

# 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 Briarcliff Manor

Local Law No. 2 of the year 2014

A local law TO AMEND CHAPTER 220, ZONING TO ADD A NEW SECTION 220-9.2 FOR THE  
(Insert Title)  
REGULATION OF RESIDENTIAL USE OF DWELLING UNITS IN EXISTING  
ACCESSORY BUILDINGS IN THE R80A, R60A, R40A AND R40B SINGLE-FAMILY  
RESIDENCE ZONING DISTRICTS IN THE VILLAGE OF BRIARCLIFF MANOR

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

County  City  Town  Village  
(Select one:)

of Briarcliff Manor

as follows:

SEE ATTACHED

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

(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. 2 of 2014 of the (County)(City)(Town)(Village) of Briarcliff Manor was duly passed by the Board of Trustees on November 5 2014, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2014, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(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) (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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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.)**

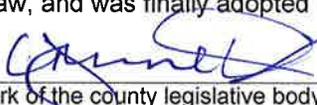
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 1 above.

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

Date: 11-6-14

(Seal)

A LOCAL LAW TO ADD A NEW SECTION 220-9.2 TO PERMIT AND REGULATE CERTAIN RESIDENTIAL USE OF DWELLING UNITS IN EXISTING ACCESSORY BUILDINGS IN THE R80A, THE R60A, THE R40A, AND THE R40B SINGLE-FAMILY RESIDENCE ZONING DISTRICTS

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. The Village Code of the Village of Briarcliff Manor is amended at Section 220-2, Definitions to add a new definition of “PERMITTED ACCESSORY BUILDING DWELLING UNIT” after the definition “PARKING SPACE” and before the definition “PRINCIPAL BUILDING” to read as follows:

PERMITTED ACCESSORY BUILDING DWELLING UNIT – A dwelling unit in an accessory building for which a certificate of occupancy has been issued under Chapter 90 and Section 220-9.2 of this Chapter 220.

Section 2. The Village Code of the Village of Briarcliff Manor is amended to renumber Section 220-9.2, Mandatory tree planting plan (MTPP) as Section 220-9.3, Mandatory tree planting plan (MTPP).

Section 3. The Village Code of the Village of Briarcliff Manor is amended to add a new Section 220-9.2 to read as follows:

“§220-9.2. Regulation of residential use of dwelling units in accessory buildings

"A Statement of Purpose. The Village of Briarcliff Manor has several properties with accessory buildings that contain or at one time contained separate dwelling units. The buildings that contain these dwelling units or otherwise separate residences are not specifically addressed in the Code and are simply categorized as a preexisting, nonconforming uses. By recognizing and regulating these existing uses under the Code, the Village will encourage their being modernized in accordance with the Code and New York State building codes. In addition, within the R80A, R60A, R40A, and R40B Single-Family Residence Districts a number of lots currently contain non-residential accessory buildings that could, under certain circumstances, be converted to accessory residential use and thus provide additional opportunities for housing in the Village in support of the Village Comprehensive Plan goal to “[p]rovide a range of housing styles and alternatives to meet the needs of a varied and diverse population.” This Section shall be read and construed in furtherance of the foregoing purposes and is enacted under the authority granted by New York State Village Law §7-700.

"B Generally Applicable Standards. All dwelling units in accessory buildings shall be subject to the following requirements to qualify as permitted accessory building dwelling units:

- "(1) All permitted accessory building dwelling units shall be in the R80A, R60A, R40A, or R40B Single-Family Residence District.
- "(2) Permitted accessory building dwelling units shall be permitted only in accessory buildings existing on July 1, 2014.
- "(3) Only one permitted accessory building dwelling unit shall be permitted in any one accessory building, except that if more than one dwelling unit currently exist in an accessory building as preexisting, nonconforming uses under Section 220-16.A(3), then they all may be permitted subject to compliance with Section 220-9.2.C(1), below.
- "(4) Only one permitted accessory building dwelling unit shall be permitted on any lot, except that if more than one dwelling unit currently exist on a lot as preexisting, nonconforming uses under Section 220-16.A(3), then they all may be permitted subject to compliance with Section 220-9.2.C(1) below.
- "(5) Every permitted accessory building dwelling unit must meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90.
- "(6) The exterior dimensions of an accessory building may not be or have been materially altered after July 1, 2014, to accommodate a permitted accessory building dwelling unit or a permitted accessory building dwelling unit and other accessory uses, except that window dormers and similar features may be added to meet any requirement for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 provided that no such window dormer or other feature materially alters the roof line of the accessory building.

