

Chapter 50. Sec. 200-8 Accessory Dwelling Units in Single-Family Homes

[HISTORY: Adopted by the Town Board of the Town of Ossining 4-27-1999 by L.L. No. 2-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 63.

Zoning — See Ch. 200.

Fees — See Ch. A203.

~~§ 50-1.~~ § 200-8.1 Purpose.

[Amended 10-22-2002 by L.L. No. 8-2002]

It is the purpose of this ~~chapter~~ **section** to legalize and control existing accessory dwelling units in single-family homes and to regulate new conversions. It is the intent that neighborhoods zoned as single-family maintain their single-family character. The adoption of this ~~chapter~~ **section** will further the Town's goal of providing affordable rental housing in Ossining without thereby changing the low-density, predominately single-family character of the Town. At the same time, this ~~chapter~~ **section** is intended to ease the financial burden of homeowners, particularly those with moderate or fixed incomes. It is the further purpose and intent of this ~~chapter~~ **section** to provide for the health, safety and welfare of the inhabitants of the Town of Ossining and of the occupants of accessory dwelling units and to ensure that said accessory dwelling units meet minimum health, fire and safety standards.

~~§ 50-2.~~ § 200-8.2 Definitions.

As used in this ~~chapter~~ **section**, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT

A dwelling unit in a permitted one-family residence which is subordinate to the principal one-family dwelling unit in terms of size, location and appearance and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities.

~~§ 50-3.~~ § Sec.200-8.3 Required standards.

A. The Zoning Board of Appeals of the Town of Ossining (the Board) may permit the construction of an accessory dwelling unit within an existing single-family home pursuant to the following standards.

(1) Location. An accessory dwelling unit shall be located only in that portion of the principal dwelling building which has existed for at least three years prior to the date of application for a special permit. Furthermore, such principal dwelling building must be located on a lot which is no less than the legal size as required by the zoning district in which it is located.

[Amended 10-22-2002 by L.L. No. 8-2002]

(2) Architectural treatment. The architectural treatment of the structure shall be such as to portray the character of a single-family dwelling. Only one main entrance will be permitted on the front side of the building; all other entrances shall be at the side or in the rear. In addition, no more than one meter for each utility provided to the building (i.e., gas, water, etc.) shall be permitted.
[Amended 10-22-2002 by L.L. No. 8-2002]

(3) Floor area. The usable floor area of the accessory dwelling unit shall be a minimum of 300 square feet and a maximum of 800 square feet, except that the area of the accessory dwelling unit shall not exceed 33% of the usable floor area of the building.

(4) Bedrooms. There shall be a maximum of two bedrooms in the accessory dwelling unit.

(5) Parking. Adequate off-street parking spaces shall be provided to prevent parking in public streets of vehicles of any persons residing in the accessory dwelling unit.
[Amended 10-22-2002 by L.L. No. 8-2002]

(6) Ownership. Either the main dwelling or the accessory dwelling unit must be owner-occupied as a principal residence.
[Amended 10-22-2002 by L.L. No. 8-2002]

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

(8) Permits. A building permit shall be obtained as otherwise required, and a certificate of occupancy must be issued prior to utilization of an accessory dwelling unit. No permit shall be issued until the Building Inspector, Town Engineer or the Board of Health, whichever is appropriate, has issued written approval indicating that all applicable health, fire, building and safety requirements, including those relating to adequate sewage disposal capacity, have been met.
[Amended 9-11-2007 by L.L. No. 9-2007]

(9) Prior to the issuance of any renewal permit, the Building Inspector, or his designee, shall inspect all areas of the building housing the accessory apartment to determine compliance with all applicable laws, rules and regulations. No renewal permit shall be issued until the Building Inspector, or his designee, determines full compliance with said laws, rules and regulations.
[Added 9-11-2007 by L.L. No. 9-2007]

B. No accessory dwelling unit shall be permitted in an accessory building, and garage space may not be used for an accessory dwelling unit.
[Amended 10-22-2002 by L.L. No. 8-2002]

~~§ 50-4.~~ **§200-8.4** Application for special permit; public hearing; term; renewal.

A.

Application for special permit for an accessory dwelling unit shall be made to the Zoning Board of Appeals in accordance with the procedures set out in this section. The application shall consist of the following:

[Amended 10-22-2002 by L.L. No. 8-2002]

(1) A site plan indicating existing building and lot conditions and a dimensional floor plan of the principal dwelling building and the proposed accessory dwelling unit.

(2) A location map showing the applicant's property and adjacent property and streets, the location of existing and proposed off-street parking, water supply and sewage disposal facilities, ingress and egress to the site and such other information as may be required by the Zoning Board of Appeals to determine compliance with the provisions of this chapter.

(3) Application fee as set forth in the Schedule of Fees promulgated by the Town Board.^[1]

[1]: *Editor's Note: See Ch. **A203**, Fees.*

B. Upon receipt of the application, the Board shall conduct at least one public hearing for every application for a special permit for an accessory dwelling unit. The Board may, at its discretion, conduct a public hearing in connection with any renewal application. Legal notice of such hearing shall be published in the official newspaper of the Town of Ossining at least 10 days prior to the public hearing. In addition, the Town shall forward written notice of the date, time and place of the hearing and a brief statement describing the application to every owner of property within a radius of 500 feet from the property lines of the lot which is the subject of the application not less than 15 nor more than 25 days prior to the date of such hearing.

