

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Croton-on-Hudson

Local Law No. 01 of the year 2024

A local law TO AMEND THE ZONING LAW OF THE VILLAGE OF CROTON- ON-HUDSON
(Insert Title)
CHAPTER 230, REGARDING ACCESSORY APARTMENTS.

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Croton-on-Hudson as follows:

see attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

PROPOSED LOCAL LAW NO. 01-2024

**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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 01 of 2024 of the (County)(City)(Town)(Village) of Croton-on-Hudson was duly passed by the Village Board of Trustees on January 10 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

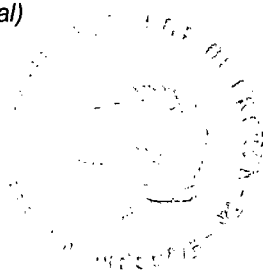
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

PAULINE Di'SANTO

Date: _____

(Seal)



On motion of TRUSTEE POLITI, seconded by TRUSTEE SIMON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York; with a 5-0 vote.

Resolution #5 of 2024

WHEREAS the Village Board wishes to amend Chapter 230, Zoning, of the Village Code to update regulations related to accessory apartments and permit accessory cottages in residential districts, and

WHEREAS Local Law Introductory No. 21 of 2023 has been drafted for such purposes, and

WHEREAS the Village has completed Part I of a Short Environmental Assessment Form (EAF) and a Coastal Assessment Form (CAF), and

WHEREAS the Village Board has referred the draft law and other documentation to the Village Planning Board, Waterfront Advisory Committee, and Westchester County Planning Board in accordance with Village and County Law, and

WHEREAS the Village Board has received comments from the Westchester County Planning Board, Village Planning Board, and Waterfront Advisory Committee, and has taken these comments into consideration, and

WHEREAS the Village Board held a public hearing to consider Local Law Introductory No. 21 of 2023, which was opened and closed on December 20, 2023, and

WHEREAS the Village Board has received a recommendation of consistency from the Waterfront Advisory Committee with the Village's Local Waterfront Revitalization Program, and

WHEREAS the Village Board must make its own determination of consistency with the LWRP policy standards and conditions, and

WHEREAS on December 20, 2023, the Village Board reviewed the Environment Assessment Form Part II and the Village's Local Waterfront Revitalization Program policies by the Village Board to determine consistency related to the adoption of Local Law Introductory No. 21 of 2023,

NOW THEREFORE, BE IT RESOLVED as follows: The Village Board of Trustees makes the following findings regarding the applicability of the LWRP policies and the consistency of the Proposed Action with those policies and conditions of the LWRP which it found applicable:

POLICY 1A: Existing planning and zoning documents should be reviewed and amended where necessary to ensure development within the community is consistent with adopted goals and policies.

POLICY 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.

POLICY 5A: When feasible, development within the Village should be directed within the current

service area of existing water and sewer facilities or in close proximity to areas where distribution lines currently exist.

The remaining policies and conditions of the LWRP not specifically discussed above, were reviewed and found not to be applicable, and

BE IT FURTHER RESOLVED that based upon the above, the Village Board of Trustees confirms its determination that the Proposed Action, the adoption of a local law to update regulations related to accessory apartments and permit accessory cottages in residential districts, complies with the policy standards and conditions set forth in the Village's LWRP, and

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby issues and adopts the EAF Parts II and III Determination of Significance attached hereto and adopts a Negative Declaration in connection with this action, and

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 21 of 2023, to amend Chapter 230, Zoning, of the Village Code to update regulations related to accessory apartments and permit accessory cottages in residential districts, which upon adoption becomes Local Law No. 1 of 2024.

Dated: January 10, 2024

State of New York)
 ss:
County of Westchester)

I, Pauline DiSanto, Clerk of the Village of Croton-on-Hudson, in the County of Westchester, State of New York, do hereby certify that the annexed resolution is a copy of an original on file in my office and has been duly adopted at a regular meeting of the Board of Trustees of said Village held on the 10th of January 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said Village this 11th day of January 2024.

Village Clerk

(Seal)

