

Local Law No. 2 of 2022

A Local Law Amending Chapter 196
(Zoning) of the Village Code

In Relation to Accessory Structures on Contiguous
Lots under Common Ownership in Residential Districts
And to clarify certain provisions to confirm that only one of
Certain types of Accessory Structures are permitted on a
Residential Lot

Section 1. §196-20 is hereby amended by lettering the existing provision with an “A” and by adding the following provisions:

B. However, if there are two contiguous, conforming residential lots in common ownership (as defined below), only one of which has a one-family dwelling on it (herein, the “residence lot”), an accessory structure or structures permitted under Section 196-13B may be constructed on the other lot (the “non-residence lot”) as long as all the applicable permits required by this chapter or otherwise are obtained and the owners of the residence lot and the non-residence lot demonstrate to the Zoning Administrator that:

1. The accessory structure will be located in a conforming location on the non-residence lot,
2. There will be, after the accessory structure is completed, sufficient buildable area on the non-residence lot to construct a conforming one-family residence,
3. So long as the non-residence lot does not have a one-family dwelling on it, vehicular access to the non-residence lot will be solely through the residence lot, and
4. The residence lot and the non-residence lot have common ownership.

C. The term “common ownership” shall mean that actual control and beneficial (economic) ownership of both the residence lot and the non-residence lot are held directly or indirectly by the members of the same family (although the legal title of the lots may be in separate names). The term “family” means parents, their lineal descendants and their respective spouses.

D. In the event that the residence lot and the non-residence lot cease to be in common ownership for any reason, the use of the accessory structure or structures on the non-residence lot shall cease forthwith, and such structure or structures shall be removed after six months (except a bulkhead need not be removed) unless within such period the owner of the non-residence lot obtains a building permit for a one-family residence and promptly commences and thereafter completes construction thereof. Upon issuance of a certificate of occupancy for the one one-family residence on the non-residence lot, use of the accessory structure or structures may be continued.

E. The accessory structure or structures placed on the non-residence lot shall be used solely by occupants of the dwelling on the residence lot and their non-paying guests.

F. The certificate of occupancy or compliance issued for any accessory structure under Section 196-20B shall have a notation placed thereon that it is issued pursuant to Section 196-20B and is subject to certain restrictions contained in Section 196-20.

G. The Zoning Administrator shall require execution by the owners of the residence lot and the non-residence lot of covenants setting forth the restrictions contained herein, which shall be in a form satisfactory to the Village Attorney, and recording thereof in the office of the Recorder of Deeds of Suffolk County.

H. Notwithstanding the foregoing, the residence lot and the non-residence lot shall together have not more than one of the following types of accessory uses and structures: swimming pool, pool house, tennis court, paddle tennis court or pickleball court, basketball hoop, bocce court or sport court.

Section 2. §196-13B shall be amended as follows:

- (a) By adding at the end of the introductory clause after the word “dwelling” and before the colon the following words: “or on a contiguous lot if permitted by Section 196-20”;
- (b) By changing in subparagraph (5) the location of the words “pickleball court” and the preceding comma so that they appear immediately after the words “tennis court” when they first appear in the subparagraph;
- (c) By adding in subparagraph (10) the words “boat slip or” immediately before the word “dock” each time that it appears; and
- (d) By adding the following new sentence immediately after subparagraph (18):

Only one of each of the accessory uses and structures enumerated above shall be permitted on any lot except for those uses and structures referred to in subparagraphs (12), (15) and (16).

Section 3. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.