

ACCESSORY DWELLING UNITS

INTENT AND PURPOSE

The stated intent and purpose of this chapter is to provide an efficient means of adding affordable housing stock within the Village of Catskill by allowing multiple dwellings on a single residential lot as provided for below.

Accessory dwelling units shall be allowed by special permit as an accessory use in the R1 , R2 and R3 Districts, provided that the following standards are met:

DEFINITION:

For the purposes of this chapter, an Accessory Dwelling Unit shall be defined as:

A self-contained dwelling unit accessory to a detached single-family dwelling having its own exterior entrance and which is subordinate to the principal residence, and shares no kitchen, living, sleeping, or sanitation facilities with the principal residence.

STANDARDS

1. An accessory dwelling shall be allowed as an accessory use to a detached single-family dwelling only.
2. An accessory dwelling may be located within the principal building or within an accessory building currently existing.
3. No more than one accessory dwelling shall be allowed per parcel.
4. The height of the accessory dwelling shall not exceed two stories.
5. The parcel on which the accessory dwelling is located shall have a minimum lot area of 10,000 square feet and a minimum lot width of 50 feet. The Planning Board may reduce this requirement in a proper circumstance on the condition that a detailed reasoning is provided therefor.
6. An accessory dwelling shall be clearly incidental and subordinate to the principal dwelling and shall not change the single-family residential character of the property or the neighborhood.
7. Any additional exterior entrances which may be created for an accessory dwelling located within a principal building shall be located at the side or rear of the building.

8. The property owner must occupy either the principal or accessory dwelling on the premises, and the special permit for the accessory dwelling shall be in effect only so long as either the principal dwelling or the accessory dwelling is occupied by the owner of record as their primary residence. If the owner of the single-family dwelling resides in a location other than the premises for a period of more than 180 days in a one-year period, the special use permit shall become null and void, and the premises shall revert to its original permitted use which existed immediately prior to the issuance of the permit.
9. The rented premises shall be occupied by an immediate relative (i.e parent, in-law, siblings, children) or by any other tenant provided the monthly rental does not exceed 125% of fair market rent, as published by the United States Department of Housing and Urban Development, and as published for the County of Greene by the NYS Division of Homes and Community Renewal, pursuant to RPL §214(15). The owner shall provide proof of such occupancy yearly by affidavit in a form as prescribed by the Code Enforcement Office. Any violation of these conditions shall render the Special Use Permit null and void and the premises shall revert to its original permitted use which existed immediately prior to the issuance of the permit.
10. The gross floor area of the accessory dwelling shall not exceed 35% of the gross floor area of the principal building, or 650 square feet, whichever is the more restrictive. The minimum floor area shall be 500 square feet.
11. The accessory dwelling shall have a maximum of one bedroom.
12. Adequate off-street parking for both the accessory dwelling and the principal dwelling shall be provided as set forth in § 4.6. However, only 1 space per bedroom shall be required for the accessory dwelling unit.
13. The accessory dwelling shall have safe and proper means of egress, clearly marked for the purpose of emergency services.
14. Stairways leading to any floor or story above the ground floor for an accessory dwelling located in a principal building shall be located within the walls of the building wherever practicable. Exterior stairways shall be located on the rear wall in preference to either side wall. In no instance shall an exterior stairway be located on any wall fronting a street.
15. The accessory dwelling unit must be hooked up to the municipal water and sanitary sewer system.

16. An accessory dwelling shall not be permitted on the same lot as a short-term rental or a Home Occupation.
17. The applicant shall complete an Special Use Permit Application for Accessory Dwelling Unit on a form prescribed by the Code Enforcement Office.
18. Site plan review shall be waived for Accessory Dwelling Unit Special Use Permit Applications except in the case that the Planning Board determines that the circumstances dictate site plan review. In such a case as a site plan review is deemed necessary, the Planning board shall provide a written decision to the applicant stating the reasons therefor.
19. The provisions of the New York State Uniform Fire Prevention and Building Code shall apply to the accessory dwelling.
20. The owner of the property shall sign an affidavit attesting to their understanding of the provisions and penalties of this chapter prior to any permit being issued.
21. The provisions of this chapter shall be enforced by the Code Enforcement Office of the Village of Catskill and in accordance with Article XII of the Zoning Code of the Village of Catskill.
22. Violation of this chapter shall be subject to a fine of not less than (\$25.00) or more than one hundred (\$100.00) for each day the violation continues.
23. In the case of a rent overcharge pursuant to the formula above, the excess rent charged and paid shall be refunded to the tenant with interest at the statutory rate.
24. In any enforcement proceeding, the Village shall be entitled to all costs and fees incurred therein, including reasonable attorneys fees.