Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
SEP. 24 2003
MISCELLANEOUS
& STATE RECORDS

County / City / Town / Village of Rush

Local Law No. 4 of the year 2003

A local law to allow accessory apartments
(Insert Title)

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

County / City / Town / Village of Rush as follows:

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

DOS-239 (Rev. 11/99)

(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 20.03.. of the (County)(City)(Town)(Village) of ....Rush.... was duly passed by the ....Town Board.... on ....9/10.... 20.03, 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)(repassed after
(Name of Legislative Body)

disapproval) by the .... and was deemed duly adopted on .... 20...., in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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)(repassed after
(Name of Legislative Body)

disapproval) by the .... on .... 20.... . Such local law was submitted
(Elective Chief Executive Officer)*

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)(repassed after
(Name of Legislative Body)

disapproval) by the .... on .... 20 ... . Such local law was subject to
(Elective Chief Executive Officer)*

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 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----------, above.

Linda L Henry

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

(Seal)

Date: 9/10/03

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF MONROE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

TOWN ATTORNEY
Title

County
City
Town of RUSH
Village

Date: September 15, 2003

LOCAL LAW # 2003-4
TOWN OF RUSH

AMENDING AND MODIFYING
CHAPTER# ZONING AS FOLLOWS:
ACCESSORY APARTMENTS

DEFINITIONS.
Sec.# ACCESSORY APARTMENT

A second dwelling unit either in an existing single family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility within the accessory apartment for cooking, eating, sanitation, and sleeping.

Sec.# MINIMUM SCHEDULE

Type of Residence Building	Minimum Requires Floor Area Per Family		
	R-20	R-30	RR-5
One family dwelling with accessory apartment	1,600	1,600	1,600 sq. ft.
Accessory apartment	400	400	400 sq. ft. but not to exceed 25% of the floor area of the principal dwelling and in total, not to exceed 800 sq. ft.

ARTICLE III
SUPPLEMENTAL USE AND DIMENSIONAL REGULATIONS

Sec. # ACCESSORY APARTMENT
Sec. # **PURPOSE.**

It is the purpose and intent of accessory apartments to provide one family dwelling property owners the opportunity to maintain and preserve a single family residence and at the same time, provide housing needs for relatives of families presently living within the Town of Rush or for person or persons in the domestic employee of the homeowner.

Sec.# **Restrictions concerning accessory apartments**

(a) **Owner Occupied.** The owners of the dwelling within which the accessory apartment is located shall occupy at least one of the dwelling units on the premises for at least nine (9) months each year.

(b) **Location.** The accessory apartment may be located either in the principal dwelling or in an addition to the principal dwelling. It may also be located in an accessory building, provided such accessory building existed prior to June 1, 2002 and otherwise conforms with the requirements of this Chapter.

(c) **Dwelling Size.** No accessory apartment shall be located in a one- family dwelling unless the dwelling contains the minimum required habitable floor area of 1,600 square feet. This shall apply to new or existing one-family dwellings.

(d) **Apartment Size.** The minimum floor area for an accessory apartment within a principal dwelling or an existing accessory building shall be no less than 400 square feet and no greater than 800 square feet. An accessory apartment located in a principle dwelling shall not exceed 25% of said principle dwelling.

(e) **Lot Size.** Minimum lot size shall be: one acre in an R-30 district; ¾ acre in an R-20 district.

(f) **Bedrooms.** There shall be no more than two bedrooms in any accessory apartment.

(g) **Accessory Apartments Per Lot.** There shall be no more than one accessory apartment permitted on any one family building lot.

(h) **Exterior Appearance.** If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a one family residence. An additional road cut for a new driveway is prohibited. Second and third story stairs must be enclosed.

(i) **Water, Sewer, and Utilities.** Prior to the issuance of a building permit for the construction of an accessory apartment in a principal dwelling, an addition to the principal dwelling, or in an existing accessory building, approval of the water supply, sewage disposal, and electric and gas utilities shall be obtained from the Monroe County Department of Health, Monroe County Water Authority and any other appropriate utility company.

(j) **Off Street Parking** In addition to the off street parking requirements for one family detached dwellings, there shall be a minimum of two off street parking spaces for an accessory apartment.

(k) **Fire and Building Code** The construction and creation of an accessory apartment shall be in accordance with the rules and regulations of the fire and building codes for the Town of Rush and the state of New York.

(l) **Conditional Use Permit & Site Plan** An accessory apartment shall be permitted only on a one family dwelling lot, and it is subject to site plan approval and the issuance of a Conditional Use Permit by the Planning Board pursuant to Chapters 79 and 00 of the Code of the Town of Rush.

(m) **Permit** No permit shall be issued by the Town until approval for an accessory apartment has been given by the Planning Board and upon receipt of a notarized affidavit, a copy of which is attached, and made a part of the Chapter, as Exhibit ``A''.

(n) **Termination** If the homeowner vacates one of the dwelling units, or if the homeowner transfers title to the dwelling to a person other than a relative or domestic employee of the homeowner, the permit and the use of the accessory apartment as such shall be automatically terminated.

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

TOWN OF RUSH
ACCESSORY APARTMENT
AFFIDAVIT

I/We, _____, hereby state that the circumstances of occupancy to allow an accessory apartment at _____have been reviewed by the Code Enforcement Officer on _____,20____ and deemed compliant with the requirements of the Code of the Town of Rush.

I/We agree to the following conditions:

1. The Conditional Use Permit for the accessory apartmentshall become invalid on_____, 20____, at which time the owner may apply for an extension to this permit, if required.

2. The accessory apartment shall be occupied by members of the family unit occupying the main part of the dwelling or by relatives or domestic employees of said family unit. The accessory apartment shall be occupied by_____, (list relationship to owner)_____ who continues to reside at the site.

3. The Conditional Use Permit shall be valid for a period of three (3) years from the date stated in this affidavit and is Non-Transferable. In the event that the owner desires to continue the accessory use on the site, he/she must notify the Code Enforcement Officer prior to the expiration of the permit and obtain a renewal to allow the area to continue to be utilized as an accessory apartment. In no way is the Town of Rush obligated to grant a renewal of the Conditional Use Permit.

4. In the event the accessory apartment shall become vacant during the permit period, the owner shall be required to notify the Code Enforcement Officer of said discontinuance.

5. Failure to comply with the conditions set forth herein above and the original conditions of approval will result in immediate revocation of the Conditional Use Permit.

_____

_____

Sworn to before me this _____ day of _____20___

_____ Notary Public