

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 Yorktown

Local Law No. 9 of the year 20²⁵

A local law to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING"
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Yorktown as follows:

Section 1. 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 and that the detached accessory building has existed for at least five years.

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

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

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% of 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

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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.

(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. 9 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Yorktown was duly passed by the Town Board on May 20, 2025, 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.)

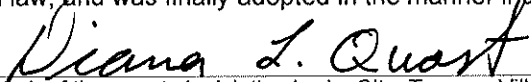
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


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

Date: 5/23/2025

(Seal)