[Amended 10-22-2002 by L.L. No. 8-2002]

C. The term of an initial permit shall be one year. Renewals shall be for three years. Applications for renewal of special permits shall be made at least 90 days prior to expiration of the permit being renewed.

D. If any of the provisions set forth in this chapter are not met, and/or if ownership changes, the special permit shall be null and void.

~~§ 50-5.~~ **§200-8.5** Additional standards of Zoning Board of Appeals.

A. When considering an application for a special permit or an accessory dwelling unit, the Board shall apply the following standards, in addition to those general standards found in this chapter.

(1) The use will not restrict the use of adjacent properties.

(2) The use will not adversely affect the character of the neighborhood. The following criteria shall be given consideration in the determination of whether or not the proposed use adversely affects the character of the neighborhood:

(a) Impact upon neighboring property values.

(b) Traffic generation by the proposed use.

(c) If the proposed use endangers the health, safety or general welfare of the neighborhood or the community.

B. It is the Town's intent that neighborhoods zoned as single-family retain their single-family character. The Town recognizes that there may come a time when the number of accessory dwelling units in a zoned single-family neighborhood will adversely affect the character thereof. The Board shall therefore deny a special permit for an accessory dwelling unit should it find that the number of such units, including the one proposed, will adversely affect the character of a zoned single-family neighborhood.

C. The standards and provisions of all special uses as provided for in § **200-45C** of the Code of the Town of Ossining shall be applicable to this special permit procedure to the extent that the same are not inconsistent therewith.

D. The Board shall deny an accessory apartment special permit if three other such permits or approvals for accessory dwelling units in one-family dwellings have been issued within a radius of 500 feet from of the property lines of the lot containing the proposed accessory dwelling unit.

[Added 10-22-2002 by L.L. No. 8-2002]

~~§ 50-6~~ **§200-8.6.** Legislative review by Town Board.

In order to provide an assessment of this special permit procedure, its effect upon the Town and to determine whether or not this provision of law shall be continued, further amended or terminated, the Town shall review the same no later than two years subsequent to the date hereof.

~~§ 50-7.~~ **§200-8.7** Sale of dwelling unit; renewal of special permit.

In the event that a dwelling with a valid special permit for an accessory dwelling unit is sold, the special permit shall lapse unless, within 90 days after the transfer of title, the new owner shall apply for renewal under this chapter of the previous special permit. If such application is timely made, the new owner shall not be deemed in violation of this chapter so long as the renewal application is pursued with due diligence. If such renewal application is granted, the new special permit shall run three years from the date of transfer of title. If, after transfer of title, a renewal application shall not be made within 90 days, any application thereafter made shall be treated as an initial application and any permit issued pursuant to said application shall be for a period of one year.

~~§ 50-8.~~ **§200-8.8** Boarders prohibited.

[Amended 9-11-2007 by L.L. No. 9-2007]

No boarders shall be permissible in either the dwelling unit or the accessory dwelling unit. A dwelling may not receive a special permit for a tourist home, rooming house or boarding house.

~~§ 50-9.~~ **§200-8.9** Special permit required for preexisting units.

All owners of dwellings who have not previously obtained special permits for accessory dwelling units located within their dwellings shall apply to the Zoning Board of Appeals for a special permit within six months following the effective date of this chapter. If application is so made within said six-month period, the owner of the dwelling shall not be deemed in violation of this chapter. If application to the Zoning Board of Appeals is not made within said six-month period, the owner of the dwelling shall be deemed in violation of this chapter and shall be subject to the penalties provided herein.

§200-8.10 Revocation of special permit.

A special permit may be revoked if the property is in violation of the New York State Uniform Fire Prevention and Building Code, and/or the Town of Ossining Code of Ordinances where life safety is compromised. The Building Inspector shall issue a Notice of Violation itemizing the violations and if not corrected within the timeframe specified, notify the Zoning Board of Appeals which may revoke the special permit. The Building Inspector shall notify the Zoning Board of Appeals if the life safety violations occur on a recurring basis and the Zoning Board may revoke the special permit. The Zoning Board of Appeals may also revoke the special permit if the police department indicates the house is a public nuisance or criminal activity is occurring at the location.

~~§ 50-10.~~ **§200-8.11** Penalties for offenses.

[Amended 5-25-2010 by L.L. No. 1-2010]

Any owner or builder or agent of either of them who fails to secure a special permit for an accessory dwelling unit, as provided in this ~~chapter~~ **section**, who allows occupancy of an accessory dwelling unit in violation of the provisions of this ~~chapter~~ **section** or who constructs or causes to be constructed a dwelling with an accessory dwelling unit shall be guilty of an offense punishable by a fine of not less than \$250 nor more than \$2,000 or imprisonment not to exceed 15 days, or by both such fine and imprisonment.