

LOCAL LAW NO. ____ OF 2018

TOWN BOARD
TOWN OF NEW CASTLE
LOCAL LAW TO AMEND
CHAPTER 60, ARTICLE IV, SECTION 410, SUBSECTION H(5)(c)[1] OF THE
CODE OF THE TOWN OF NEW CASTLE

A LOCAL LAW to amend Chapter 60, Article IV, Section 410, Subsection H(5)(c)[1] of the Town Code of the Town of New Castle concerning requirements for construction, alteration or enlargement of accessory apartments in one-family residence districts

BE IT ENACTED by the Town Board of the Town of New Castle as follows:

Section 1. Chapter 60, Article IV, Section 410, Subsection H(5)(c)[1] of the Code of the Town of New Castle entitled “Requirements for construction, alteration or enlargement” is hereby amended as follows:

§ 60-410 District Regulations.

H. Multifamily districts.

- (5) **Accessory apartments in one-family residence districts.** It is the specific purpose and intent of allowing accessory apartments on one-family properties in all one-family residence districts to provide the opportunity and encouragement for the development of small, rental housing units designed, in particular, to meet the special housing needs of single persons and couples of low and moderate income, both young and old, and of relatives of families presently living in New Castle. Furthermore, it is the purpose and intent of this provision to allow the more efficient use of the Town's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to protect and preserve property values. To help achieve these goals and to promote the other objectives of this chapter and of the Town Development Plan, the following specific standards are set forth for such accessory apartment uses:

...

(c) Apartment size. The floor area for an accessory apartment within a principal dwelling building shall be at least 300 square feet, but in no case shall it exceed the lesser of 1,000 square feet or 30% of the total area of the dwelling building in which it is located, unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the characteristics of the particular building, which may include but not be limited to consideration of its existing floor plan and structural characteristics. The floor area for an accessory apartment located in an accessory building shall be at least 300 square feet, but in no case shall it exceed 1,000 square feet. There shall be no more than two bedrooms in any accessory apartment.

[1] Requirements for construction, alteration or enlargement:

[a] A principal dwelling building may be altered, enlarged or constructed to accommodate an accessory apartment, provided that such alteration, enlargement or construction conforms to the other requirements of this chapter, unless a variance therefor shall be granted by the Zoning Board of Appeals ~~upon a showing of unnecessary hardship as required for the granting of a use variance under § 60-540D(2)(b).~~

[b] An accessory building may be altered, enlarged or constructed to accommodate an accessory apartment, provided that such alteration, enlargement or construction conforms to the other requirements of this chapter, unless a variance therefor shall be granted by the Zoning Board of Appeals ~~upon a showing of unnecessary hardship as required for the granting of a use variance under § 60-540D(2)(b)~~ and, if such alteration or enlargement is of an existing accessory building, the Planning Board finds that such alteration or enlargement is warranted by the characteristics of the particular building, which may include but not be limited to consideration of desirable functional and aesthetic modifications, and will not produce a result that is inconsistent with the purposes of this chapter.

...

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 60 of the Town Code of the Town of New Castle is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the Town of New Castle and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of New Castle; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. This local law shall take effect immediately upon filing with the Office of the Secretary of State.