

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Clarkson

FILED
STATE RECORDS

NOV 06 2023

DEPARTMENT OF STATE

Local Law No. 4 of the year 20 23

A local law (Insert Title) Residential Accessory Structures and
Uses Law

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Clarkson

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2023 of the (County)(City)(~~Town~~)(Village) of Clarkson was duly passed by the Town Board on August 8 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law. *(Elective Chief Executive Officer*)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, one above.

Susan Nenshaw

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 10, 2023

(Seal)

Residential Accessory Structures and Uses Law

Introductory Local Law #4-2023

A local law to amend the Town of Clarkson's "Local Law No. 1-1973 of the Town of Clarkson".

Be it enacted by the Town Board of the Town of Clarkson.

Section 1. **New Matter.** Chapter 140 of the Code of the Town of Clarkson entitled "Local Law No. 1-1973 of the Town of Clarkson" is amended by adding the following:

§140-_____. ACCESSORY STRUCTURES AND USES

Accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district as noted in this section. The yard and bulk requirements for residential accessory structures and uses are described in the use tables at **Schedule A**. All accessory uses and structures shall be in conformance with Chapter 140, this section and §140-7.

- A. General Requirements. Accessory uses and structures shall meet all of the following requirements:
- (1) They shall not be established or constructed until the primary use or structure is constructed.
 - (2) They shall be clearly incidental and subordinate to the principal structure or use by height, area, extent, and purpose.
 - (3) Front Yards. They shall not be located in any required front yard area.
 - (4) Height, Setback & Lot Coverage. They shall be in conformance with the dimensional and bulk requirements of the zoning district in which they are located and shall not cause the rate of overall lot coverage to exceed the maximum rate permitted.
 - (5) Architectural. They shall be finished with materials and/or siding that is consistent and compatible with the existing character of the primary structure and surrounding neighborhood.
 - (6) Obstruction. They shall not obstruct, block, or force the enclosure of any structural opening (windows, doors, etc.), open porch, deck, or terrace, or required vehicular or pedestrian accessway.
- B. Special Requirements for Residential Accessory uses and structures. Accessory uses and structures in residential districts shall also meet all of the following requirements:
- (1) One accessory building shall be permitted on any residential lot in the Town of Clarkson, with the following limitations and under the following conditions:

- (a) Setbacks. The placement of any such building shall conform to all setback requirements applicable to the district.
- (b) Front Yards and Side Yards. They shall not be located in any required front yard area or side yard area.
- (c) No such building shall be placed nearer to the front property line than the rear line or footprint of the main building or residence upon such lot.
- (d) No such building shall be larger than 25% of the square footage of the main building or habitable floor area of the residence upon such lot, or 2% of the lot size, whichever is larger. In no case shall the accessory building exceed 2,500 square feet in size. Agricultural buildings on working farms are exempt.
- (e) Site Plan. If the accessory building is more than 600 square feet in area, site plan approval shall be required.
- (f) Height.
 - [1] No accessory building shall:
 - [a] Be higher than the main building or residence.
 - [b] Exceed the maximum height permitted in the zoning district.
 - [c] Exceed a height of 20 feet.
 - [2] The height will be determined at the location of the accessory structure.
 - [3] Agricultural buildings on working farms shall comply with the height requirement of the zoning district in which they are located.
- (g) Shipping or cargo containers, trailers, truck compartments, and similar portable storage containers are prohibited in residential districts unless a 30 day permit is issued by the Building Department for the following temporary storage purposes: fire, structural damage or moving. Such permit may be renewed for up to two 30 day periods for no more than 90 days total.

(2) Each application for a building permit to construct, build or erect an accessory building shall be accompanied by plans in sufficient detail to show:

- (a) A plot plan of the property showing the location of the accessory building in reference to side lines, rear lines and other buildings of the lot.
- (b) Accessory building dimensions, depth and area.
- (c) That the requirements of the New York State Uniform Fire Prevention and Building Code have been met.
- (d) An estimate of the cost of the accessory building.
- (e) A plan that shows any changes to the grading of the lot and the impacts on drainage.

C. Residential accessory uses and structures. The following shall be considered permissible

residential accessory uses or structures for the purposes of this Chapter:

- (1) Decks, patios, terraces, seating areas, or gazebos.
- (2) Residential garages, carports, off-street parking areas and driveways
- (3) Enclosed storage structures, such as sheds.
- (4) Fences, in accordance with §140-14.
- (5) Playgrounds or playhouses.
- (6) Private swimming pools in accordance with Chapter 119.
- (7) Noncommercial nurseries, gardens, or greenhouses.
- (8) Fire escapes or other such structures intended to maintain the health, safety, and welfare of residents within the dwelling and the general public.
- (9) Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.
- (10) Dish or radio antennas no more than one meters in diameter and intended for noncommercial use. Such antennae shall not extend more than 30 inches above the roofline or exceed the maximum building height of the district, whichever is less.
- (11) Personal generators, air conditioning units, and other small-scale mechanical equipment for noncommercial use, provided such equipment is located in the side or rear yard.
- (12) Green infrastructure installations, such as rain barrels, rain gardens, or bioswales.
- (13) Other uses and structures which the Zoning Officer deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.

