

LOCAL LAW NO. 13-2023

**TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK**

**A Local Law Making Amendments To Chapter 203 Of The Code Of The Town Of
Amherst, Also Known As The Zoning Ordinance.**

Be it enacted by the Town Board of the Town of Amherst as follows:

Section 1. Title

This Local Law shall be referred to as, “A Local Law to Amend Chapter 203 of the Code of the Town of Amherst, Also Known As The Zoning Ordinance; Text Amendments to the standards for the establishment of Accessory Dwelling Units.

Section 2. Purpose

The purpose of this Local Law is to broaden housing opportunities in the Town of Amherst by providing a more direct approach to establishing an Accessory Dwelling Unit (ADU). The proposed changes will not require any familial connection or age requirement to establish an ADU, rather it will focus on the design of the unit itself and how the ADU fits into the context and fabric of an existing community.

Section 3.

Chapter 203 of the Code of the Town of Amherst is amended as follows:

§2-4 Specific Terms

Accessory Dwelling Unit

A separate dwelling unit that is attached to or located on the same lot as a principal residential dwelling used for the living, sleeping, cooking, and bathroom facilities of individuals for a period of time longer than 6 months.

§3-2-3A, 3-3-3A, 3-4-3A, 3-5-3A, 3-6-3A, 3-7-3A, 3-9-3A, 3-10-3A, 3-11-3A(1), 3-12-3A(1)

Accessory Dwelling Unit

§6-8-2

Accessory Dwelling Units.

Where permitted as an accessory use in Part 3, an accessory dwelling unit may be constructed within any single-family detached dwelling following approval of a Special Use

Permit as set forth in §8-6, subject to the following standards;

A. General Standards for Accessory Dwelling Units

1. A maximum of one (1) accessory dwelling unit is permitted on an individual lot.
2. Accessory dwelling units shall be within or substantially attached to the principal structure with the exception of lots located in the R-R, R-1, SA and AG zoning districts that satisfy the minimum dimensional standards listed in Part 3, as amended.
3. Accessory dwelling units shall be a minimum of 500 sq. ft and the accessory dwelling unit shall not exceed 49% of the gross floor area of the principal dwelling up to 900 sq. ft., whichever is less restrictive.
4. The maximum height of an accessory dwelling unit is limited to the maximum height of the principal structure in the respective zoning district.
5. A maximum of 2 bedrooms shall be permitted for an accessory dwelling unit. A third bedroom is permitted if built within the roof portion of the structure.
6. The accessory dwelling unit shall have its own entrance, which may be shared with the principal dwelling by a common area.
7. A minimum of one (1) off street parking space shall be provided with a maximum of two (2) parking spaces permitted. Driveways shall not be expanded in the area between the front wall of the principal structure and the right-of-way line to accommodate required ADU parking.
8. The principal dwelling or accessory dwelling unit must be owner occupied. The property owner must certify that either unit is their principal place of residence and legal domicile. Both the principal structure and accessory dwelling unit must remain in common ownership.
9. Accessory dwelling units must maintain a complimentary exterior finish to the principal structure.
10. Exterior lighting shall meet the standards listed in §7-3 of this Ordinance.

B. Standards for Detached Accessory Dwelling Units in the RR, R-1, SA and AG Zoning Districts

1. The minimum separation from the principal structure shall be 10 feet.
2. Detached accessory dwelling units must have the same roof style as the principal dwelling and shall have a maximum height of 2 stories (up to 25 ft).

3. A detached accessory dwelling unit shall not be located between the front of the structure that it is subordinate to and the right-of-way line of the street(s) servicing it, and must meet the side yard requirements as specified for the principal dwelling.
- C. The Special Use Permit for an accessory dwelling unit shall be valid for a period not exceeding two years. Thereafter the Building Commissioner, with concurrence from the Zoning Enforcement Officer, may renew a Special Use Permit upon satisfactory proof of compliance with the standards listed in §6-8-2 above and any conditions placed by the Zoning Board of Appeals on the original permit.
1. A Special Use Permit renewal shall be valid for a period not exceeding two years.
 2. The original Special Use Permit or any subsequent renewal by the Building Commissioner shall not be transferable. A new property owner shall seek approval from the Zoning Board of Appeals.
 3. The Building Commissioner may deny the renewal of a Special Use Permit based on the following:
 - a. Failure to comply with NYS Building Code for property maintenance
 - b. Falsification of a certification of legal residence.
 4. If a Special Use Permit renewal is denied, the property owner must seek a new Special Use Permit approval from the Zoning Board of Appeals pursuant to §8-6 of this Ordinance.

Section 4. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Amherst pursuant to §§10(1)(ii)(a)(12), 20 and 27 of the Municipal Home Rule Law and §265 of the Town Law of the State of New York.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

Section 5. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law and published pursuant to Sections 130 & 133 of the Town Law and Chapter 28 of the Code of the Town of Amherst.

**Francina J. Spoth, Town Clerk
Town of Amherst
County of Erie, State of New York**

Adopted: December 4, 2023