

## § 230-41. Accessory apartments.

A. An accessory apartment shall be permitted in a single-family detached dwelling or in an accessory structure (an accessory cottage), 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. An accessory cottage shall comply with all requirements of this chapter applicable to accessory structures, except that any such structure shall have a minimum setback from all property lines of 10 feet. An accessory cottage may be located in a conforming accessory structure existing as of the date of this section having a setback to any property line of less than 10 feet.

~~CB.~~ No accessory apartment or accessory cottage 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 or accessory cottage 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.

~~DC.~~ The owner of a detached dwelling property 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 or accessory cottage use, then the new owner shall apply to the Planning Board for renewal of the approval provide notification to the Building Department confirming the new owner will reside in the premises as required and that they are aware of the laws regarding accessory apartments and accessory cottages and will remain in compliance. Such notice shall be provided within 90 days of the change of ownership. Failure to timely file will result in a revocation of the accessory apartment approval and the new owner will have to make a new application.~~

~~ED.~~ Only one accessory apartment or accessory cottage per lot containing a 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 or new accessory structure shall be a factor to be considered by the Planning Board in approval of an application for an accessory apartment or accessory cottage.

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. The building permit fee for an accessory apartment or accessory cottage shall be reduced by 50%.

I. The habitable floor area of an accessory apartment within a single family dwelling shall be no less than 4300 square feet and no greater than the lesser of 750800 square feet or 33.340% of the habitable floor area of the dwelling in which it is contained. The habitable floor area of an accessory cottage shall be no less than 400 square feet and no greater than 800 square feet, but in no case larger than the primary dwelling structure. The Planning Board shall have the authority to approve a greater or lesser amount of floor area if warranted by the specific circumstances of a particular building or lot.

~~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.~~

~~J~~K. The building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.

~~KL. A residence containing an accessory apartment shall have a minimum of three off-street parking spaces. No additional parking shall be mandatory for an accessory apartment or accessory cottage, however, a parking assessment shall be made by the Planning Board on a case-by-case basis during review of the application, and the Planning Board shall have the authority to require additional parking based upon such review. All existing required parking for the primary dwelling must be maintained or replaced on site. No snow permit shall be granted to a property with an accessory apartment unless same was given prior to \_\_\_\_\_.~~ In an RA-5 District, no expansion of the existing parking area shall be permitted in order to satisfy this off-street parking requirement.

LM. 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.