D. Nonresidential accessory uses and structures. The following shall be considered permissible nonresidential accessory uses or structures for the purposes of this chapter:

- (1) Decks, patios, terraces, or seating areas otherwise not programmed for public use as part of the primary operation. Outdoor seating and assembly areas shall be in conformance with site plan approval.
- (2) Garages or carports and off-street parking and loading areas, including charging stations and EVSE, with site plan approval.
- (3) Enclosed storage structures, such as sheds.
- (4) Fences and walls in accordance with §140-14.
- (5) Playgrounds or playhouses.
- (6) Nurseries, gardens, or greenhouses.
- (7) Fire escapes or other such structures intended to maintain the health, safety, and welfare of employees, patrons, and the general public.
- (8) Ramps, lifts, or other such structures intended to provide an increased level of accessibility to the structure or use.
- (9) Dish or radio antennae no more than two meters in diameter when screened from public view and adjacent residential property. Such antennae shall not extend more than five feet above the roofline or exceed the maximum building height of the district, whichever is less.
- (10) Generators, HVAC systems, and other mechanical equipment, provided such

equipment is located, screened, and operated in accordance with the requirements of this Chapter.

- (11) Green infrastructure installations, such as rain barrels, rain gardens, or bioswales.
- (12) Pump houses, water towers and storage tanks.
- (13) Walkup service windows with site plan review approval.
- (14) Clinics, cafeterias and recreational facilities for the exclusive use of employees of the principal use, with site plan approval.
- (15) Other uses and structures which the Zoning Officer deems appropriate by virtue of similarity in nature, activity, and/or extent to those already listed.

Section 3. Effective Date.

This local law shall take effect immediately.

Residential Yard and Bulk Requirements
Accessory Structure or Use

Schedule A
Yard and Bulk Requirements

Requirement	RC	RS-10	RS-20	Multiple Residence	MH	RHD
Minimum Front Yard:						
Accessory Structure or Use ¹	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Side Yard:						
Accessory Structure or Use	25/50 ²	10/30 ³	10/30 ¹⁰	70/30/40 ⁷	10/30 ³	Boat/trailer or RV ⁵
Minimum Rear Yard:						
Accessory Structure or Use	25/50 ²	10/30 ³	10/100 ⁸	70/30/40 ⁷	10/30 ³	Boat/trailer or RV ⁵
Maximum Building Height:						
Accessory Structure or Use	20 ⁵	20 ⁵	20 ⁵	20 ⁵	20 ⁵	N/A

Maximum Building Size:						
Accessory Structure or Use	25%/2%/2500 sq ft ⁴	25%/2%/2500 sq ft ⁴	25%/2%/2500 sq ft ⁴	25%/2%/2500 sq ft ⁴	140 square feet	N/A
Maximum Lot Coverage:						
Accessory Structure or Use	30% ⁹	30% ⁹	30% ⁹	30% ⁹	140 square feet	N/A
Additional Regulations:						
Accessory Structure or Use					\$94-36	§140-25.1(G)(4-5)

- (1) Prohibited in front yards.
- (2) 25 feet unless abutting a dedicated street, then 50 feet.
- (3) 10 feet unless the building exceeds 800 sq feet, then 30 feet.
- (4) The greater of: a) 25% of square footage of residence, b) 2% of lot size. However, not to exceed 2500 sq feet.
- (5) Not to exceed the lesser of: a) height of the residence, b) maximum height permitted in district, c) 20 feet.
- (6) Boat/Trailer/RV—Outdoor storage 5-20 days per year.
- (7) 70 feet from any public street; 30 feet from an interior project road; 40 feet to interior lot line (excluding townhouse lot lines)
- (8) 10 feet unless located on Farm & structure housing animals (excluding pets), then 100 feet
- (9) All buildings, including accessory buildings, shall cover not more than 30% of the area of the lot.
- (10) 10 feet unless the building exceeds 800 sq feet, or within a flag lot, then 30 feet

8-8-2023

CLARKSON TOWN BOARD MEETING

RESOLUTION #224

MOTION TO APPROVE LOCAL LAW#4-2023 ACCESSORY
STRUCTURES AND USES

Introduced by Councilperson Zink

Seconded by Councilperson Guarino

BE IT RESOLVED AS FOLLOWS:

Section 1. That the Town Board of the Town of Clarkson classifies this as a Type 2 action under SEQR.

Section 2. That the Town Board of the Town of Clarkson approves Local Law #4 of 2023 - A local law to amend the Town of Clarkson's "Local Law No. 1-1973 of the Town of Clarkson".

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Culhane, Guarino and Zink

NAYES: None

ABSENT: D'Amuro



Susan Henshaw

Town Clerk