

A LOCAL LAW to amend Chapter 300 of the Code of the Town of Yorktown entitled “ZONING”

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Section 300-38 of the Code of the Town of Yorktown is hereby amended as follows:

Section 300-38(B)(1) shall be replaced in its entirety with the following language:

Accessory dwelling units. Such units are permitted in single family homes in accordance with the requirements in this Section 300-38. Such units shall also be permitted in existing detached accessory buildings on lots that are 40,000 square feet or greater, provided that the accessory building complies with all setback and yard requirements of the zone for the main building and the accessory dwelling unit is no larger than 800 square feet.

Section 300-38(B)(5) shall be replaced in its entirety with the following language:

Floor area. The usable floor area of the accessory unit shall have a minimum of 400 square feet and a maximum of 1,000 square feet, except that the area of the accessory unit shall not exceed 40% the usable floor area of the main building.

Section 300-38(B)(8) shall be replaced in its entirety with the following language:

Ownership. One dwelling unit must be owner-occupied.

Section 300-38(B)(9) shall be replaced in its entirety with the following language:

Number of accessory dwelling units per lot. There shall be no more than one accessory apartment nor a total of more than two dwelling units permitted per lot.

Section 300-38(J) shall be replaced in its entirety with the following language:

All owners of dwellings who have not previously obtained special permits for accessory dwelling units located within their dwellings or who have allowed such permits to expire shall apply to the Zoning Board of Appeals for a special permit within twelve months of the effective date of this section. If application is so made within said twelve-month period and pursued with due diligence, the owner of the dwelling shall not be deemed in violation of this section. If application to the Zoning Board of Appeals is not made within said

twelve-month period, the owner of the dwelling shall be deemed in violation of this section and shall be subject to the penalties provided herein.

Section 300-38 shall be amended by adding the following new section 300-38(M):

Renewal of Special Use Permits for Accessory Dwelling Units. Unless use of the accessory dwelling unit has been discontinued, owners of properties with such units are required to apply to the Zoning Board of Appeals for renewal of said permits prior to the expiration date thereof. Continued use of accessory dwelling units after expiration of the special use permits shall be subject to the penalties provided herein, unless application for renewal has been made and is being pursued with due diligence and the decision by the Zoning Board of Appeals on such application is still pending.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.