

**LOCAL LAW TO BE ENACTED BY
THE BOSTON TOWN BOARD
TOWN OF BOSTON, NEW YORK**

2022 LOCAL LAW NO. 2

A LOCAL LAW Eliminating zoning provisions requiring Town Board approval to erect more than one accessory building per lot.

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS
FOLLOWS:**

Section 1. Legislative Intent.

This Local Law amends various sections of Town Code Chapter 123, Zoning, to eliminate the requirement that no more than one accessory building shall be constructed on a lot, except when authorized by the Town Board. The Town already has zoning code provisions limiting the total percent of lot coverage in all zoning districts, and in residential districts, there are regulations on the percent of rear yard occupation by roofed projections and accessory structures, separation of accessory buildings from lot lines and other buildings, and maximum accessory use square footage. These provisions are deemed adequate to promote reasonable and orderly development without the added requirement of Town Board approval for more than one accessory structure.

Section 2. Amend Chapter 123 of the Boston Town Code, Zoning.

The following sections of Chapter 123 of the Boston Town Code, *Zoning*, are hereby amended to read as follows:

2.1 Article III: Definitions, § 123-7, *Definitions*, is amended as follows, with all other portions of that Article remaining unchanged:

ACCESSORY BUILDING

A subordinate building located on the same lot as the main building, occupied by or devoted to an accessory use. Where an "accessory building" is attached to the main building in a substantial manner, as by a wall or roof, such "accessory building" shall be considered part of the main building for purposes of yard determination.

2.2 Article VII: R-1 Single-Family Residence District, § 123-18, *Permitted uses and structures*, is amended as follows, with all other portions of that Article remaining unchanged:

C. Accessory uses and structures:

(1) Accessory uses and structures customarily incidental to permitted principal uses.

2.3 Article XXIII: Supplemental Use Regulations, § 123-125, *Limitation on accessory buildings*, is hereby repealed, and a new § 123-125 is added to read as follows:

123-125 *Reserved.*

Section 3. Authority.

This Local Law is enacted pursuant to Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law.

Section 4. Severability.

A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

B. If any part of this Local Law shall be judicially declared invalid void unconstitutional or unenforceable all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

Section 5. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York as required by the Municipal Home Rule Law.

Sponsor: Councilmember Lucachik