

§ 300-39. Accessory dwelling unit. [Amended 6-14-2011 by L.L. No. 6-2011; 7-12-2022 by L.L. No. 4-2022]

- A. Legislative intent and purpose. The intent and purpose of this section are to:
- (1) Provide opportunity for the right to establish smaller dwelling units as incidental and subordinate to single-family dwellings in the Village of Dobbs Ferry and to ensure that any accessory dwelling unit meets applicable building, fire and safety standards.
 - (2) Establish smaller dwelling units without increasing building density by utilizing residential and accessory building resources as a means to meet the housing needs of populations which may be underserved, especially single persons and couples of all ages with fixed, low and moderate incomes, and relatives of existing residents of Dobbs Ferry.
 - (3) Provide economic support for resident individuals and families, particularly property owners who would benefit from rental income due to fixed or moderate means, for whom there are limited housing options should they desire to remain in the Village.
 - (4) Encourage diversity in the housing stock options and the residential population of Dobbs Ferry.
 - (5) Promote the health, safety and welfare of the residents of the Village of Dobbs Ferry and preserve property values.
- B. Requirements for special permits for accessory apartments. No special permit for an accessory dwelling unit shall be approved unless the Planning Board finds that all of the following requirements are met:
- (1) The accessory dwelling unit is allowed by special permit in accordance with Table A-1 of this chapter.
 - (2) The accessory dwelling unit must be located in a principal building of a one-family dwelling or in a permitted accessory building on the same property.
 - (3) The owner of the one-family dwelling unit must occupy either the principal dwelling or the accessory dwelling unit as a principal residence.
 - (4) The minimum floor area for an accessory dwelling unit shall be 300 square feet, but in no case shall it exceed 33% of the floor area of the principal dwelling or 800 square feet, whichever is less, unless, in the reasonable opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of a particular building.
 - (5) An accessory dwelling unit shall not contain more than two bedrooms, each meeting requirements of applicable codes, including building, fire and safety and zoning.
 - (6) Although no additional parking shall be mandatory for an accessory dwelling

unit, a parking assessment shall be made on a case-by-case basis during the review of the special permit application by the Planning Board. At a minimum, existing required parking for the primary dwelling must be maintained or replaced on site.

- (7) Except for improvements mandated by NYS Uniform Code requirements, no exterior changes shall be made to the building in which the accessory dwelling unit is located that, in the reasonable opinion of the Planning Board, would significantly alter the appearance and character of the building as a single-family residence or accessory structure.
 - (8) During the review of any application for an accessory dwelling unit special permit, the Planning Board shall consider the effect of the proposed accessory dwelling unit on parking, traffic, noise, congestion, appearance, and other site-specific factors that the Planning Board reasonably deems relevant to potential impacts on the neighborhood. Following consideration of these site-specific criteria, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the addition of an accessory dwelling unit use to the subject property. The Planning Board may refuse to issue a special permit if it finds that the cumulative effects from approved accessory dwelling units in the neighborhood, including the one proposed, will adversely affect the character of the neighborhood.
 - (9) The accessory dwelling unit must adhere to current residential design guidelines (as captured in Chapter 300, Appendix G "Residential Design Guidelines").
 - (10) The accessory dwelling unit must comply with all relevant New York State Uniform Codes, including all requirements for a dwelling unit.
 - (11) No open violations of the Dobbs Ferry Code shall exist at the time of application for an accessory dwelling unit special permit.
 - (12) A maximum of 50 validly issued accessory dwelling unit special permits shall be permitted Village-wide. The limit on the number of accessory apartment special permits may not be varied by the Zoning Board of Appeals.
- C. Procedure for special permits for accessory dwelling units. In addition to the procedures set forth in § 300-53, the following requirements must be met for a special permit for an accessory dwelling unit:
- (1) An applicant for a special permit for an accessory dwelling unit shall provide:
 - (a) A sworn affidavit stating compliance with Subsections B(3) and (5).
 - (b) A site plan prepared by a licensed professional based on a property survey indicating existing buildings, walkways, and the location of existing and proposed off-street parking.

(c) A plan prepared by a licensed professional of:

[1] Floor plan of the proposed accessory dwelling unit; and

[2] Any portion of the building in which it is to be located necessary to demonstrate compliance with all applicable New York State Uniform Codes.

- (2) The Building Inspector, or his/her designee, shall conduct a physical inspection of the proposed accessory dwelling unit and the building in which it is located and report the results to the Planning Board.
- (3) In granting a special permit for an accessory dwelling unit, the Planning Board shall have the authority to impose such reasonable restrictions and conditions as are consistent with the purposes of this chapter, including but not limited to landscaping or other means of buffering.
- (4) Water and sewer service. Prior to the issuance of a building permit for the establishment of an accessory dwelling unit in a principal dwelling building or the conversion of a portion of an accessory building to an accessory dwelling unit use, the applicant must obtain approval of the proposed method of water supply and sewage disposal from the Westchester County Department of Health and shall coordinate such approval with the Village.

D. Expiration: renewal.

- (1) All changes of building ownership require reinspection per § 204-21 of the Village Code. A change in building ownership requires a transfer of the special use permit for an existing permitted accessory dwelling unit.
- (2) An accessory dwelling unit special permit shall expire automatically if the new building owner does not apply for a special permit transfer within 90 days of the change of ownership of the building. The new owner must meet all the requirements set forth in this section in order to obtain the transfer of a permit. The new owner shall not be deemed in violation of this section as long as the application is pending. Should a new owner maintain an accessory dwelling unit but fail to apply for a special permit transfer within 90 days from the taking of title, the new owner shall be deemed in violation of this chapter.
- (3) In such event, the tenant of the accessory dwelling unit shall be permitted to remain for up to the end of their current lease, if the owner of the residence so consents unless the Planning Board approves an additional extension of time by resolution upon receipt of a written request by the property owner for such extension.

E. Penalties.

- (1) Any property owner who allows occupancy of an accessory dwelling unit in violation of this section or any other provision of this chapter, or any condition imposed by the Village in connection with an accessory dwelling unit shall be

subject to, at a minimum, revocation of any special permit issued in connection with the accessory dwelling unit.

- (2) In addition to the foregoing, any property owner who fails to obtain an accessory dwelling unit special permit or who allows occupancy of an accessory dwelling unit in violation of this chapter, or any condition imposed in connection with the special permit shall be guilty of an offense punishable by a fine of not less than \$2,000. Any continued violation shall constitute a separate additional offense and may be subject to applicable fines.