

## **Town of Taghkanic Local Law #2 of 2024**

### **Accessory Dwelling Regulations**

Section 1. TITLE. This local law shall be known as Local Law No. 2 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.