

# **LOCAL LAW #11 OF THE YEAR 2015**

**BE IT ENACTED** by the Town Board Of The Town Of Ossining, New York, as follows:

## **Section 1: Title**

This Local Law shall be known and cited as “Local Law #11 of 2015, for the purpose of amending Chapter 50 of the Town Code, regarding Accessory Dwelling Units in Single Family Homes within the Town of Ossining.

## **Section 2: Legislative Intent**

The Town Board would like to amend and improve the Accessory Dwelling Unit in Single Family Homes Law by amending and adding certain provisions regulating the process for approving and monitoring Accessory Dwelling Units in single family homes in the unincorporated area of the Town. This Local Law is determined to be an exercise of the legislative powers of the Town to strengthen the Vehicle and Traffic law for the protection of the health, safety and welfare of residents and to improve the regulating of Accessory Dwelling Units in the community.

## **Section 3: Chapter 50 of The Town Code, Accessory Dwelling Law, shall be amended as follows:**

1. The following sentence shall be added to the first heading paragraph of section 50 – 3 (A):

“It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any portion of any premises as an apartment for residential occupancy in the Town of Ossining without first having obtained an Accessory Dwelling unit permit. Failure or refusal to procure and Accessory Dwelling unit permit shall be deemed a violation of this Article.”

2. The following sentences shall be added to section 50 – 3 (A) (1):

“There must be a valid syndicate of occupancy in place for the premises for at least three years prior to the application for an accessory dwelling unit permit or proof that the structure was built prior to the requirement for a certificate of occupancy. Only one accessory dwelling unit permit shall be issued per dwelling unit or lot.”

3. The following sentence shall be added to section 50-3 (A)(2):

“No exterior changes shall be made to the premises to alter its single-family appearance.”

4. The following language shall be added to the end of 50 – 3 (A) (6):

“the owner being a natural person.”

5. A new subsection (E) shall be added to section 50 – 5 as follows:

“As a condition to issuance of an Accessory Dwelling Unit permit, the Zoning of Appeals may impose such conditions as deemed proper and necessary upon the accessory dwelling unit, the single-family dwelling structure and/or the property, to preserve the character of the need and/or the health, safety and welfare of neighboring residents.”

6. A new section 50 – 6 “Re-inspection” shall be added, with existing section 50-6 and following sections being renumbered, as follows:

“Accessory Dwelling Units which have been approved by the Zoning Board of Appeals shall be re-inspected by the Building Inspector one year after issuance of the permit and every year thereafter. In the event the inspection discloses any noncompliance with or violations of the terms of this section, any condition of the permit, any state or local law, regulation or ordinance or, in the discretion of the Building Inspector, any condition which does or could pose a hazard to the health, welfare and safety of either the occupant of the Accessory Dwelling Unit, the main structure or any other members of the public, the Building Inspector shall report such

findings in writing to the Zoning Board of Appeals. The Zoning Board of Appeals shall thereupon schedule a public hearing with due notice to determine whether the permit should be revoked based upon such noncompliance, violations or other conditions noted by the Building Inspector. Refusal to allow re-inspection by the Building Inspector shall be a basis for revocation of the permit by the Zoning Board of Appeals after a public hearing.”

#### **Section 4: Ratification, Re-adoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining, as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### **Section 5: Inclusion in The Code**

It is the intention of the Ossining Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; and that the sections and subsections of this Local Law may be renumbered or read letter to or accomplish such intention; and that the word “local law” shall be changed to “chapter”, “section” or other appropriate word, as required for codification.

#### **Section 6: Renumbering**

The location and numerical designation of this Local Law and the sections included here in shall be delegated to the discretion of the codifier, General Code, which may renumber this Local Law and sections as are necessary to accommodate these amendments.

#### **Section 7: Codification**

This Local Law shall be incorporated into the Code of the Town of Ossining and shall be assigned a chapter number and appropriate section number by the codifier, General Code, in accordance with the numbering system of the Code.

#### **Section 9: Codifier's Changes**

This Local Law shall be included in the Code of the Town of Ossining. The codifier shall make no substantive changes to this Local Law, but may renumber, rearrange and edit it without first submitting it to the Ossining Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this Local Law of the provisions of the code affected thereby.

#### **Section 9: Codifier's Changes**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt therefrom.

#### **Section 10: Effective Date**

This Local Law shall take effect immediately upon adoption and filing with the Sec. of State as provided by the Municipal Home Rule Law.