

VILLAGE OF CHATHAM

Local Law No. ___ of 2024

A Local Law to Amend the Table of Use Regulations in Relation to Accessory Uses

Draft amended February 26, 2024

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM AS FOLLOWS:

Section 1. Legislative Findings and Intent.

Prior to the enactment of major revisions to the Village of Chatham Zoning Code in 2019, the use entitled “Customary accessory structure and/or use” was a permitted use. Subsequent to the adoption of the 2019 Zoning revisions, “Customary accessory structure and/or use” became subject to site plan review in all cases. The Board of Trustees finds that it is unduly burdensome to require customary accessory structures or uses serving one and two-family residences to obtain site plan review. This local law is enacted to remove undue burdens upon property owners for ordinary residential accessory uses and structures while preserving review for non-residential or atypical accessory uses or structures, and to clarify what accessory uses and structures are and are not subject to additional review.

§ 2. The following definition is added to section 110-5 of Chapter 110 of the Code of the Village of Chatham:

ACCESSORY STRUCTURE OR USE, CUSTOMARY RESIDENTIAL: “Customary residential accessory structure and/or use” as referenced in the Table of Use Regulations is an accessory structure or use subordinate to, and on the same lot as, a one-family or two-family residential dwelling and consists of the following accessory structures or uses only: fences and walls, sheds or other accessory buildings not exceeding 240 square feet in gross floor area or 12 feet in height which are used only for non-commercial purposes, above-ground pool, detached porches, patios, decks, carports not exceeding 240 square feet in coverage and garages not exceeding 288 square feet in gross floor area or 15 feet in height, gardens, landscaping, and other lawful non-commercial use of the premises by the residents of the dwellings and their guests that does not require a building permit and is not otherwise regulated by the Table of Use Regulations or this Chapter, and occasional activities such as yard sales, bake sales, and other activities that may have a *de minimis* commercial aspect. Attached porches, patios, decks, garages or other structures, and roof-mounted solar panels, are deemed to be part of the principal structure or building to which they are attached and are not deemed to be accessory structures or uses.

§ 3. The following definitions within section 110-5 of Chapter 110 of the Code of the Village of Chatham are amended to read as follows:

ACCESSORY STRUCTURE: A building or structure incidental to and located on the same lot occupied by a principal building or structure, erected and used for purposes related and subordinate to the use of such principal building or structure.

ACCESSORY USE: A use incidental to and located on the same lot occupied by a principal use, for purposes related and subordinate to such principal use, which is not otherwise regulated by the Table of Use Regulations or this Chapter.

HOME OCCUPATION: A commercial, business, or professional use that is incidental and clearly subordinate to an existing residential use, conducted within a bona fide residence of the principal practitioner of the occupation, or in an accessory building thereto which is normally associated with the residential use. Furthermore, the home occupation does not change the residential character of the dwelling unit or vicinity, nor result in any exterior evidence of such secondary use beyond what may be permitted in this Chapter, along with a sign in accordance with *Article XI, Sign Regulations*.

§ 4. Subsection (3) of subdivision C. (“Applicability”) of section 110-16 of the Code of the Village of Chatham, is amended to read as follows:

- (3) In addition to the requirement to obtain site plan approval, as set out in the Table of Use Regulations, accessory uses or structures used in connection with a special permit use shall be subject to the same approval requirements as the principal structure or use and to the amendment provisions of subdivision M of this section.

§ 5. Subdivision A. of section 110-24 of the Code of the Village of Chatham, entitled “Location,” is amended to read as follows:

- A. Accessory uses and structures shall not be located in the required front yard except as explicitly permitted by this chapter. Such structures may be located within a required side yard and/or rear yard, provided that they are not located closer than six feet to any side or rear lot line and they do not exceed 15 feet in height and/or 288 square feet in gross floor area. Accessory structures exceeding either of these conditions shall not be closer than 10 feet to any side or rear lot line. Notwithstanding the above, an accessory dwelling shall be subject to the specifications of the Density Control Schedule as it applies to a 1 or 2 family dwelling in the district in which it is located.

§ 6. The Table of Use Regulations (Attachment 1) of Chapter 110 (“Zoning”) of the Code of the Village of Chatham is amended as follows:

The use “Customary accessory structure and/or use” is deleted from the Table of Use Regulations.

The use “Customary residential accessory structure and/or use” is added as an “Other” use permitted by right in the R and SR zoning districts and requiring site plan review in all other zoning districts.

The use “Other accessory structure and/or use” is added as an “Other” use requiring site plan approval in all zoning districts.

§ 7. Statement of Authority

This law is enacted pursuant to the authority of NY Municipal Home Rule Law, including but not limited to M.H.R.L. sections 10, 20 and 27, and sections 4-412 and 7-700 of the NY Village Law.

§ 8. Effective Date.

This local law shall become effective immediately upon filing with the Secretary of State.