"C Additional Standards; Existing dwelling units in accessory buildings. Existing dwelling units in accessory buildings shall be subject to the following requirements to qualify as permitted accessory building dwelling units:

- "(1) Dwelling units that qualify as preexisting, nonconforming uses under Section 220-16.A(3) shall be subject to the following requirements:
  - "(a) All of the requirements of Section 220-9.2.B above must be met.
  - "(b) Application for a certificate of occupancy or a building permit for improvements to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 must be made before December 31, 2016; provided, however, that if the dwelling unit is registered with the Building Department as a preexisting nonconforming use before December 31, 2016, then application for a

certificate of occupancy or a building permit may be made anytime thereafter.

"(c) All improvements necessary to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90, if any, must be completed and a certificate of occupancy issued within 3 years of application for a building permit for the same.

"(2) Dwelling units that do not qualify as preexisting, nonconforming uses under Section 220-16.A(3) shall be subject to the following requirements:

"(a) All of the requirements of Section 220-9.2.B above must be met.

"(b) Application for a certificate of occupancy or a building permit for improvements to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 must be made before December 31, 2016.

"(c) All improvements necessary to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90, if any, must be completed and a certificate of occupancy issued by December 31, 2019.

"(d) Any necessary Westchester County Health Department approval of water service and sewer service or septic treatment and system must be obtained.

"(e) The accessory building in which the permitted accessory building dwelling unit is to be located must meet the requirements applicable to an accessory building on the lot under Schedule 220 Attachment 2, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings."

"D Additional Standards; Dwelling units to be developed in accessory buildings. Dwelling units to be developed in accessory buildings shall be subject to the following requirements to qualify as permitted accessory building dwelling units:

"(1) All of the requirements of Section 220-9.2.B above must be met.

"(2) Application for a building permit for improvements that meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90 must be made before December 31, 2016.

"(3) All improvements necessary to meet current requirements for residential occupancy under the "Codes of the State of New York" identified in Chapter 90, must be completed and a certificate of occupancy issued by December 31, 2019.

"(4) Any necessary Westchester County Health Department approval of water service and sewer service or septic treatment and system must be obtained.

"(5) The accessory building in which the permitted accessory building dwelling unit is to be located must meet the requirements applicable to an accessory building on the lot under Schedule 220 Attachment 2, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings."

"E Variances. Any variance to the requirements of this Section 220-9.2 shall be determined by the Zoning Board of Appeals under the standards applicable to:

"(1) Use variances under Section 220-17.B(1) if the variance is from the limitation of the permitted accessory building dwelling unit to use by one family only.

"(2) Area variances under Section 220-107.B(2) if the variance is from any other requirement.

"(3) Notwithstanding the foregoing, nothing contained in this Section 220-9.2 shall be construed to expand the jurisdiction or authority of the Zoning Board of Appeals to hear or decide any appeal or other application for a variance or an interpretation."

Section 4. The Village Code of the Village of Briarcliff Manor is amended at Section 220-12(C)(13) to add a new "Use" and "Minimum Required Off Street Parking" after "One- and two family residence" and before "Professional office or home occupation permitted in a residential district" to read as follows:

<b>Use</b>	<b>Minimum Required Off-Street Parking</b>
***	***
Accessory Building Dwelling Unit permitted in a residential district	2 Spaces for each Accessory Building Dwelling Unit
***	***

Section 5. Village Code Schedule 220 Attachment 1, "Schedule Limiting the Use of Buildings and Land and the Location, Arrangement and Size of Buildings" adopted pursuant to Village Code Section 220-4(A) is amended at Column 3, Permitted Accessory Uses to add a new Item 14 to read as follows:

**Village of Briarcliff Manor**  
**Schedule Limiting the Use of Buildings and Land and the**  
**Location, Arrangement and Size of Buildings**  
 [Amended 5-15-1997 by L.L. No. 2-1997; 12-17-2009 by L.L. No. 5-2009; [*The Date of Enactment of This Local Law*] by L.L. No. \*-20\*\*]

1	2	3
Class of District and Symbol	Permitted Principal Uses	Permitted Accessory Uses
*****	*****	14. In the R80A, R60A, R40A, and R40B districts, dwelling units in accessory buildings for occupancy by people related to, affiliated with, or independent of the owner or occupant of the principal building on the lot; provided, however, that any such dwelling unit must comply with the provisions of Section 220-9.2.

Section 6. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 7. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York within the provisions of the Municipal Home Rule Law.