

**§ 230-41. Accessory apartments. [Added 10-18-1982 by L.L. No. 8-1982; amended 1-21-1985 by L.L. No. 1-1985; 5-7-1990 by L.L. No. 2-1990; 6-27-1994 by L.L. No. 4-1994; 1-31-2005 by L.L. No. 1-2005; 10-19-2015 by L.L. No. 9-2015]**

- A. An accessory apartment shall be permitted in a single-family detached dwelling, on a lot containing no more than one dwelling unit, in districts permitting single-family residences upon approval by the Planning Board, subject to the conditions and limitations contained in this section.
- B. No accessory apartment shall be installed or maintained except upon approval by the Planning Board. The application procedures and required submittals shall be the same as for minor site plan approval, except that noticing shall be required for property owners within 100 feet of the subject property and that scaled floor plans for the dwelling, with floor areas noted, shall be submitted as part of the application. The application fee for an accessory apartment application shall be an amount set by resolution of the Board of Trustees. Approval for an accessory apartment shall be issued to and run with the property owner.
- C. The owner of a detached dwelling in which the accessory apartment is located shall occupy at least one of the dwelling units on the premises as his primary residence. For the purposes of this § 230-41C of the Zoning Code, the word "owner" shall mean: any individual who is an owner of the subject premises, including a joint tenant, tenant in common or tenant by the entirety; or the grantor and/or beneficiary of a trust that owns the subject premises; or the owner of a majority of the membership interest/share interest in an LLC or corporation that owns the premises.
  - (1) The Planning Board approval for an accessory apartment shall become null and void within 90 days of any of the following events: change of property ownership; b) death of the property owner; or change in residence of the owner. The Planning Board may grant a ninety-day extension past the expiration for good cause, including that an application has been filed to continue an accessory apartment use.
  - (2) Upon a change in ownership, should the new owner desire to continue the accessory apartment use, then the owner shall apply to the Planning Board for renewal of the approval.
- D. Only one accessory apartment per single-family detached dwelling shall be permitted.
- E. No accessory apartment shall be permitted on premises where there is also a professional office use.
- F. An accessory apartment shall be permitted only within the main structure and not within any accessory building. The character, degree and extent of any additions to the residence shall be a factor to be considered by the Planning Board in approval of an application for an accessory apartment.
- G. An accessory apartment shall have separate access, not observable from the street,

unless there is a single access from the front of the building with a split access inside the building.

- H. All code requirements under Village law and other applicable laws and regulations shall be complied with and a building permit obtained for any changes or alterations requiring such permit.
- I. The habitable floor area of an accessory apartment shall be no less than 400 square feet and no greater than the lesser of 750 square feet or 33.3% of the habitable floor area of the dwelling in which it is contained.
- J. The lot size for buildings containing accessory apartments shall conform to the requirements of the district in which the building is located, unless a variance shall have been granted by the Zoning Board of Appeals.
- K. The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.
- L. A residence containing an accessory apartment shall have a minimum of three off-street parking spaces. In an RA-5 District, no expansion of the existing parking area shall be permitted in order to satisfy this off-street parking requirement.
- M. If the premises are not serviced by the Village sewer system, approval of the Westchester County Department of Health shall be obtained before Planning Board approval.