and provides a benefit to the health, safety and welfare of town residents. This law is adopted pursuant to Article 16 of the New York State Town Law and the Municipal Home Rule Law.

Section 3. ENACTMENT.

DEFINITION: DWELLING UNIT, ACCESSORY: A second dwelling unit, subordinate to the Principal Dwelling Unit, with provisions for cooking, eating, sanitation and sleeping, either in an existing single-family dwelling or in a separate accessory structure on the same lot as the existing single-family dwelling, for use as a complete, independent living facility.

Use Table: Accessory Dwelling Unit: Shall be listed in the District Schedule of Use Regulations in all districts as (P*) a permitted use subject to site plan review and approval by the planning board.

Special Regulations for Accessory Dwelling Units.

- I. The Town of Taghkanic promotes housing opportunities for all households, including small households, and provides for an affordable housing marketplace by permitting accessory dwelling units in single-family homes and in accessory structures subject to Limited Site Plan Approval in accordance with the Zoning Law. Accessory Dwelling Units are permitted within an existing principal structure, an existing accessory building, or through new construction.
- II. All applicable requirements of the New York State Uniform Fire Prevention and Building Code and the New York State Multiple Residence Law shall be strictly met.
- III. Rental of any Accessory Dwelling Unit must be for at least 30 consecutive days.

Accessory Dwelling Units shall be permitted, provided the following conditions are met:

- a. Accessory Dwelling Unit in a Single-Family Dwelling (Existing or New Construction):
 - (1) Up to two (2) dwelling units (one principal and one accessory) are permitted in a single-family dwelling. The applicable lot shall comply with the minimum requirements of the Area and Bulk Regulations, for the Zoning District where it is situated.
 - (2) The owner of the home shall be required to reside in one of the units, either the principal or accessory dwelling unit. Within thirty (30) days of securing Site Plan Approval for an Accessory Dwelling Unit, the owner shall record against the deed to the subject property, a deed restriction running in favor of the Town of Taghkanic limiting occupancy of either the principal or the accessory dwelling unit to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Code Enforcement Officer prior to issuance of a Certificate of Occupancy for the Accessory Dwelling Unit.
 - (3) Accessory dwelling units shall not change the single-family residential character of the premises or the neighborhood. Any additional exterior entrances, which may be created within the single-family dwelling, shall be located at the side or rear of the structure.
 - (4) An accessory dwelling unit shall be subordinate to the principal dwelling unit and shall contain less than half of the total habitable area within the existing single-family structure or a maximum of one thousand (1000) square feet, whichever is less.
 - (5) The accessory dwelling unit shall be self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).
 - (6) The accessory dwelling unit may require approval by the Columbia County Health Department for a new on-site sewage disposal system, or, as may be applicable, a determination that any existing sewage disposal system is adequate to accommodate the additional demands of the Accessory Dwelling Unit. Adequate water supply shall be demonstrated to support the additional dwelling unit.
- b. Accessory Dwelling Unit in an Accessory Structure (Existing or New Construction):
 - (1) An accessory dwelling unit, when located in an accessory structure, should appear related to the principal dwelling unit. An accessory dwelling unit located in an accessory structure shall contain no more than seventy-five percent (75%) of the total habitable area within the existing single family structure or one thousand (1000) square feet, whichever is less.
 - (2) Parking for a principal dwelling unit with an accessory dwelling unit is a minimum of one and one-half (1.5) spaces per dwelling unit on-site and is designed and located to be convenient without encroaching on any required yard or setback area. For new construction, all on-site parking, whether provided in a garage or consisting of surface parking in a driveway, shall be set back at least ten feet (10') from the front façade of the principal dwelling unit. A shared driveway is required for both dwelling units.
 - (3) If created through conversion of an existing structure containing historic architectural features, the conversion should be accomplished in a manner that

preserves the historic architectural features of the structure. No exterior changes will be made that will hide historic architectural features or have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the structure, as determined by the Planning Board during its SEQR review of the Site Plan Application.

- (4) There shall be no further subdivision of any lot containing an accessory dwelling unit in an accessory structure unless such lot has the acreage to contain at least two hundred percent (200%) (i.e. at least double) of the acreage required for the district, and complies with all front, side and rear yard setback requirements for a principal dwelling unit within the Zoning District, as set forth in the Area and Bulk Regulations. The accessory dwelling unit shall additionally be located no closer to any front property line than the principal dwelling unit on the lot.
- (5) The accessory dwelling unit may require approval by the Columbia County Health Department for a new on-site sewage disposal system, or a determination that any existing sewage disposal system is adequate to accommodate the additional demands of the accessory dwelling unit in an accessory structure. Adequate water supply shall be demonstrated to support the additional dwelling unit.
- (6) The accessory dwelling unit in an accessory structure shall be self-contained, with separate cooking, sleeping, and sanitary facilities for use by the occupant(s).
- (7) The minimum distance between the principal dwelling unit and the accessory dwelling unit is thirty five feet (35') or equal to the height of the tallest building, whichever is greater.

Section 4. VALIDITY & SEVERABILITY.

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this local law.

Section 5. EFFECTIVE DATE.

This local law take effect immediately upon filled with the New York State Department of State.