

**Town of Chatham**  
**Local Law # 3 2025**

**A LOCAL LAW TO PERMIT ACCESSORY DWELLING UNITS IN THE TOWN ZONING CODE**

BE IT ENACTED by the Town Board of the Chatham, Columbia County, New York, as follows:

**SECTION 1 – LEGISLATIVE FINDINGS**

The Town Board of the Town of Chatham finds that the region has been experiencing a housing crisis, with home prices and rents increasing to levels which are unaffordable to households of middle income levels; and,

It is very important that the town meets the local housing needs for aging residents who wish to age-in-place here in Chatham, as well as younger generations who fill an important employment role in local businesses and the community as a whole; and,

The creation of legal Accessory Dwelling Units (ADU's) can directly increase the supply of more affordable housing stock within the Town of Chatham, provide homeowners with supplementary income, and create a living arrangement where persons can provide family members with semi-independent care, support and companionship locally;

Therefore, Accessory Dwelling Units are an effective tool to mitigating the current housing problems and providing other benefits to residents:

**SECTION 2 – TOWN CODE AMENDED**

The Chatham Town Code found at Part IV, Building Zoning and Planning, Chapter 180 Zoning is hereby amended as follows:

ADD the following text to existing section § 180-4 INTERPRETATIONS; DEFINITIONS:

**APPLICABLE DIMENSIONS TABLE**

The Lot Size, Density and Yard Dimensions table in Article III for each district.

**CHILD PARCEL**

A smaller parcel of land or lot which has been legally subdivided under §170-28 Single Lot Exemptions from the original larger parent parcel..

**DWELLING, ACCESSORY DWELLING UNIT**

A residential dwelling unit, located on the same lot as a single family dwelling, either within the same building or in a detached building, utilizing a separate private entranceway, kitchen and bathroom facilities.

**PARENT PARCEL**

A parcel of land or lot, lawfully in existence on the effective date of enactment of §170-28 Single Lot Exemptions, which has been subdivided to create one smaller child parcel.

MODIFY the existing text to existing section § 180-4 INTERPRETATIONS; DEFINITIONS:

#### DWELLING, SINGLE-FAMILY

A detached residential dwelling unit designed for and occupied by one family only.

### SECTION 3 – TOWN CODE AMENDED

The Chatham Town Code is hereby amended to add thereto the following new subchapter to be entitled “Accessory Dwelling Units”, to be found at Part IV, Building Zoning and Planning, Chapter 180 Zoning of the Town Code, ADDING the following new code section § 180-XX as follows:

#### § 180-. ACCESSORY DWELLING UNITS

##### A. Purpose and Objectives

It is the purpose of this chapter to provide a reasonable framework for the review, approval, construction and use of Accessory Dwelling Units within the Town of Chatham, NY., in accordance with applicable New York State regulations.

##### B. Permitted Locations. Accessory Dwelling Units shall be permitted by right in:

- (1) All zoning districts which permit single-family, two-family, or multifamily residential uses;
- (2) All properties which have a lawfully pre-existing single-family residential use, two-family residential use, multifamily residential use, or two single-family uses on one lot.

##### C. Number of Dwelling Units

- (1) One accessory dwelling unit is permitted per residentially zoned single-family property, two-family property, multi-family property, or two single-family uses on one lot.

##### D. Area and Bulk Requirements

- (1) For the purposes of this section, ADUs on legally conforming lots are exempt from the minimum area/family requirements listed in the applicable dimensions table.
- (2) ADUs are allowed on pre-existing, nonconforming lots which do not meet the minimum requirements from the applicable dimensions table and are exempt from the minimum area/family requirements in the applicable dimensions table, provided the non-conforming lot would meet the minimum area/family requirements prior to creation of the ADU.
- (3) For the purposes of this section, ADUs on legally conforming lots are exempt from the minimum area/family requirements listed in the applicable dimensions table.
- (4) An accessory dwelling unit constructed as a new accessory structure shall comply with all restrictions in the applicable dimensions table, as well as the height restrictions in 180-26, and meet applicable New York State Building Code setbacks between buildings.
- (5) An accessory dwelling unit may be constructed wholly within a conforming accessory structure, lawfully existing as of the date of this chapter, notwithstanding any setback or height restrictions.

- (6) An accessory dwelling unit may be subdivided from the original parcel on which it was created after 10 years from the date of approval only if the structure, and the newly created lot can meet all the standards required by this code without a variance and Chapter 170 Subdivision of Land for Creation of the new lot. Independent, standalone utilities including well, septic and electric shall be required for the ADU if subdivided.
- (7) The size of an attached or detached accessory dwelling unit shall not exceed 1,200 square feet of occupiable space.
- (8) Accessory dwelling units are not permitted to be constructed within the front yard setback of any lot.

**E. Terms and Conditions**

- (1) The accessory dwelling unit shall meet all applicable state and county building and fire codes applicable to a single-family home, including water and sewer service capability, as well as code requirements under Town law before a building permit or certificate of occupancy may be issued. The building permit fee for an accessory dwelling unit shall be reduced by 50%.
- (2) The accessory dwelling unit shall include a fully independent kitchen, bathroom, sleeping and living area which is separate and distinct from the primary residence;
- (3) The accessory dwelling unit shall have access in and out of the dwelling area which is separate and independent from the primary residence access;
- (4) The property shall accommodate off-street parking for the Accessory Dwelling Unit in compliance with 18030. If the construction of the new dwelling necessitates the removal of existing residential off-street parking space(s), those spaces must be replaced on-site if required for the primary residence by the underlying zoning.
- (5) Accessory dwelling units may be constructed of manufactured or modular home construction in any districts where manufactured or modular construction is permitted.
- (6) An accessory dwelling unit may be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a legally existing single-family house into an accessory dwelling while simultaneously constructing a new primary dwelling on the site.
- (7) Accessory dwelling units are prohibited on child parcels created under the provisions of §170-28 Single Lot Exemptions.
- (8) Allowable uses within an ADU shall be limited to single family residential living and home occupation.
- (9) Accessory Dwelling Units shall not be permitted to be utilized as Short-term Rentals for a period of 10 years from the date of approval.

**F. Review and Approvals.** Applications for Accessory Dwelling Units that comply with this section and have obtained a valid Building Permit shall be approved.

- (1) Any property which is proposed to accommodate more than two dwelling units on the same lot, such as an accessory dwelling unit proposed on a lot which is classified as already having two single-family units on one lot, or two single family units on one lot proposed for a property that already has an accessory dwelling unit, shall require Site Plan Review by the Planning Board.