

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

PROPOSED LOCAL LAW NO. 21-2023

**A LOCAL LAW TO AMEND THE ZONING LAW OF THE VILLAGE OF CROTON-
ON-HUDSON, CHAPTER 230, REGARDING ACCESSORY APARTMENTS**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One: Section 230-41, Accessory apartments, of the Zoning Law of the Village of Croton-on-Hudson is hereby amended to read as follows:

§ 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.

C. 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, 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.

D. The owner of a property on which the accessory apartment or accessory cottage 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. Notwithstanding the foregoing, approval may be given for construction with an accessory apartment or accessory cottage on a lot as permitted hereunder by a party who intends to sell the premises to an owner who will occupy the premises as required. The accessory apartment or accessory cottage cannot be occupied as such unless and until the owner is occupying the primary dwelling unit or is taking occupancy of the accessory apartment or accessory cottage.

Upon a change in ownership, should the new owner desire to continue the accessory apartment or accessory cottage use, the new owner shall 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 or accessory cottage approval and the new owner will have to make a new application.

E. Only one accessory apartment or accessory cottage per lot containing a single-family detached dwelling shall be permitted.

F. 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 or accessory cottage shall be no less than 300 square feet and no greater than the lesser of 800 square feet or, in the case of an accessory apartment, 40% of the habitable floor area of the dwelling in which it is contained, or, in the case of an accessory cottage, the size of the single-family detached dwelling. In any case, 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 building shall, to the degree reasonably feasible, maintain the character and appearance of a single-family dwelling.

K. 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. No seasonal hardship permit as referenced in § 215-29C shall be granted to a property with an accessory apartment unless same was given prior to November 1, 2023.

L. 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.

M. There shall be a limitation on the issuance of accessory apartment and accessory cottage permits so that no more than 50 permits total (combined accessory apartments and accessory cottages) are in existence at any time.

Section Two: Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Three:

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.