

# MEMORANDUM

TO: BoT

FROM:

Bob Joseph, Consulting Town Planner  
Matthew Manley, Flood Recovery Planner

DATE: 12/5/2016

SUBJECT: Ord. 1005, (ADU related code revisions).

**Attached with this memo is Ordinance 1005 AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 13 OF THE LYONS MUNICIPAL CODE REGULATING CONNECTIONS TO TOWN UTILITIES FOR ACCESSORY DWELLING UNITS (ADU's)**

**Background:** Presentation of Ordinance 1005 together with Ordinance 1006 is the final step of a coordinated effort by the PCDC and UEB to create a clear distinction in the Lyons Municipal Code between Principal Dwelling Units and Accessory Dwelling Units for the purpose of removing unnecessary utility charges for land owners seeking to create ADU's. The Town Attorney has reviewed and finalized this Ordinance in accordance with the UEB's recommendations to the BoT. Ordinance 1005 is aimed at furthering the housing goals set out in Town Board Resolution 2016-43. The new definitions in Ordinance 1006 and Ordinance 1005 create the basis for accomplishing this objective.

Currently, Chapter 13 (Utilities) of the Lyons Municipal Code does not differentiate between a principal dwelling and an accessory dwelling. The UEB has recommended modifications to the current code that would change the definition of "dwelling unit" to "principal dwelling unit" in order to make this distinction – thus making utility connection fees applicable to principal dwelling units and not accessory dwelling units. Additionally, the proposed changes include adding a definition of Accessory Dwelling Unit to Chapter 13 and adding a requirement that ADU's use the existing tap or utility connection that is currently associated with the principal dwelling unit.